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

(Public Comment during Public Hearing or Agenda item comment)

Council Rules of Decorum limit citizen comments on agenda items and public hearings to five (5) minutes and general comments for non-agenda items to three (3) minutes. Any person desiring to address the Committee during such period is required to sign in with the City Clerk prior to the meeting between 5:00 p.m. and 5:15 p.m. on the third floor of City Hall or anytime between 8:00 a.m. and 5:00 p.m. in the Office of the City Clerk. They shall provide their name and specify the agenda item they wish to address. Remarks shall be directed to the matter being considered and the speaker is allowed to speak only one time. If written materials are to be submitted, twelve (12) copies should be made available, and may not be returned.

AGENDA
PUBLIC WORKS COMMITTEE
AUGUST 12, 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

1. Consider approval of Public Works Committee minutes of June 10, 2024, and July 8, 2024, or take other necessary action.

2. Discuss Ordinance 3939-A, an Ordinance setting out the requirements, qualifications and terms for members of the Uniform Building Code Appeals Board, as set out in Sec. 18-484 of the City of Muskogee Code of Ordinances, and the residency requirements of members, and provide possible direction to staff, or take other necessary action. (Councilor Shirley Hilton-Flanary)

3. Consider approval of Resolution No. 3004 adopting a Safe Route to School Policy, or take other necessary action. (Councilor Melody Cranford)

4. Consider approval of Resolution No. 3003, Confirming the Collapsed Structure at 316 N. Main as a Public Nuisance, Ratifying Authorization for Summary Abatement Procedures, Suspending Purchasing Procedures and Authorizing the Expenditure of Stabilization Funds for Purposes of Abatement, or take other necessary action. (Katrina Bodenhamer)

5. Consider approval of Resolution No. 2898, a resolution approving and adopting an amendment to the Muskogee Tourism Authority Bylaws, Section 2.2, b.1, allowing Trustees to serve a seven (7) year term, or take other necessary action. (Mayor W. Patrick Cale)

6. Consider approval of Resolution No. 3006, a resolution adopting the Bylaws of the Dr. Martin Luther King Jr. Trust Authority of the City of Muskogee, Oklahoma, or take other necessary action. (Katrina Bodenhamer)

7. Consider approval of Resolution No. 3007, a resolution adopting the amended and restated bylaws of the Dr. Martin Luther King Jr. Trust Authority of the City of Muskogee, Oklahoma, or take other necessary action. (Katrina Bodenhamer)

8. Consider approval of a Right-of-Way (ROW) application to the Muscogee Creek Nation, herein described as "A strip of land being 20.00 feet wide lying in part of the W 1/2 NW 1/4 of Section 13, Township 15 North, Range East of the Indian Base and Meridian, Muskogee County, Oklahoma" in perpetuity for the use of installation of a Force Main Sanitary Sewer to be constructed by the Muscogee Creek Nation, and thereafter accepted by the City of Muskogee into City maintenance, or take other necessary action. (Mike Stewart)

9. Consider approval of City Council Policy 1-16, setting forth a City Council Policy related to the seniority status of its members, or take other necessary action. (Katrina Bodenhamer)

10. Consider approval of City Council Policy 6-4, Uniform Method of Filling Vacancies on Boards, Commissions, Public Trusts, or Other Entities, or take other necessary action. (Tammy L. Tracy)

11. Consider approval of the recommended designation of an Acting City Manager in the temporary absence or disability of the City Manager in accordance with City Charter 3:03, or take other necessary action. (Mike Miller)

12. Discuss a Planned Unit Development (PUD) for property owned by the Urban Renewal Authority, located south of Shawnee Street in the Factory and Reeves 2 Additions, or take other necessary action. (Mike Miller)

13. Discuss a Right-of-Way (ROW) closure for property owned by the Urban Renewal Authority, located south of Shawnee Street in the Factory Addition, or take other necessary action. (Mike Miller)

14. Discuss and take action on the Renew and Rebuild Grant Program awarded by Main Street Muskogee to authorize the use of a resolution to allow the Renew and Rebuild application review team at Main Street Muskogee to issue Certificates of Appropriateness on behalf of the Historic Planning Commission. (Jody King)

15. Consider approval to authorize the City Manager to negotiate and execute a contract between the City of Muskogee and Okie Safety, for the plan review of commercial building permits and commercial inspections, or take other necessary action. (Jody King)

16. Discuss an upcoming hearing for a Specific Use Permit to allow a Dog Boarding Facility to operate at a location near Hancock Street and Foltz Lane, or take other necessary action. (Jody King)

17. Consider the appointment of Councilor Tom Martindale to the City of Muskogee Foundation Board, serving a two (2) year term, filling the expiring term of Deputy Mayor Derrick Reed, beginning September 1, 2024, and ending on August 31, 2026, or take other necessary action. (Mayor W. Patrick Cale)

18. Consider the appointment of Wayne Wilburn to the Muskogee Medical Center Authority (MMCA), filling the unexpired term of Ched Wetz, beginning August 1, 2024, and ending May 30, 2027, or take other necessary action. (Councilor Shirley Hilton-Flanary)

RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.

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

ADJOURN

Public Works Committee **1.**

Meeting Date: 08/12/2024
Initiator: Jennifer Sharp, Admin II
Department: City Clerk
Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of Public Works Committee minutes of June 10, 2024, and July 8, 2024, or take other necessary action.

BACKGROUND:

RECOMMENDED ACTION:

Fiscal Impact

Attachments

6-10-2024 min
7-8-2024 pw min

MINUTES

OF THE PUBLIC WORKS COMMITTEE
OF THE CITY OF MUSKOGEE, OKLAHOMA
MET IN REGULAR SESSION
IN COUNCIL CHAMBERS OF CITY HALL
JUNE 10, 2024

The Public Works Committee of the City of Muskogee, Oklahoma, met in Regular Sessions at 5:30 p.m., June 10, 2024, in Council Chambers, Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma.

Present: Committee Member Mayor W. Patrick Cale; Vice Mayor Derrick Reed; Committee Member Jaime Stout; Chair Tracy Hoos; Committee Member Shirley Hilton-Flanary; Committee Member C.B. Abel; Committee Member Melody Cranford; Committee Member Dan Hall; Committee Member Tom Martindale

Staff Present: Mike Miller, City Manager; Katrina Bodenhamer, City Attorney; Tammy L. Tracy, City Clerk; Roger Kolman, Assistant City Manger; Jeff Reeves, Project Manager; Johnny Teehee, Police Chief; Kevin Anthis, Aquatic & Fitness Facility Manager; Avery Rigney, Assistant Public Works Director; Mark Wilkerson, Parks & Recreation Director; Kelly Bolding, Emergency Managment; Austin Witt, Deputy City Attorney; Jody King, Planning Director

1. Consider approval of Public Works Committee minutes of May 13, 2024, or take other necessary action.

Motion was made by Committee Member Shirley Hilton-Flanary, seconded by Vice Mayor Derrick Reed to approve Public Works Committee minutes of May 13, 2024.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall

Carried - Unanimously

2. Hold a Public Hearing and consider approval of Ordinance No. 4231-A, to rezone the property located at 2544 South 32nd Street, Southeast Section 4, Township 14 North, Range 18 East, to be rezoned from C-2, General Commercial and A-Agriculture, to I-1, Light Industrial, and if approved, authorize Staff to revise the Official Zoning Map of the City, or take other necessary action. (Jody King)

Chair Tracy Hoos opened the Public Hearing.

Matt Prosser, representative for Old Dominion Freight Line, presented a slideshow about the plans for this newly rezoned area if approved by Council.

Planning Director Jody King explained this will be done in two (2) parts: first is the rezone component, and the second is the land use component. These lots are currently zoned C-1 Local Commercial in the front, and A-Agriculture in the back. Furture Land Use Map calls for it to be residential use, but with the expansion of Hwy 69, this will need to change. Staff recommends approval.

Chair Tracy Hoos closed the Public Hearing.

Motion was made by Committee Member Jaime Stout, seconded by Committee Member Shirley Hilton-Flanary to approve Ordinance No. 4231-A, to rezone the property located at 2544 South 32nd Street, Southeast Section 4, Township 14 North, Range 18 East, to be rezoned from C-2, General Commercial and A-Agriculture, to I-1, Light Industrial, and if approved, authorize Staff to revise the Official Zoning Map of the City.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall, Committee Member Tom Martindale

Carried - Unanimously

3. Hold a Public Hearing and consider approval of Ordinance No. 4232-A, rezoning the property located at 2109 Ward Street, Southeast Section 24, Township 14 North, Range 18 East from R-1, Single Family, to I-1, Light Industrial, and if approved, authorize Staff to revise the Official Zoning Map of the City, or take other necessary action. (Jody King)

Chair Tracy Hoos opened the Public Hearing.

Planning Director Jody King stated this property is currently zoned R-1, Single Family Residential, and property to the east, south, and west are zoned the same. The property to the east and south is vacant land. The southern part is the Turner Addition. There is I-1, Light Industrial, to the north. Mr. King explained the request does conform to the Muskogee Comprehensive Plan Future Land Use Map for industrial areas, and the intended use is for a commercial storage facility. Staff recommended approval.

Chair Tracy Hoos closed the Public Hearing.

Motion was made by Committee Member Jaime Stout, seconded by Committee Member Shirley Hilton-Flanary to approve Ordinance No. 4232-A, rezoning the property located at 2109 Ward Street, Southeast Section 24, Township 14 North, Range 18 East from R-1, Single Family, to I-1, Light Industrial, and if approved, authorize Staff to revise the Official Zoning Map of the City.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall, Committee Member Tom Martindale

Carried - Unanimously

4. Hold a Public Hearing and consider approval of Resolution No. 2985 to approve a land use map amendment to allow for the property located at 2544 South 32nd Street, Southeast Section 4, Township 14 North, Range 18 East to be rezoned from C-2, General Commercial and A Agriculture, to I-1, Light Industrial, or take other necessary action. (Jody King)

Chair Tracy Hoos opened the Public Hearing.

Planning Director Jody King stated this resolution is the companion to Ordinance No. 4231-A and amends the Future Land Use Map to reflect the change. Staff recommended approval.

Chair Tracy Hoos closed the Public Hearing.

Motion was made by Committee Member Mayor W. Patrick Cale, seconded by Committee Member Shirley Hilton-Flanary to approve Resolution No. 2985 to approve a land use map amendment to allow for the property located at 2544 South 32nd Street, Southeast Section 4, Township 14 North, Range 18 East to be rezoned from C-2, General Commercial and A Agriculture, to I-1, Light Industrial.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall, Committee Member Tom Martindale

Carried - Unanimously

5. Hold a Public Hearing and consider approval of a Specific Use Permit for the property located at 1617 B North York Street, or take other necessary action. (Jody King)

Chair Tracy Hoos opened the Public Hearing.

Planning Director Jody King stated this property is zoned I-1, Light Industrial, and the property owner is requesting a Specific Use Permit to operate a Medical Marijuana Grow. This facility is already operating as a grow and is considered legally nonconforming use (grandfathered in). When Council originally passed the ordinances in regard to medical marijuana, they were allowed to operate in this area. Then, with Ordinance No. 4179-A in 2023, Council limited grow facilities to agricultural areas. Since the business predated the ordinance, it was allowed to continue to operate as long as the use continued. Since its conception, it has changed ownership. The ordinance requires that when there is a change in ownership, the new owner must get a Specific Use Permit. Staff recommended approval.

Discussion followed.

Chair Tracy Hoos closed the Public Hearing.

Motion was made by Committee Member Shirley Hilton-Flanary, seconded by Committee Member Jaime Stout to approve Specific Use Permit for the property located at 1617 B North York Street.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall, Committee Member Tom Martindale

Carried - Unanimously

6. Hold a Public Hearing and consider approval of a Specific Use Permit for the property located at 117 North Junction Street, or take other necessary action. (Jody King)

Chair Tracy Hoos opened the Public Hearing.

Planning Director Jody King stated the owner of this property is requesting a Specific Use Permit for a proposed medical marijuana dispensary. The property is properly zoned for a dispensary as C-1, Commercial. The Planning and Zoning Commission met on June 3, 2024, and recommended approval. Staff recommended approval as well.

Chair Tracy Hoos closed the Public Hearing.

Motion was made by Committee Member Shirley Hilton-Flanary, seconded by Committee Member Jaime Stout to approve Specific Use Permit for the property located at 117 North Junction Street.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall, Committee Member Tom Martindale

Carried - Unanimously

7. Consider approval to renumber the following resolution: "A Resolution approving and authorizing execution of the Blue Cross Blue Shield Benefit Program Application and required addendums, Blue Cross Blue Shield Exhibit to the Stop Loss Coverage Policy, Prime Therapeutics Required Documents, and all other required documents, all to become effective on May 1, 2024, and authorizing the City Manager, or designee, to execute all necessary documents for renewal and implementation purposes," from Resolution No. 2932 to Resolution No. 2979, passed by City Council on February 26, 2024, or take other necessary action. (Maggie Eaton)

Motion was made by Committee Member Shirley Hilton-Flanary, seconded by Committee Member Dan Hall to approve to renumber the following resolution: "A Resolution approving and authorizing execution of the Blue Cross Blue Shield Benefit Program Application and required addendums, Blue Cross Blue Shield Exhibit to the Stop Loss Coverage Policy, Prime Therapeutics Required Documents, and all other required documents, all to become effective on May 1, 2024, and authorizing the City Manager, or designee, to execute all necessary documents for renewal and implementation purposes," from Resolution No. 2932 to Resolution No. 2979, passed by City Council on February 26, 2024.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall, Committee Member Tom Martindale

Carried - Unanimously

8. Consider approval of Resolution No. 2993 adopting a county-wide Multi-Jurisdcition Hazard Mitigation Plan, or take other necessary action. (Tyler Evans)

Deputy Emergency Management Director Kelly Bolding explained the 2024 Muskogee County Multi-Hazard Mitigation Plan Update has been prepared in accordance with the Disaster Mitigation Act of 2000 and has been reviewed and approved by FEMA. By receiving this approval, eligibility for the Hazard Mitigation Assistance Grants will be ensured for five (5) years, expiring on April 16, 2029.

Motion was made by Committee Member Jaime Stout, seconded by Committee Member Shirley Hilton-Flanary to approve Resolution No. 2993 adopting a county-wide Multi-Jurisdcition Hazard Mitigation Plan.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall, Committee Member Tom Martindale

Carried - Unanimously

9. Consider the creation of a limited purpose subcommittee of the Public Works Committee to receive updates from Halff Associates regarding the 2024 Comprehensive Plan update, appointing a minimum of three (3), not to exceed four (4) members to that subcommittee, or take other necessary action. (Jody King)

Planning Director Jody King stated Halff Associates are working on the Comprehensive Plan update as it has not been completed since 2013. Mr. King explained the Comprehensive Plan is the 15-20 year vision of the City, and how we would like to see it grow. There is a Comprehensive Advisory Committee made of community members that meet and advise on the comprehensive plan. This proposed committee would mirror that committee, allowing Council to receive regular updates and provide input. He stated the committee would meet bimonthly for the remainder of the year beginning at the end of this month.

Motion was made by Committee Member Mayor W. Patrick Cale, seconded by Vice Mayor Derrick Reed to create a limited purpose subcommittee of the Public Works Committee, and appointing Committee Member Melody Cranford, Committee Member Dan Hall, and Committee Member Shirley Hilton-Flanary to that subcommittee, to receive updates from Halff Associates regarding the 2024 Comprehensive Plan update.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall, Committee Member Tom Martindale

Carried - Unanimously

10. Consider approval to apply for additional funding through the Certified Local Governments Subgrant from the Oklahoma State Historic Preservation Office for Historic Preservation in the City of Muskogee and set aside a city match in the amount of $35,463.00, or take other necessary action. (Jody King)

Planning Director Jody King explained this grant would allow the City to apply for registration on the National Register of Historic Places for downtown. Mr. King explained being on the registry allows the downtown businesses to receive multiple tax credits and historic preservation grants through the National Parks Service. This is a 60/40 match; the City would provide $35,463.00, and the grant would be $53,195.00. Mr. King stated being on the National Register of Historic Places would increase tourism and the redevelopment of our downtown area.

Motion was made by Committee Member Tom Martindale, seconded by Committee Member Mayor W. Patrick Cale to approve to apply for additional funding through the Certified Local Governments Subgrant from the Oklahoma State Historic Preservation Office for Historic Preservation in the City of Muskogee and set aside a city match in the amount of $35,463.00.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall, Committee Member Tom Martindale

Carried - Unanimously

11. Consider approval of the recommendation from Cowan Group Engineering to award the lowest and best bid for the Muskogee Swim and Fitness Center Roof Replacement, Project No. 2024002, to Heritage Hills Commercial Services, in the amount of $298,500.00, or take other necessary action. (Mark Wilkerson)

Project Manager Jeff Reeves stated this is for the demolition of the existing built-up roof system and the addition of the new TPO (Thermoplastic Polyolefin) type roofing on the Muskogee Swim and Fitness Center. Staff recommended approval.

Discussion followed.

Motion was made by Committee Member Dan Hall, seconded by Committee Member Shirley Hilton-Flanary to approve of the recommendation from Cowan Group Engineering to award the lowest and best bid for the Muskogee Swim and Fitness Center Roof Replacement, Project No. 2024002, to Heritage Hills Commercial Services, in the amount of $298,500.00.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall, Committee Member Tom Martindale

Carried - Unanimously

12. Consider approval of final payment to TLS Group, Inc., in the amount of $42,902.99, for the US Highway 62 and Country Club Road Traffic Signal Improvements, Project No. 2023004, or take other necessary action. (Mike Stewart)

Project Manager Jeff Reeves stated this project was to remove and replace traffic signals at the intersection of Country Club Road and Shawnee Bypass. The project also included luminaries to light the intersection, traffic striping, and protected turn lanes in all directions. Mr. Reeves explained signal improvements improve the safety of traffic movement through the intersection. The Oklahoma Department of Transportation did provide $250,000.00 toward the project. This project was reviewed and approved by the engineer of record, Wes Stewart of HUB Engineering. Staff recommended approval.

Motion was made by Committee Member Jaime Stout, seconded by Committee Member Shirley Hilton-Flanary to approve the final payment to TLS Group, Inc., in the amount of $42,902.99, for the US Highway 62 and Country Club Road Traffic Signal Improvements, Project No. 2023004.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall, Committee Member Tom Martindale

Carried - Unanimously

13. Consider approval of final payment to Oklahoma Natural Gas (ONG) in the amount of $155,958.78, for the relocation of 1,423 linear feet of gas line pertaining to a storm water project for the City of Muskogee, located on Country Club Road, approximately 500 feet north of Chandler Road, or take other necessary action. (Mike Stewart)

Assistant Public Works Director Avery Rigney stated this is the final payment for the gas line relocation on north Country Club Road. This is at the end of the Civitan Drainange Basin, which affects from the Country Club Road and Chandler Road intersection to Civitan Park. Mr. Rigney explained opening the drainage basin will allow storm water to evacuate more efficiently. This was funded through the 2017 Clean Water State Revolving Fund-Civitan Drainage Basin Project. Staff recommended approval.

Motion was made by Committee Member Shirley Hilton-Flanary, seconded by Committee Member Jaime Stout to approve the final payment to Oklahoma Natural Gas (ONG) in the amount of $155,958.78, for the relocation of 1,423 linear feet of gas line pertaining to a storm water project for the City of Muskogee, located on Country Club Road, approximately 500 feet north of Chandler Road.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall, Committee Member Tom Martindale

Carried - Unanimously

14. Consider approval of final payment to Cook Consulting, LLC, in the amount of $105,795.52, for Smith Ferry Orchard Parkway Culvert, Project No. 2022031, or take other necessary action. (Mike Stewart)

Project Manager Jeff Reeves explained the scope of this project was to remove and replace three (3) 48 inch corrugated metal storm water pipes for the Smith Ferry Orchard Parkway Culvert. Staff recommended approval.

Motion was made by Committee Member Dan Hall, seconded by Committee Member Shirley Hilton-Flanary to approve of final payment to Cook Consulting, LLC, in the amount of $105,795.52, for Smith Ferry Orchard Parkway Culvert, Project No. 2022031.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall, Committee Member Tom Martindale

Carried - Unanimously

15. Consider approval of Resolution 2997, a Resolution approving and adopting an amendment to the Muskogee Medical Center Authority Bylaws to allow Trustees to serve two (2) consecutive terms of seven (7) years each, and to allow trustees to reside outside the Muskogee City Limits within 100 miles, or take other necessary action. (Katrina Bodenhamer)

City Attorney Katrina Bodenhamer stated this resolution was approved at the March 26, 2024, Muskogee Medical Center Authority meeting. The Authority is having difficulty finding qualified candidates to fill board vacancies. This resolution would allow members to serve a second term and allow them to live up to 100 miles outside the city limits of Muskogee.

Committee Member Dan Hall stated he feels Trustees should reside within the city limits of Muskogee.

Discussion followed.

Motion was made by Committee Member Jaime Stout, seconded by Vice Mayor Derrick Reed to approve Resolution 2997, a Resolution approving and adopting an amendment to the Muskogee Medical Center Authority Bylaws to allow Trustees to serve two (2) consecutive terms of seven (7) years each, and to allow trustees to reside outside the Muskogee City Limits within 100 miles.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Tom Martindale

NAY: Chair Tracy Hoos, Committee Member Dan Hall

Carried

16. Consider approval of nine (9) annual outside water agreements with the following wholesale water users: Rural Water District #1, Rural Water District #2, Rural Water District #5, Rural Water District #6, Rural Water District #9, Haskell Public Works Authority, Okay Public Works Authority, Porter Public Works Authority, and Taft Public Works Authority, or take other necessary action. (Katrina Bodenhamer)

Motion was made by Committee Member Tom Martindale, seconded by Committee Member Melody Cranford to approve of nine (9) annual outside water agreements with the following wholesale water users: Rural Water District #1, Rural Water District #2, Rural Water District #5, Rural Water District #6, Rural Water District #9, Haskell Public Works Authority, Okay Public Works Authority, Porter Public Works Authority, and Taft Public Works Authority.

AYE: Committee Member Mayor W. Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Dan Hall, Committee Member Tom Martindale

Carried - Unanimously

17. Discuss the animal control ordinances and enforcement of said ordinances within the City of Muskogee, or take other necessary action. (Deputy Mayor Derrick Reed)

Deputy Mayor Derrick Reed stated areas of Muskogee have real issues with animals running loose. He requested Staff to review the animal control ordinances and bring back suggestions or ideas of how to enforce ordinances and rid the streets of these animals.

Pat Kaseca spoke in favor of harsher punishments for violation of animal control ordinances.

RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.

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

There being no further business, the meeting was adjourned.

CHAIR TRACY HOOS
PUBLIC WORKS COMMITTEE

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MINUTES

OF THE PUBLIC WORKS COMMITTEE
OF THE CITY OF MUSKOGEE, OKLAHOMA
MET IN REGULAR SESSION
IN COUNCIL CHAMBERS OF CITY HALL
JULY 8, 2024

The Public Works Committee of the City of Muskogee, Oklahoma, met in Regular Sessions at 5:30 p.m., July 8, 2024, in Council Chambers, Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma.

Present:	Mayor Patrick Cale; Vice Mayor Derrick Reed; Committee Member Jaime Stout; Chair Tracy Hoos; Committee Member Shirley Hilton-Flanary; Committee Member C.B. Abel; Committee Member Melody Cranford; Committee Member Tom Martindale
Absent:	Committee Member Dan Hall
Staff Present:	Mike Miller, City Manager; Katrina Bodenhamer, City Attorney; Tammy L. Tracy, City Clerk; Roger Kolman, Assistant City Manager; Mike Stewart, Public Works Director; Johnny Teehee, Police Chief; Tyler Evans, Emergency Management Director; Avery Rigney, Assistant Public Works Director; Mark Wilkerson, Parks & Recreation Director; Brooke Hall, Asst. Director of Parks & Recreation; Tera Shows, Media Relations Manager; Austin Witt, Deputy City Attorney

1. (Stricken) Consider approval of Public Works Committee Minutes of May 13, 2024, or take other necessary action.

2. Consider approval of Resolution No. 2998, supporting the FY24-25 participation of Main Street Muskogee with the Oklahoma Main Street Center, or take other necessary action. (Katrina Bodenhamer)

   City Attorney Katrina Bodenhamer stated this resolution supports Main Street Muskogee's involvement with Oklahoma Main Street Center and authorizes them to go forward seeking grants from the Oklahoma Main Street Center. Ms. Bodenhamer explained the State will provide training, workshops, market research, design assistance, membership fees, and other valuable resources to assist Main Street's revitalization efforts for downtown.

Motion was made by Committee Member Jaime Stout, seconded by Committee Member Shirley Hilton-Flanary to approve Resolution No. 2998, supporting the FY24-25 participation of Main Street Muskogee with the Oklahoma Main Street Center.

AYE: Mayor Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Tom Martindale

Carried - Unanimously

3. Consider approval of Resolution No. 2898, a Resolution approving and adopting an amendment to the Muskogee Tourism Authority Bylaws, Section 2.2, b.1, allowing Trustees to serve a seven (7) year term, or take other necessary action. (Mayor W. Patrick Cale)

Motion was made by Committee Member Jaime Stout, seconded by Committee Member Melody Cranford to approve Resolution No. 2898, a Resolution approving and adopting an amendment to the Muskogee Tourism Authority Bylaws, Section 2.2, b.1, allowing Trustees to serve a seven (7) year term.

AYE: Mayor Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Tom Martindale

Carried - Unanimously

4. (No Action) Receive report on the status of the construction of Grandview Park, and take other necessary action. (Councilors Jaime Stout and Dan Hall)

Assistant Parks and Recreation Director Brooke Hall reported on the Grandvew Park construction with a PowerPoint Presentation.

5. Consider approval to accept a grant from the Oklahoma Department of Environmental Quality (ODEQ), in the amount of $30,000.00 for reimbursement of funds to be expended on a Household Hazardous Waste Collection Event in FY2025, and authorize the City Manager to negotiate and execute a Reimbursement Contract between the ODEQ and the City of Muskogee, or take other necessary action. (Mike Stewart)

Public Works Director Mike Stewart stated the City holds two (2) hazardous waste events each year which costs approximately $26,000.00 each. Mr. Stewart explained this a reimbursement grant for an event in 2025.

Motion was made by Committee Member Jaime Stout, seconded by Committee Member Shirley Hilton-Flanary to accept a grant from the Oklahoma Department of Environmental Quality (ODEQ), in the amount of $30,000.00 for reimbursement of funds to be expended on a Household Hazardous Waste Collection Event in FY2025, and authorize the City Manager to negotiate and execute a Reimbursement Contract between the ODEQ and the City of Muskogee.

AYE: Mayor Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Tom Martindale

Carried - Unanimously

6. Consider the reappointment of Councilor Jaime Stout to the City of Muskogee Foundation Board, to serve a full two (2) year term, beginning August 1, 2024, and ending on July 31, 2026, or take other necessary action. (Councilor Shirley Hilton-Flanary)

Motion was made by Committee Member Melody Cranford, seconded by Committee Member C.B. Abel to approve the reappointment of Councilor Jaime Stout to the City of Muskogee Foundation Board, to serve a full two (2) year term, beginning August 1, 2024, and ending on July 31, 2026.

AYE: Mayor Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member C.B. Abel, Committee Member Melody Cranford, Committee Member Tom Martindale

Carried - Unanimously

RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.

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

Ron Dean expressed his concern about educating the public about the GO Bond before it goes to a vote of the people.

Chief Johnny Teehee spoke about the success of the safety measure put in to place by City Council for this year's Fourth of July holiday.

There being no further business, the meeting was adjourned.

CHAIR TRACY HOOS
PUBLIC WORKS COMMITTEE

pwmin
TT

Public Works Committee **2.**

Meeting Date: 08/12/2024

Submitted For: Katrina Bodenhamer, City Attorney

Initiator: Katrina Bodenhamer, City Attorney

Department: City Attorney

Staff Information Source:

Information

AGENDA ITEM TITLE:

Discuss Ordinance 3939-A, an Ordinance setting out the requirements, qualifications and terms for members of the Uniform Building Code Appeals Board, as set out in Sec. 18-484 of the City of Muskogee Code of Ordinances, and the residency requirements of members, and provide possible direction to staff, or take other necessary action. (Councilor Shirley Hilton-Flanary)

BACKGROUND:

Ordinance 3939-A was passed by City Council in 2014. This ordinance established the Uniform Building Code Appeals Board and set forth the requirements for board members, terms, powers and duties. This Ordinance was memorialized in Article IX Uniform Building Code Appeals Board of the City of Muskogee Code of Ordinances. The current ordinance restricts board members to residents of the City of Muskogee. Due to the difficulty in recruiting board members based on the required skill sets, this residency requirement needs to be expanded to amend the language so that a board member can live within the County of Muskogee.

RECOMMENDED ACTION:

Discuss and, if necessary, provide direction to staff.

Fiscal Impact

Attachments

Ordinance 3939-A

ORDINANCE 3939-A

AN ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA PERTAINING TO THE CONSOLIDATION OF THE EXISTING BUILDING AND HOUSING BOARD OF ADJUSTMENT AND APPEALS, THE ELECTRICAL EXAMINING AND APPEALS BOARD, THE MECHANICAL EXAMINING AND APPEALS BOARD, THE PLUMBING AND APPEALS BOARD, AND THE PUBLIC NUISANCE APPEALS BOARD ALL INTO THE UNIFORM BUILDING CODE APPEALS BOARD; CREATING ARTICLE IX, UNIFORM BUILDING CODE APPEALS BOARD WITHIN CHAPTER 18, BUILDING AND BUILDING REGULATIONS; CREATING SECTIONS 18-484 THROUGH 18-490; ESTABLISHING MEMBERSHIP, TERMS, POWERS AND DUTIES; AMENDING ARTICLE III, DIVISION 2, SECTION 18-185, AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE, TO RELATE APPEAL PROVISIONS TO THE UNIFORM BUILDING CODE APPEALS BOARD; AMENDING ARTICLE V, DIVISION 1, SECTION 18-384, SAME - APPEALS, SECTION 18-385, EFFECT OF ORDERS, APPEALS, EXPENSES, SECTION 18-418, REQUIRED, TO PROVIDE NECESSARY APPEALS UNDER THE NATIONAL ELECTRIC CODE BE PROVIDED BY THE UNIFORM BUILDING CODE APPEALS BOARD; AMENDING ARTICLE VI, DIVISION 1, SECTION 18-450, AMENDMENTS TO INTERNATIONAL MECHANICAL CODE, TO RELATE APPEAL PROVISIONS AND BOARD COMPOSITION TO THE UNIFORM BUILDING CODE APPEALS BOARD; AMENDING ARTICLE VI, DIVISION 1, SECTION 18-252, AMENDMENTS TO THE INTERNATIONAL PLUMBING CODE, TO RELATE APPEAL PROVISIONS AND BOARD COMPOSITION TO THE UNIFORM BUILDING CODE APPEALS BOARD; AMENDING ARTICLE III, DIVISION 2, SECTION 18-180, AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, TO RELATE APPEAL PROVISIONS AND BOARD COMPOSITION TO THE UNIFORM BUILDING CODE APPEALS BOARD; AMENDING ARTICLE III, DIVISION 2, SECTION 18-183, AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE, TO RELATE APPEAL PROVISIONS AND BOARD COMPOSITION TO THE UNIFORM BUILDING CODE APPEALS BOARD; AMENDING CHAPTER 42, PREVENTION AND PROTECTION, ARTICLE II, SECTION 42-21, AMENDMENTS TO INTERNATIONAL FIRE CODE, TO RELATE APPEAL PROVISIONS AND BOARD COMPOSITION TO THE UNIFORM BUILDING CODE APPEALS BOARD; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND DECLARING AN EMERGENCY.

AN EMERGENCY ORDINANCE

WHEREAS, the City of Muskogee finds it necessary for the public purpose, and for efficiency of governmental operations to consolidate the duties exercised by certain boards and commissions of the City; and,

WHEREAS, the City of Muskogee finds that all powers, duties and responsibilities held and exercised by the Building and Housing Board of Adjustment and Appeals should be consolidated into the newly created Uniform Building Code Appeals Board; and

WHEREAS, the City of Muskogee finds that all powers, duties and responsibilities held and exercised by the Electrical Examining and Appeals Board should be consolidated into the newly created Uniform Building Code Appeals Board; and

WHEREAS, the City of Muskogee finds that all powers, duties and responsibilities held and exercised by the Mechanical Examining and Appeals Board should be consolidated into the newly created Uniform Building Code Appeals Board; and

WHEREAS, the City of Muskogee finds that all powers, duties and responsibilities held and exercised by the Plumbing and Appeals Board should be consolidated into the newly created Uniform Building Code Appeals Board; and

WHEREAS, the City of Muskogee finds that all powers, duties and responsibilities held and exercised by the Public Nuisance Appeals Board should be consolidated into the newly created Uniform Building Code Appeals Board; and

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

New Ordinance

Section 1. The City of Muskogee Code of Ordinances, Chapter 18, Building and Building Regulations is hereby amended, creating Article IX, Uniform Building Code Appeals.

Section 2. A new Section 18-484 is hereby created to read as follows:

18-484 UNIFORM BUILDING CODE APPEALS BOARD ESTABLISHED; COMPOSITION; PURPOSE.

There is hereby established a Uniform Building Code Appeals Board of the city which shall consist of seven (7) members to be recommended by the Mayor and Approved by the City Council. Such Board shall be composed of one (1) professional builder, one (1) individual trained in either structural or civil engineering or architecture, one (1) mechanical contractor, one (1) electrical contractor, one (1) plumbing contractor, one (1) individual trained in fire suppression, and one (1) member at large, all of whom shall be residents of the City. The Board shall serve without compensation and shall exercise only those powers enumerated within this Article.

Section 3. A new Section 18-485 is hereby created to read as follows:

SEC. 18-485. ATTRITION; TERMS OF MEMBERS; FILLING OF VACANCIES; REMOVAL.

(a) Any appointed member of the Building and Housing Board of Adjustment and Appeals, Electrical Examining and Appeals Board, Mechanical Examining and Appeals Board,

and Plumbing and Appeals Board, and the Public Nuisance Appeals Board, whose term has not yet expired at the passage of this ordinance shall continue service for the pendency of his or her appointed term and shall exercise all powers, duties and responsibilities provided herein as a member of the Uniform Building Code Appeals Board. As members terms expire, no additional appointments beyond seven (7) members shall be made.

(b) To provide for staggered terms, vacancies on the Uniform Building Code Appeals Board shall be filled upon recommendation of the Mayor and appointment by the City Council for the following initial terms: two (2) members shall serve a term of one (1) year; two (2) members shall serve term of three (3) years; and three (3) members shall serve a term of five (5) years. Once initial terms expire, terms thereafter shall be for a period of five (5) years. Vacancies on the Board occurring as a result of resignation or removal shall be filled for the remainder of any unexpired term. No member of the Board, after serving one full term, shall be eligible for reappointment until one year has elapsed since his or her last service on the board.

(c) The City Council, after notice and an opportunity to be heard and present evidence, reserves the right to remove a member of the Board for misfeasance, nonfeasance or malfeasance in office and to fill said vacancy caused by removal.

Section 4. A new Section 18-486 is hereby created to read as follows:

SECTION 18-486 CHAIRMAN.

The Board shall appoint a Chairman from its members. The Chairman shall serve as the presiding officer of the board and shall exercise all responsibilities customary with such position.

Section 5. A new Section 18-487 is hereby created to read as follows:

SECTION 18-487. EX OFFICIO MEMBERS.

The Director of Planning and Community Development, and the Building Official shall serve as ex officio, nonvoting members of the Uniform Building Code Appeals Board to advise and counsel the board. The Secretary for the Director of Planning and Community Development shall serve as the secretary for the board and shall be charged with preparing the agenda, providing notice of any meetings in accordance with the Oklahoma Open Meeting Act, keeping a detailed record of all the board's proceedings.

Section 6. A new Section 18-488 is hereby created to read as follows:

SECTION 18-488. MEETINGS; PROCEDURAL RULES.

(a) The Uniform Building Code Appeals Board shall meet by special meeting as the need arises, at a time and location, as determined by the Chairman of the Board.

(b) The Board shall hold its meetings in accordance with the most current edition of Robert's Rules of Order, and in accordance with the Council Rules of Decorum insofar as

practicable.

Section 7. A new Section 18-489 is hereby created to read as follows:

SECTION 18-489. QUORUM; CONFLICT OF INTEREST.

Four (4) members of the Uniform Building Code Appeals Board shall constitute a quorum. No board member shall participate in any action or vote upon any matter in which he or she has a personal financial interest.

Section 8. A new Section 18-490 is hereby created to read as follows:

SECTION 18-490. POWERS AND DUTIES.

The Uniform Building Code Appeals Board shall have all of the following duties and responsibilities:

(a) To hear and decide appeals of orders, decisions or determinations made by the building or code official relative to the application and interpretation of the International Building Code ("IRC"), International Residential Code ("IRC"), International Plumbing Code ("IPC"), International Mechanical Code ("IMC"), International Fire Code ("IFC"), National Electric Code ("NEC"), and International Property Maintenance Code ("IPMC") and exercise such other authority provided by Section 113 of the IBC, Section R112 of the IRC, Section 109 of the IPC, Section 109 of the IMC, Section 108 of the IFC, and Section 111 of the IPMC.

(b) To hear and decide administrative appeals under 11 O.S. § 22-111 for removal of weeds, grass and trash, 11 O.S. § 22-112 for removal of dilapidated buildings and 11 O.S. § 22-112.1 for the securing of dilapidated buildings, and shall further hear appeals from the orders of the code official pertaining to dilapidated personal property and the condemning of structures in the city which are deemed unreasonable to repair according to the International Property Maintenance Code.

(c) To hear and decide other matters as may be assigned by the City Council through Resolution or Ordinance.

Amendments to Existing Code

Section 9. That Chapter 18, Building and Building Regulations, Article III, Building Code and Regulations, Division 2, Building Code, Section 18-185, Amendments to the International Property Maintenance Code, is hereby amended as follows:

18-185. AMENDMENTS TO INTERNATIONAL PROPERTY MAINTENANCE CODE.

The following sections of the International Property Maintenance Code are hereby revised:

Section 101.1. Insert: City of Muskogee

Section 103.5. Insert: [Appendix A of the Muskogee City Code]

Section 111.1. Replace: “board of appeals” with “Uniform Building Code Appeals Board”

Section 111.2. Repeal.

Section111.2.1AlternateMembers.[Delete].

Section111.2.2Chairman.[Delete].

Section111.2.3DisqualificationofMember.[Delete].

Section111.2.4Secretary.[Delete].

Section111.2.5CompensationofMembers.[Delete].

Section 111.3. Notice shall comply with the International Property Maintenance Code or the notice requirement for the condemnation of dilapidated buildings as provided by state law, whichever is stricter.

Section 302.4. Insert: [“12 inches’].

Section 6025.3. Insert: [“September 1 to May 31” in two locations].

Section 602.4. Insert: [“September 1 to May 31” in two locations].

Section 10. That Chapter 18, Building and Building Regulations, Article V, Electric Code, Division 1, Generally, Section 18-384, Same – Appeals, is hereby amended as follows:

SECTION 18-384 SAME—APPEALS.

Any decision of the electrical inspector as to any requirement for the replacement, alteration or installation of electrical work to comply with the ordinances of the city may be appealed to the ~~electrical examining and appeals board~~ Uniform Building Code Appeals Board by giving notice of intention to appeal within 15 days following the decision of the electrical inspector which is being appealed. The notice of appeal as required herein shall be in writing and shall set forth by street and number the premises on which such rejected or condemned electrical work exists, the nature of the electrical inspector's decision which is being appealed and the grounds of such appeal. The notice shall be delivered in person or by mail to the board, and the office of electrical inspection of the city. The fee set by the city shall accompany the filing to the board. The filing of such notice of appeal shall stay any order of the electrical inspector to disconnect electrical service from the premises, if such disconnect order is based upon a technical violation of this article. If such disconnect order is based on impending danger to life and property, then any appeal as permitted herein shall not stay the disconnect order of the electrical inspector.

Section 11. That Chapter 18, Building and Building Regulations, Article V, Electric Code,

Division 1, Generally, Section 18-385, Same – Effect of Orders, Appeals, Expenses.

18-385 SAME – EFFECT OF ORDER, APPEALS, EXPENSES.

(a) Any ruling, requirement, decision or interpretation of the ~~electricalexaminingand appealsboard~~ UniformBuildingCodeAppealsBoard shall be final and binding upon all parties thereto, unless appealed to the district court of competent jurisdiction within 15 days from the rendition of such rule, requirement, decision or interpretation, in the manner and form now provided by the state statutes for appeals generally. In the event of an appeal, the district court shall sit as an appellate tribunal. Any party aggrieved by the action of the board shall serve a copy of the petition on appeal upon the secretary of the board within 15 days following the action complained of.

(b) All actions, decisions and opinions of the board which have become final shall be binding upon the electrical inspector and upon all the parties to the proceeding in which the action, decision or opinion has been given and the electrical inspector shall hereafter, on future inspections, use such decisions and opinions of the board or court as the necessary requirements to approve or disapprove any new electrical work.

(c) The expenses of operating the board shall be provided for by the city and by the appeal fees collected herein. Where necessary, funds will be appropriated by the city for the purpose of defraying approved operating expenses. The manner in which claims shall be presented and approved for payment shall be provided by the agreement creating the board.

Section 12. That Chapter 18, Building and Building Regulations, Article V, Electric Code, Division 1, Generally, Section 18-418, Required, is hereby amended as follows:

18-418 REQUIRED.

No person shall engage in the business of wiring, rewiring, installing, repairing, or altering any electrical wiring, or installing or repairing any electrical apparatus, appliances, sign or fixtures of any kind or description within the limits of the city, within the provisions of this Code, without securing from the ~~electricalexaminingandappealsboard~~ UniformBuildingCode AppealsBoard herein authorized, a registration.

Section 13. That Chapter 18, Building and Building Regulations, Article VI, Mechanical Code, Division 1, Generally, Section 18-450, Amendments to International Mechanical Code, is hereby amended as follows:

18-450. AMENDMENTS TO INTERNATIONAL MECHANICAL CODE

The following sections of the International Mechanical Code are hereby revised:

Section 101.1. Insert: City of Muskogee.

Section 106.5.2 Insert: [Appendix A of the Muskogee City Code].

Section 106.5.3 Insert: [Zero percent in two locations].

Section 108.4. Insert: [Penalties shall comply with the provisions of section 1-14 of the Muskogee City Code].

Section 108.5. Insert: [Penalties shall comply with the provisions of section 1-14 of the Muskogee City Code].

Section 109.1 Application for appeal. Replace: "board of appeals" with "Uniform BuildingCodeAppealsBoard"].

Section 109.1.1. Limitations of Authority. Replace "board of appeals" with "Uniform BuildingCodeAppealsBoard."

Section109.2.Membershipofboard.[Delete].

Section 109.2.1 Qualifications. ~~The Board shall be composed of two mechanical contractors, two mechanical journeymen and one member who shall be a mechanical engineer or equivalentqualifications.~~[Delete].

Section109.2.2Alternatemembers.[Delete].

Section109.2.3Chairman.[Delete].

Section109.2.4Disqualificationofmember.[Delete].

Section109.2.5Secretary.[Delete].

Section109.2.6Compensationofmembers.[Delete].

Section109.5Postponedhearing.Replace:"Five"with"Three"].

Section109.6BoardDecision.Replace:"three"with"majority."

Section 14. That Chapter 18, Building and Building Regulations, Article IV, Plumbing Code and Regulations, Division 1, Generally, Section 18-252, Amendments to International Plumbing Code, is hereby amended as follows:

18-252. AMENDMENTS TO INTERNATIONAL PLUMBING CODE

The following sections of the International Plumbing Code are hereby revised:

Section 101.1. Insert: City of Muskogee.

Section 106.6.2. Insert: [Appendix A of the Muskogee City Code].

Section 106.6.3 Insert: [Zero percent in subparagraphs 1. and 2.].

Section 108.4. Insert: [Penalties shall comply with the provisions of section 1-14 of the Muskogee City Code].

Section 108.5. Insert: [Penalties shall comply with the provisions of section 1-14 of the Muskogee City Code].

Section 109.1 Application for appeal. Replace "board of appeals" with "Uniform BuildingCodeAppealsBoard"].

Section109.2MembershipofBoard.[Delete].

Section 109.2.1 Qualifications. [Delete]. ~~The board of appeals shall consist of five individuals consisting of two licensed plumbing contractors and two licensed journeyman plumbers appointed by the city council and one registered professional engineer by the remainingfourmembers.~~

Section109.2.2Alternatemembers[Delete].

Section109.2.3Chairman.[Delete].

Section109.2.4Disqualificationofmember. [Delete].

Section109.2.5Secretary.[Delete].

Section109.2.6Compensationofmembers.[Delete].

Section109.6BoardDecision.Replace"Three"with"Majority."

Section 305.6.1. Insert: [18 inches in both locations].

Section 904.1. Insert: [12 inches].

Section 15. That Chapter 18, Building and Building Regulations, Article III, Building Code and Regulations, Division 2, Building Code, Section 18-180, Amendments to International Building Code, is hereby amended as follows:

18-180. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE

The following sections of the International Building Code are hereby revised as follows:

Section 101.1. Insert: City of Muskogee Section 113.1. General. Replace: "board of

appeals" with "Uniform Building Code AppealsBoard."

Section113.3Qualifications:[Delete].

Section 1612.3. Insert: City of Muskogee

Section 1612.3. Insert: [August 16, 1995]

Section 16. That Chapter 18, Building and Building Regulations, Article III, Building Code and Regulations, Division 2, Building Code, Section 18-183, Amendments to International Residential Code, is hereby amended as follows:

SECTION 18-183 AMENDMENTS TO THE INTERNATIONAL RESIDENTIAL CODE.

The following sections of the International Residential Code are hereby revised: Section

R101.1 Insert: City of Muskogee. Section R112.1 General. Replace "board of appeals"

with "Uniform Building Code AppealsBoard."

SectionR112.2Qualification.[Delete].

Table R301.2(1) Insert: [a. Weathering = moderate; b. Frost line depth = 18 inches; c. Termite = moderate to heavy; d. Decay probability = moderate to heavy; e. Wind speed = 90 mph; f. Seismic = B; g. (a) August 22, 1977 & (b) August 16, 1995.]

Section 17. That Chapter 42, Fire Prevention and Protection, Article II, Fire Prevention Code, Section 42-21, Amendments to International Fire Code, is hereby amended as follows:

42-21 AMENDMENTS TO INTERNATIONAL FIRE CODE

The following sections of the International Fire Code are hereby revised:

Section 101.1 Insert: City of Muskogee.

Section 108.1 The Board of Appeals shall be theUniformBuildingCodeAppealsBoard. ~~BoardofAppealsestablishedintheInternationalBuildingCode.~~

Section108.3.Qualifications.[Delete].

Section 109.3 Insert: [Penalties shall be determined by section 1-14 of the Muskogee City Code].

Section 111.4. Insert: [Penalties shall be determined by section 1-14 of the Muskogee City Code].

Section 3204.3.1.1 [limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited shall be determined by sections 42-24—42-26 of the Muskogee City Code].

aboveground tanks outside of building is prohibited is determined by sections 42-24—42-26 of the Muskogee City Code].

Section 3406.2.4.4 [limits in which the storage of Class I and Class II liquids in aboveground tanks is prohibited is determined by sections 42-24—42-26 of the Muskogee City Code].

Section 3804.2 [limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas is determined by sections 42-24—42-26 of the Muskogee City Code].

Section 18. CODIFICATION. Chapter 18, Building and Building Regulations, Article IX, Uniform Building Code Appeals Board; Section 18-484, Uniform Building Code Appeals Board Established; composition; purpose; Section 18-485, Attrition; Terms of Members; Filling of Vacancies; Removal; Section 18-486, Chairman; Section 18-487, Ex Officio Members; Section 18-488, Meetings; Procedural Rules; Section 18-489, Quorum; Conflict of Interest; Section 18-490, Powers and Duties, all in the City of Muskogee Code of Ordinances.

Section 19. REPEALER. Chapter 38, Environment, Article I, In General, Section 38-17, Public Nuisance Appeals Board is hereby repealed. Chapter 18, Building and Building Regulations, Article III, Building Code, Division 2, Building Code, Sections 18-381 through 18-383, and 18-420 pertaining to the City Electrical Examining and Appeals Board are hereby repealed. All section numbers herein repealed shall be reserved for future use. All other ordinances or parts of ordinances not specifically identified which are in direct conflict herewith are repealed only to the extent of the conflict.

Section 20. SEVERABILITY. Should any part section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

Section 21. EMERGENCY. This ordinance being designated to protect the public health, safety and welfare of the inhabitants of the City of Muskogee, Oklahoma, and its passage being immediately necessary, an emergency is hereby declared to exist and by reason whereof this ordinance shall take effect immediately upon its passage, approval and publication as provided by law.

CITY OF MUSKOGEE

JOHN R. COBURN, MAYOR

ATTEST:

PAMELA S. BATES, CITY CLERK

Approved as to form and legality this _____ day of _____, 2014.

ROY D. TUCKER, CITY ATTORNEY

Public Works Committee **3.**

Meeting Date: 08/12/2024

Submitted For: Katrina Bodenhamer, City Attorney

Initiator: Katrina Bodenhamer, City Attorney

Department: City Attorney

Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of Resolution No. 3004 adopting a Safe Route to School Policy, or take other necessary action. (Councilor Melody Cranford)

BACKGROUND:

Children in Muskogee should be encouraged to engage in more physical activity to improve their overall health and performance in the classroom. Most of the morning traffic in Muskogee is attributable to families driving their children to school, whereas more people walking, biking and using public transit can save energy resources and reduce air pollution, as well as allow children to engage in more physical activity. If the Safe Route to School Policy as outlined in Exhibit "A" is adopted by the City of Muskogee, it will make school routes safer for children and allow the City to work with Muskogee Public Schools and other partners to encourage physical activity, and better connect other towns and the City within Muskogee County.

RECOMMENDED ACTION:

Approve the Resolution.

Fiscal Impact

Attachments

Resolution 3004 Safe Route to Schools

RESOLUTION NO. 3004

A RESOLUTION BY THE CITY OF MUSKOGEE ADOPTING A SAFE ROUTE TO SCHOOL POLICY AS OUTLINED IN EXHIBIT “A” AND AUTHORIZING THE CITY OF MUSKOGEE TO WORK WITH MUSKOGEE PUBLIC SCHOOLS AND OTHER PARTNERS

WHEREAS, motor vehicle crashes are a leading cause of accidental death and injury to children; and

WHEREAS, an overall decrease in physical activity has corresponded with significant increases in childhood and adult obesity, resulting in serious threats to the health of Oklahomans; and

WHEREAS, in Muskogee County, 44% of adults are obese, 16% of adults have diabetes and death rates from chronic heart disease are 40% higher than the state average; and

WHEREAS, when students walk or bike to school they get more physical activity, reducing risks of chronic conditions, and improving their overall health; and

WHEREAS, healthier children miss fewer days of school and perform better in the classroom; and

WHEREAS, most morning traffic in Muskogee is attributable to families driving their children to school, thus more children walking or biking to school can reduce traffic congestion; and

WHEREAS, more people walking, biking, and using public transit can help save energy resources, while reducing air pollution and auto emissions; and

WHEREAS, 32% of motorists driving to Muskogee school were traveling at least 25 mph; and

WHEREAS, when towns and schools make safe routes to school a priority, conditions for walking and biking to and from school become safer and more convenient; and

WHEREAS, when more people walk and ride bicycles, neighborhood streets become more welcoming and enjoyable for others to walk and bike; and

WHEREAS, the City of Muskogee supports current and future efforts to better connect with other towns in Muskogee County, via trails, bikeways, public transit and other forms of active transportation.

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

THAT the City of Muskogee commits to work with Muskogee Public Schools and other partners by adopting the “Safe Routes to School” policy attached here to as Exhibit “A” is approved and adopted, and made a part hereof by reference.

THAT the City Clerk shall cause to be filed one copy of this resolution with the office of the County Clerk of Muskogee County; and

THAT the City Clerk shall cause one copy of this resolution to be filed with the Law Library of Muskogee County; and

ADOPTED this _____ day of _____, 2024, by the City Council of the City of Muskogee.

_____
W. PATRICK CALE, MAYOR

ATTEST:

(Seal)

_____
TAMMY L. TRACY, CITY CLERK

Approved as to form and legality this ____ day of _____, 2024.

_____
Katrina Bodenhamer, City Attorney

ATTACHMENT: EXHIBIT A (SAFE ROUTES TO SCHOOL POLICY)

High-need area means any area within 2 miles of a school in which: (1) at least *50%* of the children are eligible to receive free and reduced-price meals under the National School Lunch Program, (2) there is limited access to safe routes for walking and biking, or (3) there is a high number of pedestrian and/or bicycle collisions.

Section 1: Definitions

Safe routes to school means the methodology and set of tools used by governments, local leaders, advocacy groups, schools, and the families of students to improve the safety, health, and connectedness of their communities, by making schools safe and easy to access via walking, biking, and public transit.

Underrepresented people means residents of a local population that historically and/or currently have limited involvement in decisions that affect their lives.

Section 2: Safe Routes to School Actions

The Town of Muskogee shall take the following actions within a year of the effective date of this policy:

1. IDENTIFY a lead entity to collaborate with Muskogee Public School and stakeholders from at least two other sectors, to coordinate implementation of this policy, including:

a. Work with agencies, organizations and community members to set priorities and assign projects and activities to appropriate staff and partners

b. Provide opportunities for collaboration with underrepresented people, such as through live or virtual public workshops or forums held at various times and locations

2. SUPPORT safe routes to school proposals and projects consistent with this policy, including:

a. Work with entities applying for funding to support safe routes to school efforts

b. Include safe routes to school-related projects when planning street, roadway and other capital improvements

3. IMPROVE and maintain local infrastructure to increase safe, accessible active transportation options to and from schools, especially in high-need areas, including:

a. Measures that help calm traffic and increase pedestrian and bicycle visibility

b. Work with county and state agencies to plan and coordinate improvements

4. EDUCATE and PROMOTE safe routes to school goals and benefits, to stakeholders and the community, including:

a. Share information about safe routes to school efforts and successes to reach different stakeholders at the local, state and federal level.

b. Work with Muskogee Public School and other stakeholder to support walk and bike to school days

5. ASSESS and EVALUATE community needs to establish and review priorities for safe routes to school, including:

a. Monitor the effects of implementation, such as rates of students walking or biking to school, use of active transportation by community members and/or statistics concerning pedestrian and bicyclist safety.

b. Utilize performance measures to consider how the policy and its implementation maybe improved.

Section 3: Performance Measures

The City of Muskogee, through or with the help of the lead entity, will develop performance measures to track the effects of this policy in accordance with **Section 5(b), ASSESS and EVALUATE.** This includes intended benefits and unintended consequences.

Section 4: Reporting

One year from the effective date of this policy, and annually thereafter, the lead entity will provide a report to the City Council on the implementation of this policy, to include the following:

1. Baseline and current Performance Measures created under Section 3, as applicable
2. A summary and evaluation of:

a. Activities of the lead entity and collaborations with stakeholders

b. Infrastructure improvements and maintenance activities

c. Educational and promotional efforts

3. Any recommendations for improving implementation of this policy.

Section 5. General Statement of Policy

It is the intent of the City Council that this policy is a general statement of City policy that cannot form the basis of a private right of action.

Public Works Committee **4.**

Meeting Date: 08/12/2024

Submitted For: Katrina Bodenhamer, City Attorney

Initiator: Katrina Bodenhamer, City Attorney

Department: City Attorney

Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of Resolution No. 3003, Confirming the Collapsed Structure at 316 N. Main as a Public Nuisance, Ratifying Authorization for Summary Abatement Procedures, Suspending Purchasing Procedures and Authorizing the Expenditure of Stabilization Funds for Purposes of Abatement, or take other necessary action. (Katrina Bodenhamer)

BACKGROUND:

On July 24, 2024, at approximately 10:00 p.m., the facade structure located at 316 N. Main collapsed, with portions of the debris falling on the street and sidewalk, and collapsing on a homeless encampment at the back of the structure. Notice was provided to the building owner, Growers Essential LLC, and the attorney for the building owner, as well as the registered service agent for the business. The notice stated that the collapsed building was a public nuisance that constituted a grave and immediate danger to the health, safety, morals or welfare of the public, and required immediate action to suspend the danger until more deliberate action could be taken.

The owner was given 48 hours to abate the nuisance, which was to be completed by 5:00 p.m. on Saturday, July 27, 2024. By late afternoon on Friday, July 26th, additional chunks of brick fell from the top of the structure, falling onto the sidewalk. The City blocked off Main Street by the facade, as well as the sidewalk. By 4:45 p.m. on the 26th, the owner had not obtained a demolition permit from the City in order to demolish the structure by 5:00 pm. on Saturday pursuant to the notice provided. The attorney for the owner was notified of the continuing collapse of the building with additional debris falling and endangering the citizens of Muskogee. It was clear that the owner had no intention of taking any action over the weekend. The City Manager then authorized a summary abatement of the dangerous structure, and the city demolition contractor obtained a permit to demolish the collapsed and collapsing facade. The structure was torn down on the evening of Friday, July 26th.

RECOMMENDED ACTION:

Approve the Resolution.

Fiscal Impact

Attachments

Resolution 3003

RESOLUTION NO. 3003

A RESOLUTION CONFIRMING THE COLLAPSED STRUCTURE COMMONLY KNOWN AS 316 N. MAIN STREET, MUSKOGEE, OKLAHOMA AS A PUBLIC NUISANCE UNDER CITY CODE 38-2(a)(14); RATIFYING AUTHORIZATION FOR SUMMARY ABATEMENT PROCEDURES UNDER CITY CODE 38-9; SUSPENDING PURCHASING PROCEDURES; AUTHORIZING THE EXPENDITURE OF STABILIZATION FUNDS FOR PURPOSES OF ABATEMENT.

WHEREAS, at approximately 10:00 p.m. on July 24, 2024, the structure commonly known as 316 N. Main Street collapsed with portions of the debris falling into the public street and sidewalk, significantly impeding traffic on Main Street (hereinafter, "Structure"), as well as posing a grave and imminent .

WHEREAS, the City of Muskogee ("City") placed emergency barricades near the side of the Structure to restrict vehicle access and protect public safety.

WHEREAS, City Code 38-2 defines certain public nuisances, including any building or structure which is dangerous to the public health or safety because of damage, decay or other condition; *See*, 38-2(a)(14). Further, City Code 38-9 allows summary abatement of public nuisances which constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one or more persons or of the public generally, and in such cases requires the City Manager, or other appropriate officer, to take immediate and proper action to abate such nuisances or to reduce or suspend the danger until more deliberate action can be taken.

WHEREAS, pursuant to the procedures outlined in City Code 38-9, the City Manager did cause notice to be made to the owner that the structure constituted a public nuisance to such a degree that it constituted a grave and immediate danger to the citizens of Muskogee, and ordered the owner abate it within 48 hours. Said notice was provided by letter sent certified mail to the registered service agent and to the attorney for the owner, Growers Essential, LLC.

WHEREAS, the City Manager did, in the meantime, direct that action be taken to reduce the danger caused by the collapse, and cleared the roadways and sidewalks which were currently obstructed. In addition, the City Manager did direct that the remaining parts of the structure which are in imminent danger of collapsing be abated by 5 p.m. on July 27, 2024.

WHEREAS, the condition of the structure continued to deteriorate, with additional portions of brick falling from the top of the building onto the sidewalk and street on July 26, 2024, thus creating a grave and immediate danger that required immediate summary abatement in order to protect the citizens of Muskogee. The owner did not take any action (or pre-action in obtaining a demolition permit) to abate the public nuisance.

WHEREAS, due to the state of the Structure since its collapse, and the immediate likelihood of additional portions of the structure collapsing, the City finds the Structure to be detrimental to the public health, safety and welfare, and constitutes a public nuisance, and further that the nuisance constitutes a grave and immediate danger to the peace, health, safety, morals, or welfare of the public. The finding confirms the findings of the City Manager made on July 25, 2024, and July 26, 2024.

WHEREAS, the City finds that an immediate need exists to abate the nuisance fully, beyond the reduction measures already undertaken by the City Manager, and that the owner is either unwilling or unable to abate the nuisance.

WHEREAS, the City finds that an emergency exists for purposes of suspending the purchase procedures of the City, and that stabilization funds should be authorized under City Code 2-552(b)(1).

NOW, THEREFORE, IT IS RESOLVED by the City Council of the City of Muskogee as follows:

SECTION 1: The Structure, located at what is commonly referred to as 316 N. Main Street, Muskogee, Oklahoma, is deemed to be detrimental to the public health, safety and welfare, and as such constitute a public nuisance, and that such nuisance is further deemed to constitute a grave and immediate danger to the peace, health, safety, morals, or welfare of the public, and that it should be immediately abated.

SECTION 2: The purchasing procedures are hereby suspended on any and all purchase made in furtherance of the abatement of the public nuisance.

SECTION 3: Stabilization funds are hereby authorized and approved to be expended upon any and all purchases made in furtherance of the abatement of the public nuisance.

ADOPTED, PASSED AND APPROVED by the Council of the City of Muskogee to be effective immediately this _____ day of July, 2024.

_____
W. Patrick Cale, Mayor

ATTEST:

_____
TAMMY L. TRACY, City Clerk

APPROVED as to form and legality this _____ day of July, 2024.

_____
Katrina Bodenhamer, City Attorney

Public Works Committee **5.**

Meeting Date: 08/12/2024
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. 2898, a resolution approving and adopting an amendment to the Muskogee Tourism Authority Bylaws, Section 2.2, b.1, allowing Trustees to serve a seven (7) year term, or take other necessary action. (Mayor W. Patrick Cale)

BACKGROUND:

This item was discussed at the City Council meeting held on July 22, 2024. City Council voted to Table the item until the Public Works meeting of August 12, 2024. This item has been placed on this agenda based on that action of City Council.

The Muskogee Tourism Authority approved Resolution Number 2898 in their meeting on April 18, 2024, to amend their bylaws, Section 2, Terms of Office. The amendment extends the term of office for trustees from the current 5-year term to a 7-year term. The board of the Muskogee Tourism Authority unanimously approved this change.

RECOMMENDED ACTION:

Approve the Resolution

Fiscal Impact

Attachments

MTA Resolution
MTA minutes 4/18/2024

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE AMENDED AND RESTATED BY-LAWS OF THE MUSKOGEE TOURISM AUTHORITY

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MUSKOGEE TOURISM AUTHORITY THAT:

ARTICLE I-THE AGENCY

Section 1.1. Name.

The name of the Trust shall be the "Muskogee Tourism Authority."

Section 1.2. Office of the Authority.

The office of the Trust shall be located at 220 West Okmulgee Street in Muskogee, Oklahoma.

ARTICLE II-BOARD OF TRUSTEES

Section 2.1. Appointment

There shall be nine (9) Trustees of this Trust, with eight (8) of the nine (9) Trustees being citizens and residents of the Beneficiary. All Trustees shall be selected by a majority of the City Council pursuant to nomination and confirmation methods effective at the time of the appointment. The City Manager of the City, and his successor, or at his option, his designee, shall serve as an ex-officio, non-voting Trustee.

Each successor Trustee in office so appointed and confirmed, upon vacancy by the original trustee, shall without any further act, deed or conveyance become a Trustee of this Trust and become fully vested with all of the estate, properties, rights, powers, duties, and obligations of his or her predecessor with like effects as if originally named Trustee herein.

Section 2.2 Terms of Office

a. All terms of office shall expire as of July 31st and new terms shall commence on August 1 of the calendar year.

b. The terms of office of all successor Trustees shall be seven years, except that:

   1. regardless of the calendar date when each Trustee is appointed, their terms shall expire on the July 31st closest to the seven-year term to which appointed; and

   2. each Trustee shall hold office until their successor has been appointed and qualified.

Section 2.3. Officers

The officers of the Board of Trustees shall be a Chairman, a Vice-Chairman, and a Secretary/Treasurer.

Section 2.4. Chairman and Vice-Chairman

The Trustees shall elect from the duly appointed Trust Authority members, a Chairman and a Vice-Chairman who shall serve terms of one year by a simple majority vote of its members. No Trustee may serve more than three (3) terms as Chairman. Trustee Jaime Stout shall serve as the initial Chairman of the Trust.

It shall be the duty of the Chairman to call and preside over the meetings of the Board of Trustees, to direct the recording of minutes of deliberations, and to appoint committees and assign their respective activities. The Chair shall sign all resolutions, contracts, deeds and other legal instruments made by the Trust. The Chair shall be authorized to sign or countersign orders and checks for the disbursement of money.

The Vice-Chairman shall perform the duties of the Chairman in her or his absence or incapacity; provided, however, the Vice-Chair shall not sign or countersign orders or checks for the disbursement of money. In case of the resignation or death of the Chairman, the Vice-Chairman shall perform all duties as prescribed for the Chairman until such time as a new Chairman shall have been duly designated.

Section 2.5. Secretary/Treasurer

The Trustees shall elect a Treasurer from its membership by a simple majority vote of its members The Treasurer shall serve terms of one year. Should the office of Secretary become vacant, the Trust shall elect a successor from among its members at the next meeting, and such election shall be for the unexpired term of said office. The Treasurer shall attest to all resolutions, contracts, deeds and other legal instruments made by the Authority, and shall sign Certificates of the Recording Officer as required. The Secretary shall be authorized to sign or countersign orders and checks for the disbursement of money.

Section 2.6. Compensation

A Trustee shall receive no compensation for services, but shall be entitled to necessary expenses, including traveling expenses incurred in the discharge of office.

ARTICLE III – COMMITTEES

Section 3.1. Executive Committee

There is hereby established an Executive Committee comprised of the Past Chair, Chair, Vice-Chair, and Treasurer. If the Past Chair is no longer a trustee of the Board due to an expired term, the Board shall appoint a trustee to fill this vacancy. The Executive Committee shall be responsible for managing any volunteers which may be brought on to assist the Muskogee Tourism Authority in accordance with Article V. In the absence of a general manager of the Trust Estate, the Executive Committee shall also be charged with authorizing any vacation or sick leave of any employees of the Muskogee Tourism Authority. Beyond the limitations established herein, the Executive

Committee shall have no further authority over any employees of the Muskogee Tourism Authority, nor the day-to-day running of the business.

The Trustees shall have the authority to establish any other standing or special committees that in their discretion are, or may become, necessary to the efficient operations of the Muskogee Tourism Authority. Any committees so established shall be created by Resolution, approved by a majority of the Trustees. The Resolution shall establish: how members are appointed to the respective committee; the term of service of each member appointed; whether members are required to also be Trustees; the duties, responsibilities and obligations to be carried out by the respective committee; as well as, any other information which may be necessary to ensure transparency.

ARTICLE IV-EMPLOYEES

Section 4.1. General Manager

a. The Trustees may appoint a general manager for the Trust Estate and may, at their discretion, employ such other clerical, professional, legal, and technical assistance as may be deemed necessary in the discretion of the Trustees to properly operate the business of the Trust Estate, and may upon majority vote, fix their duties, terms of employment and compensation. All Trustees shall serve without compensation but may, upon majority approval from the Trustees, be reimbursed for reasonable expenses incurred in the performance of their duties hereunder.

b. In the event a general manager is appointed by the Trustees, the said general manager shall administer the business of the Trust Estates as directed from time to time by the Trustees. The general manager shall assume responsibility for the employment of any subordinate employees of the Trust as necessitated by the needs of the Trust. The Trustees themselves shall not deal directly with the subordinates of the general manager, but shall do so only through the general manager.

Section 4.2. Other Employees

The Trustees may appoint other employees as necessary.

ARTICLE V – VOLUNTEER MANAGEMENT

Section 5.1. Volunteers Generally

The Trustees shall have the authority to utilize non-paid, volunteers to assist with the work of the Muskogee Tourism Authority. All volunteers shall be selected and managed by the Executive Committee Director. The Trustees shall develop a program to solicit, develop, and manage all volunteers.

ARTICLE VI-MEETINGS

Section 6.1. Meetings

All meetings of the Muskogee Tourism Authority shall be open unless an executive session is authorized. The requirements of the Oklahoma Open Meetings Act shall be adhered to. All meetings shall be conducted in accordance with the most recent edition of Robert's Rules of Order.

Section 6.2. Regular Meetings

The Trustees of the Muskogee Tourism Authority shall hold regular meetings at least once each quarter at the Roxy Theater, 220 West Okmulgee, Muskogee, Oklahoma. However, the Trustees may, by a simple majority vote, cancel or change the date or location of the next regular meeting, subject to the requirements of the Oklahoma Open Meetings Act

Section 6.3. Special Meetings

The Chairman may, when deemed necessary, or shall upon the written request of two Trustees, call a special meeting of the Trustees for the purpose of transacting any business designated in the call. The written notice and agenda of a special meeting shall be delivered to the City Clerk of the City of Muskogee and each Trustee. Notices shall be posted as required by the Oklahoma Open Meetings Act.

Section 6.4. Annual Meeting

There shall be an Annual Meeting held each calendar year in May. The Trustees shall elect officers at the Annual Meeting for the coming year as prescribed by Article II, of these By-Laws.

Section 6.5. Quorum

A majority of the Trustees shall constitute a quorum for the purpose of conducting business and exercising the powers of the Authority and for all other purposes.

Section 6.6. Manner of Voting

The voting on all questions coming before the Trustees shall be by roll call; and the Aye's, Nay's, and abstention votes shall be entered on the Minutes of the meeting.

Section 6.7. Attendance

Each member of the Board of Trustees should make every effort to attend all meetings described in this Article of these By-Laws. In the event a member is unable to attend a Regular or Special meeting they should obtain an excused absence by notifying the Chairman prior to the meeting time. Three (3) unexcused absences within a one (1) year rolling period shall automatically serve as a forfeiture of the office of Trustee without further act or deed.

Section 6.8. Agenda Items

The Chair shall be responsible for the agenda of regular, special call, and annual meetings, as well as, emergency meetings, should one be required. The Chair may, at his or her discretion, add agenda items. Trustees may request agenda items be added to regular, special call, and annual meetings so long as trustees notify the Chair and Executive Director in writing of said request; this

request must be made in accordance with time requirements as stated in the Oklahoma Open Meetings Act. Each agenda item shall include the name of trustee(s) who has requested said item.

Section 6.9 Citizen Participation

Recognizing the importance of public participation, citizens shall be permitted five (5) minutes to speak on any agenda item. Should additional time be necessary for a full and complete understanding of any public comments, the Trustees, by majority vote, retain the authority to extend the time limitation.

ARTICLE VII-ANNUAL REPORT

Section 7.1. Annual Report

The Trustees shall prepare annually a report of the Authority's activities during the preceding fiscal year ending 30 June to include a complete financial statement setting forth its assets, liabilities, income and operating expenses as of the end of such fiscal year. This report shall be submitted to the City of Muskogee before 31 July of each calendar year. The Trustees shall submit to the City of Muskogee an interim report in April of each year in conjunction with a proposed budget and allocation request.

ARTICLE VIII-AMENDMENTS

Section 8.1. Amendments to By-Laws

The Bylaws of the Trust may be amended with the approval of at least two-thirds of the Trustees of the Authority in attendance at a regular or a special meeting. Except by unanimous consent of all the Trustees, no proposed amendment to the Bylaws shall be voted upon until the same shall have been reduced to writing, filed with the Secretary, and read at the regular meeting immediately preceding the meeting at which the same is voted upon.

IX - RECORDS AND RECORDS RETENTION

Section 9.1 Record Keeping

Insofar as practical, the Muskogee Tourism Authority shall retain its records in accordance with the time frames set forth in City Council Policy 1-6. At least once per year, an agenda item shall appear on a Regular meeting calling for the destruction of any records for which the time frame for retention has expired. The agenda item shall set forth the category of the proposed records to be destroyed with the beginning and end dates identified. Upon approval, the records shall be destroyed in the most efficient means possible.

Section 9.2 Custodian

Unless the Trustees shall direct otherwise, the Secretary/Treasurer of the Muskogee Tourism Authority shall serve as the custodian of records for purposes of compliance with the Oklahoma Open Records Act ("Act"). The fee for mechanical reproduction of records shall be the same as the maximum established by the Act.

NOW THEREFORE, BE IT RESOLVED BY THE MUSKOGEE TOURISM AUTHORITY that the foregoing amended bylaws of the Muskogee Tourism Authority are hereby approved in all respects.

ADOPTED this _____ day of _____, 20_____.

_____
CHAIRMAN

Attest:

_____
SECRETARY

APPROVED AS TO FORM AND LEGALITY THIS _____ DAY OF _____, 20_____.

_____
JOHN TYLER HAMMONS
ATTORNEY FOR THE AUTHORITY

MINUTES
BOARD OF TRUSTEES OF THE
MUSKOGEE TOURISM AUTHORITY
APRIL 18, 2024

The Board of Trustees of the Muskogee Tourism Authority met at 4:00 p.m., on Thursday, April 18, 2024, at Muskogee Tourism Office, 216 W. Broadway, Muskogee, Oklahoma, with Chairman Evelyn Hibbs residing.

Item 1: Roll call and recognize Citizens wishing to speak. **(Evelyn Hibbs, Chairman)**

The meeting was called to order at 4:00 by Chairman Evelyn Hibbs and the roll was called as follows:

Present: Chair; Evelyn Hibbs Vice Chair Daniel Chepkaukas; Secretary/Treasury Tracy Cole; Trustee Mike Gragg; Trustee Traci McGee; Trustee Mark Patel; Trustee Tim Wheeler; Trustee Aanje Wilkerson, Trustee Patrick Cale; Ex-Officio Non Voting Member: Mike Miller

Absent: None

Staff Present: Marlon Coleman, Executive Director; John Tyler Hammons, Attorney; Avery Frix, President Oxford Productions, Melissa Lee, Grants & Sponsorship Administrator, Demi Smith, Deputy Executive Director of Tourism.

Item 2: Consider approval of Meeting Minutes of January 2024 or take other necessary action. (Evelyn Hibbs, Chairman)

Motion made by Vice Chair Daniel Chepkaukas, seconded by Trustee Aanje Wilkerson.

AYE: Chair; Evelyn Hibbs; Vice Chair Daniel Chepkaukas ; Secretary/Treasury Tracy Cole; Trustee Patrick Cale; Trustee Mike Gragg; Trustee Traci McGee; Trustee Mark Patel; Trustee Tim Wheeler; Trustee Aanje Wilkerson

NAY: None

OTHER: None

The Chairman declared the motion approved.

Item 3: Consider Approval of Financials and Claims for January, February, and March 2024 or take other necessary action. (Secretary/Treasurer Cole)

Motion made by Chairman Evelyn Hibbs to approve financials and claims, seconded by Vice Chair Daniel Chepkaukas.

AYE: Chair Evelyn Hibbs; Vice Chair Daniel Chepkaukas; Secretary/Treasury Tracy Cole; Trustee Mike Gragg; Trustee Traci McGee; Trustee Mark Patel; Trustee Tim Wheeler; Trustee Aanje Wilkerson; Trustee Patrick Cale

NAY:

OTHER: None

The Chairman declared the motion approved.

Item 4: Receive report from Oxford Productions, Inc. on staffing and provide a consent as necessary. (Chair Hibbs)

Motion made by Trustee Aanje Wilkerson to approve the recommended staffing changes seconded by Trustee Traci McGee.

AYE: Chair Evelyn Hibbs; Vice Chair Daniel Chepkaukas; Secretary/Treasury Tracy Cole; Trustee Mike Gragg; Trustee Traci McGee; Trustee Tim Wheeler; Trustee Aanje Wilkerson, Trustee Mark Patel; Trustee Patrick Cale

NAY: None

OTHER: None

The Chairman declared the motion approved.

Item 5. Consider the removal of Daniel Chepkauskas as an authorized signer from all Muskogee Tourism Authority bank accounts and add Evelyn Hibbs as an authorized signer for all Muskogee Tourism Authority bank accounts or take other necessary action. (Secretary/Treasurer Cole)

Motion made by Secretary/Treasurer Cole to approve the changes seconded by Trustee Mike Gragg.

AYE: Chair Evelyn Hibbs; Vice Chair Daniel Chepkaukas; Secretary/Treasury Tracy Cole; Trustee Mike Gragg; Trustee Traci McGee; Trustee Tim Wheeler; Trustee Aanje Wilkerson, Trustee Mark Patel; Trustee Patrick Cale

NAY: None

OTHER: None

The Chairman declared the motion approved.

Item 6: Consider removing Jerri Stoutermire as an authorized signer from all Muskogee Tourism Authority bank accounts and add Marlon Coleman as an authorized signer for all Muskogee Tourism Authority bank accounts or take other necessary action.

Motion made by Trustee Mike Gragg to approve changes, seconded by Trustee Tim Wheeler.

AYE: Chair Evelyn Hibbs; Vice Chair Daniel Chepkaukas; Secretary/Treasury Tracy Cole; Trustee Mike Gragg; Trustee Traci McGee; Trustee Tim Wheeler; Trustee Aanje Wilkerson, Trustee Mark Patel; Trustee Patrick Cale

NAY: None

The Chairman declared the motion approved.

Item 9: Read aloud the amendment to the bylaws, to be voted on at the next regular meeting, or take other necessary action. (Chair Hibbs)

Motion to approve amendment made by Trustee Mike Gragg, seconded by Patrick Cale.

AYE: Chair Evelyn Hibbs; Vice Chair Daniel Chepkaukas; Secretary/Treasury Tracy Cole; Trustee Mike Gragg; Trustee Traci McGee; Trustee Tim Wheeler; Trustee Aanje Wilkerson, Trustee Mark Patel; Trustee Patrick Cale

NAY: None

The Chairman declared the motion approved.

Item 10: Consider approval of fiscal year 24-25 budget request to the City of Muskogee and the Muskogee Redevelopment Authority for carry-over lodging tax funds or take other necessary action. (Chair Hibbs)

AYE: Chair Evelyn Hibbs; Vice Chair Daniel Chepkaukas; Secretary/Treasury Tracy Cole; Trustee Mike Gragg; Trustee Traci McGee; Trustee Tim Wheeler; Trustee Aanje Wilkerson, Trustee Mark Patel; Trustee Patrick Cale

NAY: None

The Chairman declared the motion approved.

Item 11: Receive report from Oxford Productions, Inc. on the operation of the Visit Muskogee Tourism Program and the Roxy Theater or take other necessary action. (Chair Hibbs)

AYE: Chair Evelyn Hibbs; Vice Chair Daniel Chepkaukas; Secretary/Treasury Tracy Cole; Trustee Mike Gragg; Trustee Traci McGee; Trustee Tim Wheeler; Trustee Aanje Wilkerson, Trustee Mark Patel; Trustee Patrick Cale

AYE: Chair Evelyn Hibbs; Vice Chair Daniel Chepkaukas; Secretary/Treasury Tracy Cole; Trustee Mike Gragg; Trustee Traci McGee; Trustee Tim Wheeler; Trustee Aanje Wilkerson, Trustee Mark Patel; Trustee Patrick Cale

NAY: None

OTHER: None

The Chairman declared the motion approved.

Item 7: Consider an Amendment to Resolution #2, or take other necessary action. (Chair Hibbs)

Motion to approve amendment made by Trustee Mike Gragg, seconded by Patrick Cale.

The Chairman declared the motion approved

AYE: Chair Evelyn Hibbs; Vice Chair Daniel Chepkaukas; Secretary/Treasury Tracy Cole; Trustee Mike Gragg; Trustee Traci McGee; Trustee Tim Wheeler; Trustee Aanje Wilkerson, Trustee Mark Patel; Trustee Patrick Cale

NAY: None

OTHER: None

The Chairman declared the motion approved.

Item 8: Consider an amendment of the Advisory Committee Grant Recommendations or take other necessary action. (Chair Hibbs)

Motion made to approve the following recommendations by Trustee Tim Wheeler, seconded by Trustee Mark Patel:

Bedouin Shrine SCSA Convention-approve a grant of $2500
True Roots Cultural Arts-a grant of $500
MLK 50th Celebration & Gala-Grant full amount as requested of $5000
MHS Golf Boosters-approve a grant of $3000
APT Golf approved a grant of sponsorship grant of $5000

NAY: None

The Chairman declared the motion approved.

There being no other business before the Board of Trustees, the Chair declared the meeting adjourned at 5:33 pm.

Evelyn Gibbs Chairman

ATTEST:

Tracy Cole
Secretary/Treasurer

Public Works Committee **6.**

Meeting Date: 08/12/2024
Submitted For: Katrina Bodenhamer, City Attorney
Initiator: Leslie Arnold, Legal Assistant
Department: City Attorney
Staff Information Source: City Attorney

Information

AGENDA ITEM TITLE:

Consider approval of Resolution No. 3006, a resolution adopting the Bylaws of the Dr. Martin Luther King Jr. Trust Authority of the City of Muskogee, Oklahoma, or take other necessary action. (Katrina Bodenhamer)

BACKGROUND:

This is a housekeeping matter. This Resolution was approved by the MLK board on March 3, 2016. After extensive research by the City Clerk's office, City Attorney's office, and the MLK Trust Authority, it was determined this item was never placed on an agenda for approval or ratification by the City Council. The signature block has been updated on this document, but the remainder of the document is exactly what the Trust approved in 2016. We are asking the Council to ratify the actions of the Trust. These bylaws are the bylaws the board has been operating under since inception.

RECOMMENDED ACTION:

Approve Resolution No. 3006.

Fiscal Impact

Attachments

Resolution #3006
MLK minutes from 3-3-16

RESOLUTION NO. #3006

A RESOLUTION ADOPTING BY-LAWS OF THE CITY OF MUSKOGEE DR. MARTIN LUTHER KING JR. TRUST AUTHORITY OF THE CITY OF MUSKOGEE, OKLAHOMA.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE DR. MARTIN LUTHER KING JR. COMMUNITY CENTER TRUST AUTHORITY, THAT:

ARTICLE I-THE AGENCY

Section 1. Name. The name of the Authority shall be the "Dr. Martin Luther King Jr. Community Center Trust Authority."

Section 2. Seal. The seal of the Authority shall be in the form of a circle and shall bear the name "Dr. Martin Luther King Jr. Community Center Trust Authority"; the word "seal"; and the name of the City, "Muskogee," Oklahoma.

Section 3. Office of the Authority. The office of the Authority shall be at such place in the City of Muskogee as the Trustees shall designate.

ARTICLE II-BOARD OF TRUSTEES

Section 1. Appointment

The Trustees of this Trust shall be the citizens and residents of the Beneficiary. There shall be six Trustees: the City Manager for the City of Muskogee and his successor, ex officio, who shall be a nonvoting member but shall otherwise be fully vested to participate as a Trustee; five members selected by a majority of the City Council pursuant to nomination and confirmation methods effective at the time of the appointment. The original Trustees of this Trust shall be composed of the individuals who were selected as set forth in paragraph one of this Trust Indenture.

Each successor Trustee in office so appointed and confirmed, upon vacancy by the original trustee, shall without any further act, deed or conveyance become a Trustee of this Trust and become fully vested with all of the estate, properties, rights, powers, duties, and obligations of his or her predecessor with like effects as if originally named Trustee herein.

Section 2. Terms of Office

a. All terms of office shall expire as of July 31st and new terms shall commence on August 1 of the calendar year.

b. The terms of office of all Trustees shall be five years, except that:

(1) regardless of the calendar date when each Trustee is appointed, their terms shall expire on the July 31st closest to the five year term to which appointed; and

(2) each Trustee shall hold office until their successor has been appointed and qualified.

c. The inaugural terms of the Trustees shall be established in a manner to provide consistency for the operation of the Trust.

Section 3. Officers

The officers of the Board of Trustees shall be a Chairman, a Vice-Chairman, a Secretary, and a Treasurer.

Section 4. Chairman and Vice-Chairman

The Trustees shall elect from the duly appointed Trust Authority members, a Chairman and a Vice-Chairman who shall serve terms of one year beginning August 1 of each calendar year by a simple majority vote of its members.

It shall be the duty of the Chairman to call and preside over the meetings of the Board of Trustees, to direct the recording of minutes of deliberations, and to appoint committees and assign their respective activities. The Chair shall sign all resolutions, contracts, deeds and other legal instruments made by the Authority. The Chair shall be authorized to sign or countersign orders and checks for the disbursement of money.

The Vice-Chairman shall perform the duties of the Chairman in absence or incapacity; provided, however, the Vice-Chair shall not sign or countersign orders or checks for the disbursement of money. In case of the resignation or death of the Chairman, the Vice-Chairman shall perform all duties as prescribed for the Chairman until such time as a new Chairman shall have been duly designated.

Section 5. Secretary and Assistant Secretary

The Trustees shall elect a Secretary from its membership by a simple majority vote of its members and may appoint an Assistant Secretary. The Secretary and the Assistant Secretary shall serve terms of one year beginning August 1 of each calendar year. Should the office of Secretary become vacant, the Authority shall elect a successor from among its members at the next meeting, and such election shall be for the unexpired term of said office.

The Secretary shall attest to all resolutions, contracts, deeds and other legal instruments made by the Authority, and shall sign Certificates of the Recording Officer as required. The Secretary shall be authorized to sign or countersign orders and checks for the disbursement of money.

The Assistant Secretary shall perform the duties of the Secretary in absence or incapacity; provided, however, shall not sign or countersign orders or checks for the disbursement of money.

Section 7. Treasurer

The Trustees shall elect a Treasurer by a simple majority vote of its members and The office of Treasurer is not required to be held by a Trust member.

Section 6. Compensation

A Trustee shall receive no compensation for services, but shall be entitled to necessary expenses, including traveling expenses incurred in the discharge of office.

ARTICLE III-EMPLOYEES

The Trustees may appoint a general manager for the Trust Estate and may, at their discretion, employ such other clerical, professional, legal, and technical assistance as may be deemed necessary in the discretion of the Trustees to properly operate the business of the Trust Estate, and may upon majority vote, fix their duties, terms of employment and compensation. All Trustees shall serve without compensation but may, upon majority approval from the Trustees, be reimbursed for reasonable expenses incurred in the performance of their duties hereunder.

In the event a general manager is appointed by the Trustees, the said general manager shall administer the business of the Trust Estates as directed from time to time by the Trustees. The general manager shall assume responsibility for the employment of any subordinate employees of the Trust as necessitated by the needs of the Trust. The Trustees themselves shall not deal directly with the subordinates of the general manager, but shall do so only through the general manager.

The Trustees may appoint other employees as necessary.

ARTICLE IV-MEETINGS

Section 1. Meetings

All meetings of the City of Muskogee Dr. Martin Luther King Jr. Community Trust Authority shall be open unless an executive session is authorized. The requirements of the Oklahoma Open Meetings Act shall be adhered to.

Section 2. Regular Meetings

The Trustees of the Dr. Martin Luther King Jr. Community TrustAuthority shall hold regular meetings of the of each quarter at at the Dr. Martin Luther King Jr. Community Center, 300 Martin Luther King Street, Muskogee, Oklahoma. However, the Trustees may, by a simple

majority vote, cancel or change the date or location of the next regular meeting, subject to the requirements of the Oklahoma Open Meetings Act

Section 3. Special Meetings

The Chairman may, when deemed necessary, or shall upon the written request of two Trustees, call a special meeting of the Trustees for the purpose of transacting any business designated in the call. The written notice and agenda of a special meeting shall be delivered to the City Clerk of the City of Muskogee and each Trustee, and be delivered to the business or home address of each Trustee at least two (2) days prior to the date of such special meeting. Notices shall be posted as required by the Oklahoma Open Meetings Act by the City of Muskogee City Clerk.

Section 4. Annual Meeting

There shall be an Annual Meeting held each calendar year. The Trustees shall elect officers at the Annual Meeting for the coming year as prescribed by Article II, of these By-Laws.

Section 5. Quorum

A majority of the Trustees shall constitute a quorum for the purpose of conducting business and exercising the powers of the Authority and for all other purposes, when a quorum is in attendance, action may be taken by a majority vote of the Trustees present.

Section 6. Manner of Voting

The voting on all questions coming before the Trustees shall be by roll call; and the Aye's and Nay's shall be entered on the Minutes of the meeting.

Section 7. Attendance

Each member of the Board of Trustees should make every effort to attend all meetings described in this Article of these By-Laws. In the event a member is unable to attend a Regular or Special meeting they should obtain an excused absence by notifying the Chairman prior to the meeting time. Three (3) unexcused absences within a one (1) year rolling period would be cause for dismissal from the Trust

ARTICLE V-ANNUAL REPORT

Section 1.

The Trustees shall prepare annually a report of the Authority's activities during the preceding fiscal year ending 30 June to include a complete financial statement setting forth its assets, liabilities, income and operating expenses as of the end of such fiscal year. This report shall be submitted to the City of Muskogee before 31 July of each calendar year.

The Trustees shall submit to the City of Muskogee an interim report in April of each year in conjunction with a proposed budget and allocation request.

ARTICLE VI-AMENDMENTS

Section 1. Amendments to By-Laws

The By-Laws of the Authority may be amended with the approval of at least three (3) of the Trustees of the Authority at a regular or a special meeting. Except by unanimous consent of all the Trustees, no proposed amendment to the By-Laws shall be voted upon until the same shall have been reduced to writing, filed with the Secretary, and read at the regular meeting immediately preceding the meeting at which the same is voted upon.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MUSKOGEE DR. MARTIN LUTHER KING JR. COMMUNITY CENTER TRUST AUTHORITY OF THE CITY OF MUSKOGEE, OKLAHOMA:

ADOPTED this 3rd day of March. 2016, copy of their approved minutes attached.

_____
CHAIRMAN, OR EXECUTIVE OFFICER

Attest:

_____
SECRETARY

RATIFIED AND ACCEPTED THIS _____ DAY OF _____, 2024.

_____
W. PATRICK CALE, MAYOR

ATTEST:

_____
TAMMY L. TRACY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS _____ DAY OF _____, 2024.

_____
KATRINA BODENHAMER, CITY ATTORNEY

Minutes
of the Dr. Martin Luther King Jr., Community Center Trust Authority Special call session, at the Training Room of the Neighbors Building Neighborhoods
Thursday March 3, 2016

The Board of Trustees of the Dr. Martin Luther King Jr., Community Center Trust Authority of the City of Muskogee, OK met in Special Call Session in the Training Room of Neighbors Building Neighborhoods.

The meeting was called to order by Perline Boyattia, Secretary. Roll Call was as follows:

Present: Trustees Perline Boyattia, Randy Howard, Kenny Payne, Interim City Manager Roy Tucker, Interim City Attorney Matthew Beese. Trustee Wayne Johnson arrived after roll call was present.

Absent: Chairperson David Ragsdale

Others Present: Councilmember Derrick Reed, Mike Miller, Jean Kingston, Kim Lynch, Neighbors Building Neighborhoods, Perry Hewitt, Beckman Insurance

1. *Wayne Johnson received motion to approve the February 18 special called meeting minutes. (Howard, Payne) motion passed unanimously*

2. Interim City Attorney Matthew Beese led the discussion and addition to the By-Laws were as followed:
   Terms for the inaugural terms of appointed Trustees:

Chairperson	Ending August 2017	David Ragsdale
Vice Chairperson	Ending August 2018	Wayne Johnson
Secretary	Ending August 2019	Perline Boyattia
Secretary-elect	Ending August 2020	Randy Howard
Member	Ending August 2021	Kenny Payne

   In addition one year absence between serving must be taken.
   Motion was made to adopt the inaugural terms and addition to the by-laws. (Howard, Payne) motion carried unanimously

3. Kim Lynch led discussion on the calendaring of special called meetings for the rest of 2016.
   The following dates were established
   April 7, 2016 4:00 pm MLKCC
   August 4, 2016 4:00 pm MLKCC (close of books)
   October 6, 2016 4:00 pm MLKCC (annual meeting)
   Tentative dates for 2017
   January 5, 2017 4:00pm MLKCC (preparation for reporting to City Council)
   March 2, 2017 4:00 pm MLKCC (NBN report to Trust Authority/ budget preparation)
   April 17, 2017 7:00 pm Council Chambers (report to the City Council)
   August 3, 2017 4:00 pm MLKCC (close of books)
   October 5, 2017 4:00 pm MLKCC Annual Meeting

4. Discussion was led by Kim Lynch regarding the required audit for the 2016 year (March through June 30, 2016)
    a. It was agreed upon that an accountant's review would be appropriate for the four months and a full audit would take effect for 2017.

    b. Motion was made that a bank account would be opened with two signatures required, and a credit card be secured with a limit of $3,500 with viewing capability on transactions available. (Johnson, Howard) motion passed unanimously

    c. Discussion was taken regarding the rental money and financial submission to the City. It was agreed that a monthly review of claims will be given by NBN to the Trustees*. No formal action was taken at this time.*

5. Perline Boyattia led the discussion to the previously City Council approved Rental Policies for the Dr. Martin Luther King Jr., Community Center.
   Motion was made to accept the Rental Policies for the Dr. Martin Luther King Jr., Community Center. (Boyattia, Payne) motion passed unanimously
    a. Discussion was led on the definition of prime and extended dates for 2016
       Motion was made to delegate the authority to the Facility Manager to set the extended and prime dates. (Payne, Boyattia) motion passed unanimously

6. Discussion took place on the potential naming of the Community Resource Room as well as other rooms. Kim Lynch will research other facilities and bring information to the Trust*. No action was taken.*

7. Jean Kingston shared information regarding the City's insurance quote for the MLKCC building.
   Motion was made to authorize the City to add the MLKCC building to the current policy at a cost of $6,300. (Payne, Boyattia) motion passed unanimously

8. Kim Lynch updated the Trust on programs and rentals. The ribbon cutting will be held on March 21, 2016 at 4:00pm.

9. Wayne Johnson gave a report on the progress of construction of the MLKCC.

There being no further business the meeting was adjourned at 3:26 pm. Next meeting will be held April 7, 2016 @ 4:00 pm at the MLKCC.

Respectfully submitted _____
Perline Boyattia, Secretary

Public Works Committee **7.**

Meeting Date: 08/12/2024
Submitted For: Katrina Bodenhamer, City Attorney
Initiator: Leslie Arnold, Legal Assistant
Department: City Attorney
Staff Information Source: City Attorney

Information

AGENDA ITEM TITLE:

Consider approval of Resolution No. 3007, a resolution adopting the amended and restated bylaws of the Dr. Martin Luther King Jr. Trust Authority of the City of Muskogee, Oklahoma, or take other necessary action. (Katrina Bodenhamer)

BACKGROUND:

This is a housekeeping issue to approve a resolution adopting an amendment to the bylaws of the Martin Luther King Center Trust Authority passed on March 3, 2016.

RECOMMENDED ACTION:

Approve Resolution No. 3007.

Fiscal Impact

Attachments

Amended Bylaws
MLK minutes from 3-3-16

RESOLUTION NO. #3007

A RESOLUTION AMENDING AND RESTATING THE BY-LAWS OF THE CITY OF MUSKOGEE DR. MARTIN LUTHER KING JR. TRUST AUTHORITY OF THE CITY OF MUSKOGEE, OKLAHOMA.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE DR. MARTIN LUTHER KING JR. COMMUNITY CENTER TRUST AUTHORITY, THAT:

ARTICLE I-THE AGENCY

Section 1. Name. The name of the Authority shall be the "Dr. Martin Luther King Jr. Community Center Trust Authority."

Section 2. Seal. The seal of the Authority shall be in the form of a circle and shall bear the name "Dr. Martin Luther King Jr. Community Center Trust Authority"; the word "seal"; and the name of the City, "Muskogee," Oklahoma.

Section 3. Office of the Authority. The office of the Authority shall be at such place in the City of Muskogee as the Trustees shall designate.

ARTICLE II-BOARD OF TRUSTEES

Section 1. Appointment

The Trustees of this Trust shall be the citizens and residents of the Beneficiary. There shall be six Trustees: the City Manager for the City of Muskogee and his successor, ex officio, who shall be a nonvoting member but shall otherwise be fully vested to participate as a Trustee; five members selected by a majority of the City Council pursuant to nomination and confirmation methods effective at the time of the appointment. The original Trustees of this Trust shall be composed of the individuals who were selected as set forth in paragraph one of this Trust Indenture.

Each successor Trustee in office so appointed and confirmed, upon vacancy by the original trustee, shall without any further act, deed or conveyance become a Trustee of this Trust and become fully vested with all of the estate, properties, rights, powers, duties, and obligations of his or her predecessor with like effects as if originally named Trustee herein.

Section 2. Terms of Office

a. All terms of office shall expire as of July 31st and new terms shall commence on August 1 of the calendar year.

b. The terms of office of all Trustees shall be five years, except that:

(1) regardless of the calendar date when each Trustee is appointed, their terms shall expire on the July 31st closest to the five year term to which appointed; and

(2) each Trustee shall hold office until their successor has been appointed and qualified.

c. The inaugural terms of the Trustees shall be established in a manner to provide consistency for the operation of the Trust.

Terms for the inaugural terms of appointed Trustees:

Chairperson	Ending August 2017
Vice-Chairperson	Ending August 2018
Secretary	Ending August 2019
Asst. Secretary	Ending August 2020
Member	Ending August 2021

d. The Trustees serving at the time of the adoption of these Amended and Restated Bylaws are:

Rev. Leroy Walker, Chairman	Term Ending 2023
Juana Perkins, Vice-Chair	Term Ending 2024
Kenny Payne, Secretary	Term Ending 2021
E. Cedric Johnson, Asst. Secretary	Term Ending 2022
Randy Howard, Member	Term Ending 2020

Section 3. Officers

The officers of the Board of Trustees shall be a Chairman, a Vice-Chairman, a Secretary, and a Treasurer.

Section 4. Chairman and Vice-Chairman

The Trustees shall elect from the duly appointed Trust Authority members, a Chairman and a Vice-Chairman who shall serve terms of one year beginning August 1 of each calendar year by a simple majority vote of its members.

It shall be the duty of the Chairman to call and preside over the meetings of the Board of Trustees, to direct the recording of minutes of deliberations, and to appoint committees and assign their respective activities. The Chair shall sign all resolutions, contracts, deeds and other legal instruments made by the Authority. The Chair shall be authorized to sign or countersign orders and checks for the disbursement of money.

The Vice-Chairman shall perform the duties of the Chairman in absence or incapacity, ~~;~~ including exercising authority to sign or countersign orders or checks for the disbursement of

money. In case of the resignation or death of the Chairman, the Vice-Chairman shall automatically become the Chairman for the remainder of the vacancy.

Section 5. Secretary and Assistant Secretary

The Trustees shall elect a Secretary from its membership by a simple majority vote of its members and may appoint an Assistant Secretary. The Secretary and the Assistant Secretary shall serve terms of one year beginning August 1 of each calendar year. Should the office of Secretary become vacant, the Authority shall elect a successor from among its members at the next meeting, and such election shall be for the unexpired term of said office.

The Secretary shall attest to all resolutions, contracts, deeds and other legal instruments made by the Authority, and shall sign Certificates of the Recording Officer as required. The Secretary shall be authorized to sign or countersign orders and checks for the disbursement of money.

The Assistant Secretary shall perform the duties of the Secretary in absence or incapacity; provided, however, shall not sign or countersign orders or checks for the disbursement of money.

Section 7. Treasurer

The Trustees shall elect a Treasurer by a simple majority vote of its members and The office of Treasurer is not required to be held by a Trust member.

Section 6. Compensation

A Trustee shall receive no compensation for services, but shall be entitled to necessary expenses, including traveling expenses incurred in the discharge of office.

ARTICLE III-EMPLOYEES

The Trustees may appoint a general manager for the Trust Estate and may, at their discretion, employ such other clerical, professional, legal, and technical assistance as may be deemed necessary in the discretion of the Trustees to properly operate the business of the Trust Estate, and may upon majority vote, fix their duties, terms of employment and compensation. All Trustees shall serve without compensation but may, upon majority approval from the Trustees, be reimbursed for reasonable expenses incurred in the performance of their duties hereunder.

In the event a general manager is appointed by the Trustees, the said general manager shall administer the business of the Trust Estates as directed from time to time by the Trustees. The general manager shall assume responsibility for the employment of any subordinate employees of the Trust as necessitated by the needs of the Trust. The Trustees themselves shall not deal directly with the subordinates of the general manager, but shall do so only through the general manager.

The Trustees may appoint other employees as necessary.

ARTICLE IV-MEETINGS

Section 1. Meetings

All meetings of the City of Muskogee Dr. Martin Luther King Jr. Community Trust Authority shall be open unless an executive session is authorized. The requirements of the Oklahoma Open Meetings Act shall be adhered to.

Section 2. Regular Meetings

The Trustees of the Dr. Martin Luther King Jr. Community Trust Authority shall hold regular meetings of the of each quarter at the Dr. Martin Luther King Jr. Community Center, 300 Martin Luther King Street, Muskogee, Oklahoma. However, the Trustees may, by a simple majority vote, cancel or change the date or location of the next regular meeting, subject to the requirements of the Oklahoma Open Meetings Act

Section 3. Special Meetings

The Chairman may, when deemed necessary, or shall upon the written request of two Trustees, call a special meeting of the Trustees for the purpose of transacting any business designated in the call. The written notice and agenda of a special meeting shall be delivered to the City Clerk of the City of Muskogee and each Trustee, and be delivered to the business or home address of each Trustee at least two (2) days prior to the date of such special meeting. Notices shall be posted as required by the Oklahoma Open Meetings Act by the General Manager.

Section 4. Annual Meeting

There shall be an Annual Meeting held each calendar year. The Trustees shall elect officers at the Annual Meeting for the coming year as prescribed by Article II, of these By-Laws.

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A majority of the Trustees shall constitute a quorum for the purpose of conducting business and exercising the powers of the Authority and for all other purposes, when a quorum is in attendance, action may be taken by a majority vote of the Trustees present.

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The voting on all questions coming before the Trustees shall be by roll call; and the Aye's and Nay's shall be entered on the Minutes of the meeting.

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ARTICLE V-ANNUAL REPORT

Section 1.

The Trustees shall prepare annually a report of the Authority's activities during the preceding fiscal year ending 30 June to include a complete financial statement setting forth its assets, liabilities, income and operating expenses as of the end of such fiscal year. This report shall be submitted to the City of Muskogee before 31 July of each calendar year.

The Trustees shall submit to the City of Muskogee an interim report in April of each year in conjunction with a proposed budget and allocation request.

ARTICLE VI-AMENDMENTS

Section 1. Amendments to By-Laws

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NOW THEREFORE, BE IT RESOLVED BY THE CITY OF MUSKOGEE DR. MARTIN LUTHER KING JR. COMMUNITY CENTER TRUST AUTHORITY OF THE CITY OF MUSKOGEE, OKLAHOMA:

ADOPTED this 3rd day of March, 2016. (copy of the minutes from March of 2016 are attached)

_____

CHAIRMAN

Attest:

_____
SECRETARY

RATIFIED AND ACCEPTED THIS _____ DAY OF _____, 2024.

_____
W. PATRICK CALE, MAYOR

ATTEST:

_____
TAMMY L. TRACY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS _____ DAY OF _____, 2024.

_____
KATRINA BODENHAMER, CITY ATTORNEY

Minutes
of the Dr. Martin Luther King Jr., Community Center Trust Authority Special call session, at the Training Room of the Neighbors Building Neighborhoods
Thursday March 3, 2016

The Board of Trustees of the Dr. Martin Luther King Jr., Community Center Trust Authority of the City of Muskogee, OK met in Special Call Session in the Training Room of Neighbors Building Neighborhoods.

The meeting was called to order by Perline Boyattia, Secretary. Roll Call was as follows:

Present: Trustees Perline Boyattia, Randy Howard, Kenny Payne, Interim City Manager Roy Tucker, Interim City Attorney Matthew Beese. Trustee Wayne Johnson arrived after roll call was present.

Absent: Chairperson David Ragsdale

Others Present: Councilmember Derrick Reed, Mike Miller, Jean Kingston, Kim Lynch, Neighbors Building Neighborhoods, Perry Hewitt, Beckman Insurance

1. *Wayne Johnson received motion to approve the February 18 special called meeting minutes. (Howard, Payne) motion passed unanimously*

2. Interim City Attorney Matthew Beese led the discussion and addition to the By-Laws were as followed:
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Secretary-elect	Ending August 2020	Randy Howard
Member	Ending August 2021	Kenny Payne

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    a. It was agreed upon that an accountant's review would be appropriate for the four months and a full audit would take effect for 2017.

    b. Motion was made that a bank account would be opened with two signatures required, and a credit card be secured with a limit of $3,500 with viewing capability on transactions available. (Johnson, Howard) motion passed unanimously

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5. Perline Boyattia led the discussion to the previously City Council approved Rental Policies for the Dr. Martin Luther King Jr., Community Center.
   Motion was made to accept the Rental Policies for the Dr. Martin Luther King Jr., Community Center. (Boyattia, Payne) motion passed unanimously
    a. Discussion was led on the definition of prime and extended dates for 2016
       Motion was made to delegate the authority to the Facility Manager to set the extended and prime dates. (Payne, Boyattia) motion passed unanimously

6. Discussion took place on the potential naming of the Community Resource Room as well as other rooms. Kim Lynch will research other facilities and bring information to the Trust*. No action was taken.*

7. Jean Kingston shared information regarding the City's insurance quote for the MLKCC building.
   Motion was made to authorize the City to add the MLKCC building to the current policy at a cost of $6,300. (Payne, Boyattia) motion passed unanimously

8. Kim Lynch updated the Trust on programs and rentals. The ribbon cutting will be held on March 21, 2016 at 4:00pm.

9. Wayne Johnson gave a report on the progress of construction of the MLKCC.

There being no further business the meeting was adjourned at 3:26 pm. Next meeting will be held April 7, 2016 @ 4:00 pm at the MLKCC.

Respectfully submitted _____
Perline Boyattia, Secretary

Public Works Committee **8.**

Meeting Date: 08/12/2024

Submitted For: Avery Rigney, Public Works

Initiator: Avery Rigney, Asst. Public Works Director

Department: Public Works

Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of a Right-of-Way (ROW) application to the Muscogee Creek Nation, herein described as "A strip of land being 20.00 feet wide lying in part of the W 1/2 NW 1/4 of Section 13, Township 15 North, Range East of the Indian Base and Meridian, Muskogee County, Oklahoma" in perpetuity for the use of installation of a Force Main Sanitary Sewer to be constructed by the Muscogee Creek Nation, and thereafter accepted by the City of Muskogee into City maintenance, or take other necessary action. (Mike Stewart)

BACKGROUND:

The Creek Nation has purchased the former St. Francis campus on the corner of N Main St and Harris Road in Muskogee County. The property is currently on a lagoon style sanitary sewer system. There are no existing City sewer mains in the area that they could tie into. Since this is the case, the Creek Nation has worked with HUB engineering and the City of Muskogee to design plans for a sanitary sewer force main that will eventually become a part of the City's sanitary sewer system if it passes the necessary inspections. To construct this line they must be in the City Right of Way, this application gives them access to the area needed to construct the sanitary sewer force main.

The City Council voted in October of 2023 to accept the Sanitary Sewer Line after satisfactory construction. This agenda item allows the project to continue moving forward.

RECOMMENDED ACTION:

Staff recommends approval.

Fiscal Impact

FUNDING SOURCE:

No fiscal impact to the City of Muskogee.

Attachments

Attachment 1

Attachment 2

Realty Trust Services
P.O. Box 580 | Okmulgee, OK 74447
P 918.732.7757 | F 918.758.0745

MUSCOGEE (CREEK) NATION
REALTY TRUST SERVICES

APPLICATION FOR RIGHT-OF-WAY
(Tribal Fee Tracts)

COMES NOW THE APPLICANT, _____, this _____ day of _____, 20 24 , who hereby petitions the Muscogee (Creek) Nation and respectfully files under the terms and provisions of the Muscogee (Creek) Nation Constitution and Code, an application for right-of-way.

Land Description: A strip of land being 20.00 feet wide lying in part of the W1/2 NW1/4 of Section 13, Township 15 North, Range 18 East of the Indian Base and Meridian, Muskogee County, Oklahoma.

Easement Description: See attached Exhibit A - Legal Description

Said Right-of-Way to be varies in length, 20' in width, and 0.60 acres in size/area, as shown on the map of definite location attached hereto, and made a part hereof. (For Pipelines, show size of line and type of coupling used.)

Purpose: Force Main Sewer Line

Term Requested: Perpetual years
(20-year maximum; for roads, a maximum 50-year term will be considered)

Is this a renewal? YES [ ] NO [X]

*If YES, list the previous right-of-way number and any other pertinent information: N/A

Permanent Improvements: None

Identify ownership of permanent improvements associated with the right-of-way and the responsibility for constructing, operating, maintaining and managing or removal of permanent improvements.

Will the right-of-way affect the overall use of the land? YES [ ] NO [X]

REQUIRED SUPPORTING DOCUMENTS
(submit with application)

1. **Application fee:**
   a. A non-refundable made payable to Muscogee (Creek) Nation, Realty Trust Services is due at the time of application submission.
   b. Application fee shall be $500.00 or 10% of the right-of-way grant amount, whichever is greater;
   c. Fee amount shall be adjusted as needed and at the discretion of the Realty Department;

Realty Trust Services
P.O. Box 580 | Okmulgee, OK 74447
P 918.732.7757 | F 918.758.0745

d. All fee payments shall be submitted to:
   Muscogee (Creek) Nation
   ATTN: Realty Trust Services
   PO Box 580
   Okmulgee, OK 74447

2. Accurate **legal description** of the right-of-way, its boundaries, and associated parcels. The legal description shall be prepared using GEODETIC NORTH BEARINGS. Grid bearing will not be accepted;
3. A **map of definite location** of the right-of-way. A TRUE NORTH (aka GEODEDIC NORTH) survey plat signed by a professional surveyor or engineer showing the location, size and extent of the ROW and other related parcels, with respect to each affected parcel of individually owned Indian lands, tribal lands, or BIA lands and reference to the public surveys, showing existing facilities adjacent to the proposed project.
4. For Pipeline Companies, other Utility providers, or operators, the following is required:
   a. Maps or drawings which shall show the location, size, and capacities of all pipelines lines thereof;
   b. Maps or drawings which shall show the location, size, and capacities, and connections of pumps and tanks of any sort located on the subject tract; and
   c. Copies of grants of right-of-way for any existing lines thereof in which their company owns an interest.
5. With each application, if the applicant is a corporation, limited liability company, partnership, joint venture, or other legal entity, information such as organizational documents, certificates, filing records, and resolutions demonstrating that;
   a. The representative has the authority to execute the application;
   b. The right-of-way will be enforceable against the applicant; and
   c. The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located.
6. **Bond(s), Insurance** and/or **Other Security:**
   a. Bonds, insurance, or alternative forms of security meeting the following requirements:
      i. The highest annual rental specified in the grant, unless compensation is a one-time payment;
      ii. The estimated damages resulting from the construction of any permanent improvements;
      iii. The estimated damages and remediation costs from any potential release of contaminants, explosives, hazardous material or waste;
      iv. The operation and maintenance charges for any land located within an irrigation project;
      v. The restoration of the premises to their condition at the start of the right-of-way or reclamation to some other specified condition if agreed to by the landowners.
   b. Accepted bond forms:
      i. Certificates of deposit issued by a federally insured financial institution authorized to do business in the United States;
      ii. Irrevocable letters of credit issued by a federally insured financial institution authorized to do business in the United States;
      iii. Negotiable Treasury securities; or
      iv. Surety bonds issued by a company approved by the U.S. Department of the Treasury.
   c. The bond may be waived by the Tribe if:
      i. The total compensation amount for the right-of-way is paid in full at the time of approval; and
      ii. The Tribe determines that waving the bond is in the Nation's best interest.
   d. If you are submitting "Estimated Damages" or any other form of cash bond, please note exactly what said bond is for on the bond form and submit to the BIA Lockbox at:
      Muscogee (Creek) Nation
      ATTN: Realty Trust Services
      PO Box 580
      Okmulgee, OK 74447

Realty Trust Services
P.O. Box 580 | Okmulgee, OK 74447
P 918.732.7757 | F 918.758.0745

7. Record that **Notice** of the right-of-way was provided to the Tribe's Principal Chief, the Creek Nation National Council, and the Tribal Historic Preservation Officer;
8. Current and/or previous environmental and archaeological reports, surveys, and site assessments as needed to facilitate compliance with applicable Federal and Tribal environmental and land use requirements;
9. Full data set of build-around costs if requested;
10. For pipelines or other utility, provide a record of prior year throughput amount and income for existing lines. For new lines, provide a record of prior year throughput amount and income for comparable lines in the area;

OTHER REQUIREMENTS

1. A **valuation** will be ordered by the Realty Office, at the cost of the applicant, for the sole use of the Tribe;
2. **Payment(s)** –
   a. Compensation may be a one-time, lump sum payment, or paid in increments. However, payment must be made in full unless otherwise expressed in the approved right-of-way document;
   b. Payment shall be made within 10 days upon approval;
   c. All compensation payments should be labeled with the following information:
      i. Muscogee (Creek) Nation and Site Name;
      ii. MCN ROW No.
   d. All compensation payments should mailed to:
      Muscogee (Creek) Nation
      ATTN: Realty Trust Services
      PO Box 580
      Okmulgee, OK 74447
3. Upon conference with the Tribal Historic Preservation Officer, applicant shall provide a developmental plan to identify:
   a. Natural or cultural resources and their specific location;
   b. Specific plan for removal of said natural or cultural resources including compensation for said removal and offer for recompense;
   c. Plan for ground cover remediation and offer for recompense.
4. For new rights-of-way, an **affidavit of completion** is required.
   a. Affidavit must be submitted to the Realty Office within 15 days of project completion;
   b. Failure to submit an affidavit of completion is grounds for immediate termination of this contract in its entirety.

On receipt of this information, an inspection will be conducted by our office to determine the adequacy of offer of payment and consideration given to final approval.

SAID APPLICANT UNDERSTANDS AND EXPRESSLY AGREES TO THE FOLLOWING STIPULATIONS AS THEY APPLY TO THE PERTINENT TYPE OF RIGHT-OF-WAY:

1. The Tribe maintains its existing jurisdiction over the land, activities, and persons within the right-of-way and surrounding land;
2. Applicant shall refrain from interfering with the Tribe's use of the land, by or under the authority of the Tribe;
3. The Tribe reserves its right to reasonable access to the lands subject to the grant to determine grantee's compliance with terms of this grant, consent conditions, or to protect public health and safety;
4. The Tribe, the Realty Office and/or other Tribal representatives may treat any action, act, or provision of a grant that violates Federal or Tribal law as a violation of the grant. Applicant understands that this right-of-way contract can and shall be terminated for the failure to comply with any term or condition of this application, grant or the applicable regulations or laws;

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5. Applicant must pay for acquiring an appraisal, supplied specially and exclusively to the Tribe for the purpose of negotiation of this or any future contract relating to this grant. The appraisal will not be provided to the Grantee/Applicant;
6. A onetime payment must be made by the Grantee in the total amount of compensation due in lieu of a bond, insurance or alternative security unless otherwise specified by the Tribe;
7. Shall pay promptly all damages and compensation;
8. Shall pay, if requested by the Tribe, a bond or alternative form of security made to be due to the Tribe and authorized users and occupants of land as a result of the granting, construction and maintenance of the right-of-way;
9. Applicant understands that their interest in the property is a non-possessory interest. Said interest does not allow any third party use of right of way, commonly referred to as “piggybacking”. If Applicant becomes knowledgeable of a third party use of this right of way, applicant shall notify the trespasser, the Realty Office, and the Principal Chief within 72 hours. Failure to comply with this section shall constitute a breach of this contract;
10. If, during the course of any activity associated with this grant, historic properties, artifacts, archeological resources, human remains, or other cultural items not previously reported are encountered:
    a. Cease all activities IMMEDIATELY;
    b. Contact the BIA, the Realty Office, and the Tribal Historic Preservation Officer to determine how to proceed and appropriate disposition.
11. In the event of any litigation naming the Muscogee (Creek) Nation or their agents, representatives, or authorized users or occupants for any liability associated with this right-of-way grant, applicant shall provide fees to a litigation account to adequately fund the defense of aforesaid. Said fund:
    a. Will be adequate to hire expert counsel and witnesses in the field of real estate, liability and pertinent industry; and
    b. Shall be provided until the above named have been dismissed from suit or until the suit has been resolved by a court of competent jurisdiction.
12. Grantee shall, at all times, keep the Realty Office informed of its address, principal place of business, associated corporations, and the names of its principal officers;
13. The grantee has no right to any of the products or resources of the land, including but not limited to timber, forage material, mineral, animal resources, or any other resources of any kind or nature;
14. Comply with all applicable laws and obtain all required permits whether it be Tribal, Federal or State law;
15. Comply with due diligence requirements:
    a. If permanent improvements are to be constructed, the right-of-way grant must include due diligence requirements that require the grantee to complete construction of any permanent improvements within the schedule specified in the right-of-way grant or general schedule of construction, and a process for changing the schedule by mutual consent of the parties.
    b. If construction does not occur, or is not expected to be completed, within the time-period specified in the grant or application, the grantee must provide the Tribe and Realty Office with:
        i. An explanation of good cause as to the nature of any delay;
        ii. The anticipated date of construction of facilities; and
        iii. Evidence of progress toward commencement of construction.
    c. Failure of to comply with the due diligence requirements of the grant or application is a violation of the grant and may lead to cancellation of the right-of-way.
16. Shall construct, operate, repair, and maintain improvements within the right-of-way in a manner that is professional, consistent with industry standards, and that is respectful of the Tribe, occupants, and land itself;
17. Applicant shall build and repair such roads, fences and trails as may be destroyed or injured by construction or maintenance work and to build;
18. Applicant shall maintain necessary and suitable crossings for all roads and trails that intersect the works constructed, maintained, or operated under said right-of-way grant;

19. Take soil conservation and erosion protection measures on an ongoing basis to ensure that the soil level does not sink. If the soil level sinks, it shall be restored to a correct and adequate level and depth after compaction within 14 days of notification;
20. Take resource conservation protection measures on an ongoing basis to the extent compatible with the purpose.
    a. Maintain clean equipment, free of any noxious weeds, while onsite;
    b. Clear and keep clear the land within said right-of-way to prevent noxious weeds;
    c. At the direction and approval of the Realty Office, dispose of all vegetative and other material cut, uprooted or otherwise accumulated during construction and maintenance of the project;
    d. Removal of any trees shall require approval by the Realty Office. Failure to obtain approval for tree removal shall constitute a forestry trespass as specified in Tribal Forestry Code.
21. Do everything reasonable to prevent and suppress fires on or near the land to be occupied under the right-of-way contract;
22. Pipelines, if applicable, shall not leak. Applicant shall report any leaks to the Realty Office within 24 hours after any leak is detected. If a leak is detected on a weekend, the Realty Office should be notified via electronic mail immediately and then contacted by phone at 8am on the next business day. Failure to do so will be considered as a breach of the right-of-way contract;
23. Shall not commit waste:
    a. Shall not cause or permit any Hazardous Material to be placed, held, located or disposed of on, under or at the subject tract of land or any part thereof;
    b. Shall not discharge Hazardous Material into the atmosphere or any water course, or body of water from the subject tract of land or any part thereof;
    c. Shall not permit any Hazardous Material ever to be placed, held, located or used on the property or any part thereof, except to the extent permitted by applicable law and to the extent such Hazardous Material is necessary to the construction and maintenance of the right-of-way;
    d. Applicant may use Hazardous Material on the property if and to the extent permitted by and used strictly in accordance with Tribal and Federal Environmental Laws and other applicable laws if the use of such Hazardous Materials poses no substantial risk of material contamination of the property and is approved by the Realty Office;
24. Upon completion of the construction, revocation, expiration, or termination of the right-of-way, applicant shall restore the land, to a condition superior to the state of the land prior to ground disturbance or another reclamation remedy if agreed to by the landowner(s). Vegetation similar to what is in the area of the right-of-way shall be planted to provide the same appearance as with neighboring land;
25. Applicant understands that this right-of-way contract can and shall be terminated for the failure to comply with any term or condition of this application, grant or applicable regulations and Tribal Code;
26. The Tribe may treat any action, act, or provision of a grant that violates Federal or Tribal law as a violation of the grant;
27. Termination or cancellation shall include but is not limited to:
    a. Removal of the pipe at the company's expense;
    b. Reclamation and remediation;
    c. Compensation for damages at the discretion of the Muscogee (Creek) Nation;
    d. Subsequent right-of-way application, application fee, and compensation.
28. Nonuse for a consecutive 2-year period for the purpose for which said was granted is considered abandonment and is grounds for termination of the right-of-way contract.
29. Notify the Tribe, specifically the Realty Office, if the company files for bankruptcy or is placed in receivership;
30. For pipelines, new and existing of any kind, a report of throughput shall be provided on a quarterly basis to the Realty Office for the affected tract;
31. Applicant shall indemnify and hold harmless, regardless of fault the following entities against any liability for loss of life, personal injury, property damage, or any other issue arising from the

construction, maintenance, occupancy or use of the land by the applicant, its employees, contractors and their employees, or subcontractors and their employees:
   a. The Muscogee (Creek) Nation; and
   b. Their agents or representatives; and
   c. Authorized users and occupants of subject land.

32. Assignment(s) of said easement shall not be permitted. Any further compensation that is required shall be paid to the Grantor/Landowner(s).
   a. If grantee wishes to transfer ownership or assign interest in right-of-way, grantee must submit application to the Realty Office. Upon transferring ownership or assigning interest in the right-of-way, applicant shall compensate landowners an amount equal to 50% of the initial grant of easement for right-of-way, adjusted pursuant to the US Department of Labor Statistics, Consumer Price Index for all Urban Consumers, US City Average. (Note: See Bureau of Labor Statistics for the correct formula for the site area);
   b. Any unapproved assignments are subject to payment, by assignor AND the assignee, separate, of 100% of the initial grant of easement for right-of-way, adjusted pursuant to the US Department of Labor Statistics, Consumer Price Index for all Urban Consumers, US City Average. (Note: See Bureau of Labor Statistics for the correct formula for your area)
33. Applicable taxes:
   a. Permanent improvements in a ROW, without regard to ownership of those improvements, are not subject to any fee, tax, assessment, levy, or other charge imposed by any State or political subdivision of a State;
   b. Activities under a ROW grant are not subject to any fee, tax, assessment, levy, or other charge (e.g., business use, privilege, public utility, excise, gross revenue taxes) imposed by any State or political subdivision of a State; and
   c. The ROW interest is not subject to any fee, tax, assessment, levy, or other charge imposed by any State or political subdivision of a State.
   d. Improvements, activities, and ROW interests may be subject to taxation by the Muscogee (Creek) Nation.
34. Mortgage(s) of right-of-way shall not be permitted. Mortgages must be processed by the Realty Office and approved by the Tribe. Be advised that any mortgage of right-of-way without prior approval is invalid and subject to but limited to:
   a. Cancellation or the right-of-way grant;
   b. Compensation of 100% of the initial right-of-way grant amount, adjusted pursuant to the US Department of Labor Statistics, Consumer Price Index for all Urban Consumers, US City Average (Note: See Bureau of Labor Statistics for the correct formula for the site area);
   c. Fine of $50,000.00 payable to the Indian landowner(s);
   d. Administrative fees of $25.00 for each letter, telephone call, or email made to collect fines, fees, compensation, or damages;
   e. Need for new right-of-way application including all fees and compensation associated with such application.
35. Expired rights-of-way:
   a. Applicant understands that the Tribe has the authority to approve any expired right-of-way;
   b. Expired rights-of-way shall be treated as new rights-of-way;
   c. The holdover time will be charged to the new right-of-way term. The new term will begin at previous expiration date.
   d. The new term will begin upon approval of the new right-of-way grant with a 20-year maximum term. For roads, a 50-year maximum term will be considered.
   e. The interim timeframe from expiration to approval will be addressed as a trespass and damages, fees, and fines will be assessed as such.
   f. If new right-of-way is not obtained, permanent improvements must be removed within 90 days at the grantee's expense. Failure to remove permanent improvement(s) by the specified time period shall give the Indian Landowner the option to take possession and title to all permanent

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improvement(s) and to proceed with trespass proceedings to access appropriate damages, fees and fines.

THE APPLICANT FURTHER STIPULATES AND EXPRESSLY AGREES AS FOLLOWS:
To conform and to abide by all applicable requirements contained within this application with respect to the right-of-way herein applied. The applicant agrees to conform to and abide by the rules, regulations, and requirements contained in the Tribal Code and/or Tribal law and applicable Federal law, and by reference includes such rules, regulations and requirements as a part of this application to the same effect as if the same were herein set out in full. Failure to adhere to all requirements will be construed as a breach of contract and result in the termination of the right-of-way contract.

APPLICANT CONTACT INFORMATION:

Name: City of Muskogee, Oklahoma, Mike Miller, City Manager
Name/Title

Address: 229 W Okmulgee Ave.

Muskogee, OK 74401

Phone No(s): 918-682-6602

Email: _____

_____

Applicant Signature Mike Miller, City Manager Date

_____

Witness Signature Date

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MUSCOGEE (CREEK) NATION
REALTY TRUST SERVICES

APPLICANT'S CERTIFICATE

I, Mike Miller (official's name & title), do hereby certify that I am the City Manager (position) employed by and representative of City of Muskogee, Oklahoma (company name), hereinafter designated the applicant; that _____ (surveyor/engineer name) who subscribed to the foregoing affidavit, is employed by the applicant as a Surveyor/Engineer and that he/she was directed by the applicant to survey the location of a right-of-way and to prepare this map; that the location of said right-of-way, being Varies feet in length and 20' feet in width and being more particularly described as follows:

See attached Exhibit A - Legal Description

and is accurately represented on this map; that such survey as represented on this map has been adopted by the applicant as the definite location of the right-of-way thereby shown; and that the map has been prepared to be filed with the Secretary of the Interior or his duly authorized representative as part of the application for said right-of-way to be granted the applicant, its successors and the assigns, with the right to construct, maintain, and repair improvements, thereon and thereover, for such purposes, and with the possible right in the applicant, its successors and assign, to transfer this right-of-way by assignments, grant, or otherwise with prior approval by the Secretary and the landowners.

Official's Signature Date
Mike Miller, City Manager

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MUSCOGEE (CREEK) NATION
REALTY TRUST SERVICES

EVIDENCE OF AUTHORITY OF OFFICERS TO EXECUTE PAPERS

(To be sworn to by the President, Chairman, Board Member, or Secretary of a Corporation and sealed with its seal)

I solemnly swear that Mike Miller was on
(representative authorized to sign application on behalf of company, entity, etc)
the _____ day of _____, 20_____, was the duly
appointed City Manager for City of Muskogee, Oklahoma,
(representative's title) (company name)
a corporation, organized under the laws of the State of Oklahoma;

at which time he/she was authorized to execute the application for a _____
right-of-way for a force main sewer line
(type, size, general description of ROW)
on behalf of said corporation, covering certain Restricted and/or Trust Indian Land within the Muscogee (Creek) Nation Reservation within the State of Oklahoma; that he/she was fully empowered to execute said instrument and all papers in connection therewith, and that action in executing the same binds the said corporation to full performance of all obligations there under.

[CORPORATE SEAL]

_____
Name of Company Official Title

_____ _____
Signature Title Date

Subscribed and sworn to before me this _____ day of _____, 20_____.

(SEAL)

_____
Notary Public

My Commission Expires: _____

*If this application is being submitted by a contractor representing another company, the contractor's name should be added as "Representative" on this form.

Exhibit A – Legal Description

A strip of land being 20.00 feet wide lying 10.00 feet each side of the following described centerline: Commencing at the Northwest corner of Section 13, Township 15 North, Range 18 East of the Indian Base and Meridian, Muskogee County, Oklahoma, thence S01°28'55"E along the West line thereof 1,031.48 feet; thence N88°31'05"E 24.75 feet to the point of beginning; thence N88°10'30"E 522.75 feet to a point of curvature; thence on a curve to the left having a radius of 90.00 feet, a chord which bears N65°45'39"E 68.63 feet, an arc distance of 70.42 feet; thence N43°20'34"E 300.00 feet to the point of termination.

Also

A strip of land being 20.00 feet wide lying in part of the W1/2 NW1/4 of Section 13, Township 15 North, Range 18 East of the Indian Base and Meridian, Muskogee County, Oklahoma, being more particularly described as follows: Commencing at the Northeast corner of said W1/2 NW1/4, thence S01°32'41"E along the East line thereof 723.57 feet to the point of beginning; thence S01°32'41"E along said East line 20.01 feet; thence N90°00'00"W 421.48 feet; thence N43°20'48"E 27.50 feet; thence N90°00'00"E 402.06 feet to the point of beginning.

Containing a total of 0.60 acres, more or less.

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MUSCOGEE (CREEK) NATION
REALTY TRUST SERVICES

ENGINEER'S AFFIDAVIT

STATE OF Oklahoma
ss:
COUNTY OF Muskogee

I, _____, being duly sworn state that I am the Engineer for
(name & title)
_____; that the attached survey was made by myself (or under
(company)
my direction); that I have examined the field notes of the survey for a _____
(ROW type)
right-of-way as described and shown on this map to be granted by the United States, Department of Interior, Bureau of Indian of Affairs; this map was prepared under my direction from said field notes and under my authority, commencing on this _____ day of _____, 20_____ and ending on the _____ day of _____, 20_____. Said right-of-way is accurately located and represented on the map attached hereof and being _____ feet in length and _____ feet in width and more particularly described as:

_____

_____

_____

_____

_____
Name/Title Date

Subscribed and sworn to before me this _____ day of _____, 20_____.

(SEAL)

_____
Notary Public

My commission expires _____

Public Works Committee **9.**

Meeting Date: 08/12/2024

Submitted For: Katrina Bodenhamer, City Attorney

Initiator: Katrina Bodenhamer, City Attorney

Department: City Attorney

Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of City Council Policy 1-16, setting forth a City Council Policy related to the seniority status of its members, or take other necessary action. (Katrina Bodenhamer)

BACKGROUND:

The City of Muskogee does not have a policy relating to the seniority of City Council members. Based on direction to Staff, this policy was prepared and sets out the procedure for seniority status based on a council member's length of continuous, uninterrupted service on City Council.

RECOMMENDED ACTION:

Approve the Council Policy.

Fiscal Impact

Attachments

City Council Policy 1-16 Seniority

COUNCIL POLICY 1-16

SENORITY POLICY FOR CITY COUNCIL MEMBERS

DISTRIBUTION: Mayor and City Council
All Departments

SUBJECT: Seniority Policy

PURPOSE: To establish a policy related to the seniority of City Council

BACKGROUND: Members of the City Council would like a written policy related to the seniority structure of City Council members. This will help clarify the standing of City Council members who were previously members of council, and were elected to City Council after an absence.

POLICY/ PROCEDURES:

1. The City Council of the City of Muskogee hereby establishes a policy that a City Council member's seniority shall be based on the uninterrupted length of their continual service, and that there will be no bridge for seniority after a City Council member serves any time off the City Council of the City of Muskogee. A returning City Council member's prior seniority will not be bridged based on their previous tenure as a City Council member.

REFERENCES: None.

EFFECTIVE DATE/
RESCISSION: This policy shall become effective on the ___ day of _____, 2024.

RESPONSIBLE
DEPARTMENT: City Manager

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA THIS _____ DAY OF _____, 2024.

_____
W. PATRICK CALE, MAYOR

Attest:

(Seal)

_____
TAMMY L. TRACY, City Clerk

(seal)

Approved as to form and legality this _____ day of _____, 2024.

_____
KATRINA BODENHAMER,
CITY ATTORNEY

Public Works Committee **10.**

Meeting Date:	08/12/2024		
Submitted For:	Tammy Tracy, City Clerk	Initiator:	Tammy Tracy, City Clerk
Department:	City Clerk		
Staff Information Source:			

Information

AGENDA ITEM TITLE:

Consider approval of City Council Policy 6-4, Uniform Method of Filling Vacancies on Boards, Commissions, Public Trusts, or Other Entities, or take other necessary action. (Tammy L. Tracy)

BACKGROUND:

At the City Council meeting held on July 22, 2024, City Council discussed the current method for filling boards, commissions, public trusts, and other entities.

This policy outlines that method.

RECOMMENDED ACTION:

Approve Council Policy 6-4

Fiscal Impact

Attachments

Council Policy 6-4

COUNCIL POLICY 6-4

DISTRIBUTION: Mayor and City Council
All Departments

SUBJECT: Uniform Method of Filling Vacancies on Boards, Commissions, Public Trusts, or Other Entities

PURPOSE: To document procedures for a uniform method of filling vacancies on boards, commissions, public trusts, or other entities by City Councilmembers as established by Ordinance No. 3972-A, passed by City Council July 13, 2015, Amended Ordinance No. 3972-A, passed by City Council on August 28, 2017 and Ordinance No. 4169-A, passed by City Council on July 25, 2022. It is the specific intent of this provision to allow each member of the City Council to have an equitable opportunity to appoint a member to all such entities.

POLICY/PROCEDURES:

1. It shall be the responsibility of the City Clerk to maintain a directory of appointments by Councilmember.

2. Where a vacancy exists, each member of the City Council, including the Mayor, shall be afforded the power of appointment of one (1) member to each board, commission, public trust, or other entity, subject to approval of the City Council. Vacancies occurring as a result of resignation or removal, shall be filled for the remainder of any unexpired term.

3. Any board, commission, public trust, or other entity, which has a membership fewer than nine (9), shall be entitled to be filled on a rotation basis, ensuring that each Councilmember is provided the opportunity to exercise the power of appointment.

4. All vacancies shall be filled as they arise on a rotating basis in order of seniority of the Councilmembers. Upon the occurrence of a vacancy, the most senior Councilmember who has not yet exercised his/her power of appointment on a particular board, commission, public trust, or other entity shall be notified and requested to make a nomination within 30 days, having the City Clerk place the nomination on the next upcoming meeting for City Council approval.

5. Where a Councilmember fails to tender a nomination within said timeframe, his/her power of appointment shall be deemed to be waived, with his/her power of appointment advancing to the next senior member.

6. A Councilmember who has waived his/her power of appointment shall not be permitted to make another appointment until all other Councilmembers have made an appointment.

7. Unless a board, commission, trust, or other entity requires that its membership include a member of the City Council, no Councilmember shall exercise his/her power of

appointment to appoint him/herself to any board, commission, public trust, or other entity.

8. Where two (2) or more councilmembers have the same seniority (sworn into office simultaneously) or where more than one (1) vacancy occurs, the power of appointment shall be determined by method of alphabetically based on the Councilmember's last name, provided each Councilmember shall, unless waived, be afforded the power of one (1) appointment per board, commission, public trust, or entity.

9. All boards, commissions, public trusts, and other entities shall be composed of the number of members and length of terms as established by each entity's Trust Indenture, Bylaws, State Statute, or City of Muskogee Ordinance.

10. No member of any board, commission, public trust, or other entity, after serving one (1) full term, shall eligible for reappointment until one (1) year has elapsed since his/her last service on the board, commission public trust, or other entity, unless specifically stated in their Trust Indenture, Bylaws, or established by City of Muskogee Ordinance.

REFERENCES: Ordinance 3972-A, Amended Ordinance 3972-A, and Ordinance 4169-A

EFFECTIVE DATE:_____, until rescinded by City Council.

RESPONSIBILITY DEPARTMENT: Office of the City Clerk

Dated this_____day of_____, 2024

_____
W. Patrick Cale, Mayor

ATTEST:

_____
Tammy L. Tracy, City Clerk

(SEAL)

APPROVED as to form and legality this_____day of_____, 2024.

_____
Katrina Bodenhamer, City Attorney

Public Works Committee **11.**

Meeting Date: 08/12/2024
Submitted For: Mike Miller, City Manager
Initiator: Judy Villalobos, Executive Assistant
Department: City Manager
Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of the recommended designation of an Acting City Manager in the temporary absence or disability of the City Manager in accordance with City Charter 3:03, or take other necessary action. (Mike Miller)

BACKGROUND:

Under Section 3:03 of the City Charter, the City Manager is required to file a letter with the City Clerk, subject to approval of the City Council, identifying a qualified city administrative officer to exercise his or her powers during the temporary absence or disability of the City Manager. City Manager Mike Miller has designated the following administrators in order of succession:

Assistant City Manager
City Attorney
City Clerk
Any other Department Head as appointed by the City Manager

RECOMMENDED ACTION:

Approve the designation identified by letter filed with the City Clerk.

Fiscal Impact

Attachments

memo

MUSKOGEE
City Manager

229 W. Okmulgee
Muskogee, OK 74401
Phone (918) 684-6201
Fax (918) 684-6223

MEMORANDUM

TO: City Clerk

FROM: City Manager

DATE: August 6, 2024

RE: Designation of Acting City Manager Pursuant to Sec. 3:03 of the City's Charter

As per section 3:03 of the City's Charter, I am required to appoint an Acting City Manager by letter filed with you and with the City's Council's approval. I am recommending the following positions in rank order:

1. Assistant City Manager
2. City Attorney
3. City Clerk
4. Any other department head as appointed by me

Should you have any question, please contact me at 918-684-6201.

Mike Miller
City Manager

END OF MEMORANDUM

Public Works Committee **12.**

Meeting Date: 08/12/2024

Initiator: Jody King, Planning Director

Information

AGENDA ITEM TITLE:

Discuss a Planned Unit Development (PUD) for property owned by the Urban Renewal Authority, located south of Shawnee Street in the Factory and Reeves 2 Additions, or take other necessary action. (Mike Miller)

LEGAL DESCRIPTION:

BACKGROUND:

The properties currently owned by the Urban Renewal Authority in the Factory and Reeves 2 Additions are covered by zoning classifications corresponding to the classifications in place when the properties were acquired. A proposed rezoning through the adoption of a Planned Unit Development (PUD) in accordance with90-05-01 et seq. of the Muskogee City Code of Ordinances will make future redevelopment easier for developers by creating more flexible regulations and removing the burden of rezoning individual parcels. The PUD will cover parts of Blocks 3 and 4, and all of Blocks 5 and 6 and 12 of the Factory Addition, as well as parts of Blocks 9 and 11 and 12, and all of Blocks 6 and 10 of the Reeves 2 Addition.

A Planned Unit Development essentially creates a set of development standards for this subdivision that replaces existing standards found in the City of Muskogee zoning code. In the case of this PUD, which covers residential and commercial development across the included properties, standards covered include:

- Reduces restrictions on residential and commercial lot size requirements
- Creates flexible customer parking environments
- Allows for architectural creativity
- Promotes multi-modal transportation
- Encourages the use of open space and landscaping

The Urban Renewal Authority met in regular session on Wednesday, July 17, 2024 to direct staff to make the application and prepare the PUD document.

A formal public hearing will be held on Monday, August 19, 2024 at the regular session of the Planning & Zoning Commission. This item is to introduce this body to the PUD and address and questions, concerns, or suggestions about the PUD.

RECOMMENDED STAFF ACTION:

Hold discussion and provide direction

Fiscal Impact

Attachments

Staff Report

MUSKOGEE
Planning Department

229 W. Okmulgee
Muskogee, OK 74401
(918) 684-6232

City of Muskogee Urban Renewal Area Planned Unit Development Agreement Executive Summary

Honorable Mayor and Members of the City Council:

It is my pleasure as the Director of Planning & Community Development to present to this body a Planned Unit Development to encourage development of the City's Urban Renewal Area.

Introduction and Purpose

The purpose of this Planned Unit Development (PUD) for the City of Muskogee Urban Renewal Area is to promote the 1984 Urban Renewal Plan. An urban renewal area is designed to promote the social, cultural, political, and economic development of an area that has been identified as blighted. This PUD is an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this chapter. The objective of the PUD is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations.

Current Use and Zoning

Currently the area we are discussing is a 26 acre portion of the URA Area bounded by North 11th Street, West Shawnee Street, Chicago Street, and Talladega Street, south and east of the Three Rivers shopping Plaza where T.J. Maxx is located. "Attachment A" shows the proposed area for rezone to PUD. Currently, the area is a mix of zoning which includes R-1 Single Family Residential, R-4 Multi-Family Residential, R-5 Mobile Home, and C-1 Local Commercial. 99% of the land is vacant and undeveloped. All lots are owned by the City. Three privately owned lots have been cut out from this rezone and will retain their current zoning and use category.

Proposed Deviations from the Existing Zoning Code

A PUD is written to achieve a higher level of design and to create open space, amenities, and to promote development styles currently not allowed by the existing zoning code. For items such as streets, traffic, water, sewer, stormwater and drainage, the standards written in this document mirror the City of Muskogee Code of Ordinances. We have made developmental changes that will ensure a mixed-use of residential and commercial structures to co-habitat in close proximity to promote development and walkability, but also to reduce the possibility of nuisances to protect the community. The following are the major changes made to the residential and commercial development standards to promote development and creativity in this PUD:

1. In the City of Muskogee Zoning Code, residential structures are broken up into various zoning districts that allows for most types of structures to be erected in the district. For this PUD, we have allowed for all types of housing, except for manufactured housing and tiny homes, to co-exist in this PUD given that proper screening and lighting standards are met for large apartment complexes that are adjacent to other types of housing. We have

also reduced the setback requirements, lot size minimums, parking minimums, and increased the lot coverage requirements to promote all sizes of residential development. We encourage the use of Accessory Dwelling Units, Single-Room Occupancy, and Short Term Rentals to address the need for older and disabled relatives to live near their family and to promote tourism to the City of Muskogee.

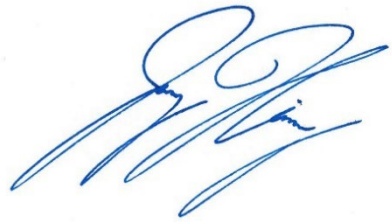
2. Commercial Structures are similar to our existing zoning code, but deviate in four key areas. First, this PUD is inclusive of most types of retail, restaurant, service oriented, and office development to best serve the nearby residential areas and the City of Muskogee as a whole. We will allow commercial to abut residential if they meet the screening and landscaping as outlined by this document to reduce nuisances. If a use is not on the included list, it may be permitted or determined to be a special use by the planning director. Second, commercial businesses are encouraged to undergo creative architectural design by creating flexibility into the document. Third, this document reduces the setback requirements to zero lot lines and no minimum lot size to best maximize the use of land to encourage economic resilience and to promote new business growth and expansion. Lastly, we are removing parking minimums on commercial businesses. The overuse of parking and parking minimums distracts the community from development and reduces economic resiliency by forcing a limited number of businesses to exist in a particular area because of the "seas of asphalt and concrete" which often are never filled to capacity.

Open Space and Accessibility

This PUD has been designed to encourage the creation of open space, sidewalks, bike paths, and other modes of transportation that reduce the dependence on cars and promote a safe, healthy built environment. Through this, we require the area to be ADA compliant in all aspects of its design and implementation. We also will use this document to promote community amenities to be built within the area which could include parks, gathering places, pools, etc.

It has been my pleasure to work on this document for the City of Muskogee and to promote development of our blighted areas. I am as optimistic now as ever that Muskogee can be a place for people to live, work, and play through encouraged development, collaboration, and public input. I want to thank the City Council, Planning Commission, and Urban Renewal Authority who wish to see the community prosper and to be resilient.

Sincerely,



Jody King, MPA
Director of Planning & Community Development

MUSKOGEE
Planning Department

229 W. Okmulgee
Muskogee, OK 74401
(918) 684-6232

Planning & Community Development Staff Report

- **City of Muskogee Urban Renewal Authority, July 17, 2024 at 4:00 P.M.**

Location: City of Muskogee City Hall, 229 W Okmulgee Ave., 3rd Floor Council Chambers

Discussion and possible action on the approval of a Planned Unit Development application for property owned by the Urban Renewal Authority south of Shawnee Street in the Factory and Reeves 2 Additions and directing Staff to process said application through the City of Muskogee.

Planning Department Analysis

- Current Zoning & Use:
  - Currently the area we are discussing is a 26 acre portion of the URA Area bounded by North 11th Street, West Shawnee Street, Chicago Street, and Talladega Street, south and east of the Three Rivers shopping Plaza where T.J. Maxx is located. The attached map shows the proposed area for a rezone to PUD. Currently, the area is a mix of zoning which includes R-1 Single Family Residential, R-4 Multi-Family Residential, R-5 Mobile Home, and C-1 Local Commercial. 99% of the land is vacant and undeveloped. All lots are owned by the City. Three privately owned lots have been cut out from this rezone and will retain their current zoning and use category.
- Most of the SE and all of the SW quarter of the NW quarter of Section 23, Township 15 North, Range 18 West of the Indian Meridian and most of the SW of the NE Quarter of Section 23, Township 15 North, Range 18 West of the Indian Meridian.

Legal Description: parts of Blocks 3 and 4, and all of Blocks 5 and 6 and 12 of the Factory Addition, as well as parts of Blocks 9 and 11 and 12, and all of Blocks 6 and 10 of the Reeves 2 Addition.

Background:
The properties currently owned by the Urban Renewal Authority in the Factory and Reeves 2 Additions are covered by zoning classifications corresponding to

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the classifications in place when the properties were acquired. A proposed rezoning through the adoption of a Planned Unit Development (PUD) in accordance with 90-05-01 et seq. of the Muskogee City Code of Ordinances will make future redevelopment easier for developers by creating more flexible regulations and removing the burden of rezoning individual parcels. The PUD will cover parts of Blocks 3 and 4, and all of Blocks 5 and 6 and 12 of the Factory Addition, as well as parts of Blocks 9 and 11 and 12, and all of Blocks 6 and 10 of the Reeves 2 Addition.

Discussion:

The purpose of this Planned Unit Development (PUD) for the City of Muskogee Urban Renewal Area is to promote the 1984 Urban Renewal Plan. An urban renewal area is designed to promote the social, cultural, political, and economic development of an area that has been identified as blighted. The rezone from the current zoning districts to a PUD is an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this chapter. The objective of the PUD is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations.

<u>Proposed Deviations from the Existing Zoning Code</u>

A PUD is written to achieve a higher level of design and to create open space, amenities, and to promote development styles currently not allowed by the existing zoning code. We have made developmental changes that will ensure a mixed-use of residential and commercial structures to co-habitat in close proximity to promote development and walkability, but also to reduce the possibility of nuisances to protect the community. The following are the major changes made to the residential and commercial development standards to promote development in this PUD:

1. In the City of Muskogee Zoning Code, residential structures are broken up into various zoning districts that allow for most types of structures to be erected in the district.
    a. This PUD allows for all types of housing, except for manufactured housing and tiny homes, to co-exist in this PUD given that proper

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screening and lighting standards are met for large apartment complexes that are adjacent to other types of housing.

b. This PUD reduces the setback requirements, lot size minimums, parking minimums, and increased the lot coverage requirements to promote all sizes of residential development.
c. This PUD encourages the use of Accessory Dwelling Units, Single-Room Occupancy, and Short Term Rentals to address the need for older and disabled relatives to live near their family and to promote tourism to the City of Muskogee.

2. Commercial Structures are similar to our existing zoning code, but deviate in four key areas.
    a. This PUD is inclusive of most types of retail, restaurant, service oriented, and office development to best serve the nearby residential areas and the City of Muskogee as a whole. We will allow commercial to abut residential if they meet the screening and landscaping as outlined by this document to reduce nuisances. If a use is not on the included list, it may be permitted or determined to be a special use by the planning director.
    b. Commercial businesses are encouraged to undergo creative architectural design by creating flexibility into the document.
    c. This PUD reduces the setback requirements to zero lot lines and no minimum lot size to best maximize the use of land to encourage economic resilience and to promote new business growth and expansion.
    d. This PUD removes parking minimums on commercial businesses. The overuse of parking and parking minimums distracts the community from development and reduces economic resiliency by forcing a limited number of businesses to exist in a particular area because of the “seas of asphalt and concrete” which often are never filled to capacity.

<u>Permitted and Special Use Chart</u>

The land use for this PUD would consist of mixed used residential and commercial development. A blank space or the absence of the use from the table below indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Planning Director to

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be a permitted or special use in the district, based on his evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

USE	Permitted	Special Use
RESIDENTIAL		
Household Living		
Dwelling, Single-Family	X	
Dwelling, Two-Family	X	
Dwelling, Multi-Family	X	
Dwelling, Mixed Use (commercial downstairs, residential upstairs)[1]	X	
Dwelling, Townhouse	X	
Dwelling, Senior Independent		X
Single Room Occupancy (SRO)		X
Accessory Dwelling Unit (maximum of 1 per lot)	X	
Short-Term Rentals		X
Group Living		
Community Residence, Large (8 or more persons)		X
Community Residence, Small (7 or fewer persons)		X
Assisted Living		X
AGRICULTURAL		
Urban Agriculture	X	
Community Gardens	X	
INSTITUTIONAL		

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Government and Educational		
Municipal/Public Building	X	
Public Library	X	
School, Preschool—12th Grade	X	
Religious		
Place of Worship	X	
Professional Services		
Day Care Home, Child		X
COMMERCIAL		
Eating and Drinking Establishments		
Café	X	
Catering Establishment	X	
Dairy Products or Ice Cream Store	X	
Delicatessen	X	
Restaurant (sit-down)	X	
Restaurant (drive-thru)		X
Restaurant (drive-in)		X
Amusement and Recreational Establishments Serving Alcoholic Beverages	X	
Nightclubs/Dance Halls Serving Alcoholic Beverages	X	
Tavern/Bar	X	
Restaurants with Private Clubs	X	

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Private Clubs	X	
Pool Halls, Serving Alcoholic Beverages	X	
Entertainment and Spectator Sports		
Drive-in Theater		X
Music Halls (indoor)		X
Theater (indoor)		X
Outdoor Amusement Enterprises		X
Adult Uses		X
Financial Services		
Bank	X	
Credit Unions or Bureaus	X	
Safe Depositories	X	
Savings and Loan	X	
Stock and Bonds Broker	X	
Trust Companies	X	
Food and Beverage Retail Sales		
Bakery, Retail (onsite production and sale)	X	
Convenience Food Store	X	
Fruit or Vegetable Stand		X
Grocery or Supermarket	X	
Liquor Store		X
Meat Market	X	
Medical Service		

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Dental/Medical Laboratory		X
Laboratories, Testing and Experimental		X
Research Laboratories		X
Indoor/Outdoor Supply		
Nursery or Garden Supply Store		X
Greenhouse		X
Monument Sales		X
Professional Office		
Professional Offices	X	
Office, Business	X	
Employment Agencies	X	
Abstract Companies	X	
Accountants	X	
Advertising Offices	X	
Collection Agencies	X	
Employment Agencies	X	
Finance Companies	X	
Medical Offices	X	
Messenger Services	X	
Protection Services	X	
Publicity Services	X	
Tax Consultants	X	
Utility Companies	X	

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Professional Studio		
Arts Instruction	X	
Retail Stores		
Barbershop, Beauty Shop, Nail Salon, Day Spa	X	
Retail Sales, Goods Produced on the Premises	X	
Shopping Center	X	
Retail Goods Establishment	X	
Sports and Recreation		
Bowling Alley	X	
Recreation Clubs, Private or Non-Profit	X	
Dance Hall	X	
Roller Skating Rink	X	
Vehicle and Equipment, Sales and Service		
Car Wash	X	
Ambulance Service, Office or Garage	X	
Gas Station	X	
Used Car Lot (no commercial garages, only incidental repairs)	X	
Battery Service and/or Oil Change Stations	X	
Motorcycle Sales and Repair and Small Engine Repair	X	
Muffler and/or Tire Shops	X	
Trailers for Hauling, Rental and Sales	X	
Vehicle and Machinery Repair, Used	X	

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Vehicle and Machinery Sales	X	

Note:

A. Height restriction of 10 stories or 115 feet on mixed-use structures.
B. Marijuana related facilities shall be banned from operating with this PUD.

Proposed Residential Design Standards

A. **Design Standards.** Development within the residential districts shall comply with the following design standards. Development shall include all new construction and existing structures if the existing structure is enlarged or remodeled by more than 51 percent. Any other material type may be permitted as long as they are not a prohibited material in this section and the material is pre-approved by the Planning Director or the Building Inspector.
    1. All commercial structures shall comply with the Building Code(s) adopted by the City of Muskogee.
    2. *Colors.* Predominant façade colors must be subtle, neutral or earth-tone colors. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are prohibited as predominant façade colors. Building trim and accent areas may be brighter and include primary colors.
    3. *Roof Design*. Buildings shall comply with the following roof design standards:
        a. Roofs shall be designed as an integral part of the façade design.
        b. Roof Material. Roofs shall be constructed using:
            1. Traditional asphalt shingles,
            2. Metal shingles,
            3. Clay, Tile, or other natural material,
            4. Wood Shingles,
            5. Slate,
            6. Composite Roofing,
        c. "Green roof" designs are encouraged.
    1. *Permitted Building Materials*. Permitted building materials for exterior use are as follows:
        a. Vinyl and insulated vinyl siding,
        b. LP SmartSide,
        c. Hardie Board Siding,

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d. Composite Siding
e. Natural and Composite Wood,
f. Stucco,
g. Fiber Cement Siding,
h. Brick, Masonry, or a combination of masonry and other siding types,
i. Steel Lap Siding.
j. Glass curtain walls (non-load bearing glass wall extending more than one story).

1. *Prohibited Building Materials.* Prohibited materials for a predominant surface finish material are as follows:
   a. Plain concrete block (allowed on rear of structure if not abutting a public street).
   b. Utility-sized brick.
   c. Exposed aggregate (rough finish) concrete wall panels.
   d. Plastic.
   e. Aluminum, steel or other metal sidings.
   f. Metal wall panels.

<u>Proposed Commercial Design Standards</u>

1. All commercial structures shall comply with the Building Code(s) adopted by the City of Muskogee.
2. **Design Standards.** Development within the commercial districts shall comply with the following design standards. Development shall include all new construction and existing structures if the existing structure is enlarged or remodeled by more than 51 percent. Any other material type may be permitted as long as they are not a prohibited material in this section and the material is pre-approved by the Planning Director of the Building Inspector.
   a. *Façade Articulation.* Buildings shall comply with the following building articulation standards:
      1. All sides of the structure's façade, except the rear of the structure unless the rear façade abuts a public street, where said façade is over 100 feet, shall include architectural features a maximum of every 75 feet, to minimize the appearance of blank walls. Such as, changes

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in wall texture, masonry patterns, windows, colonnade, columns or pilasters.

2. The design of accessory buildings, such as security kiosks, maintenance buildings, and outdoor equipment enclosures, shall be incorporated into, and compatible in design concept with, the overall design of the project and the main buildings on the site.
3. Predominant façade colors must be subtle, neutral or earth-tone colors. Primary colors, high-intensity colors, metallic or fluorescent colors, and black may be allowed as determined by the developers standard color palette as predominant façade colors. Building trim and accent areas may be brighter and include primary colors.

b. *Window Design*. Reflective glass is prohibited.
c. *Roof Design*. Buildings shall comply with the following roof design standards:
    1. Roofs shall be designed as an integral part of the façade design.
    2. When visible from the public street a roofline over 100 linear feet must be "broken up" by providing a change in height, or with the incorporation of a major focal point feature, such as a dormer, gable or projected wall feature, or articulations in the façade of the building, every 100 linear feet in building length that gives a visual appearance of the roofline being broken up.
    3. Parapet walls shall feature three-dimensional cornice treatments or other shadow-creating detail elements along their tops.
    4. "Green roof" designs are encouraged.
d. *Entrances*. Buildings shall comply with the following entrance design standards:
    1. Main entrances to the building shall be well defined.
    2. All public entrances shall make provision for pedestrian walkways and landscape areas.
e. *Permitted Building Materials*. Permitted building materials for exterior use are as follows:

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1. Clay brick.
2. Natural or cast stone.
3. Stucco.
4. Wood.
5. Architectural precast concrete.
6. Exterior insulating finish systems (EIFS).
7. Vinyl.
8. Glass curtain walls (non-load bearing glass wall extending more than one story).
9. Aluminum, steel or other metal sidings.
10. Metal wall panels.
11. Any other material type may be permitted as long as they are not a prohibited material and the material is approved by the Planning Director.

f. *Prohibited Building Materials.* Prohibited materials for a predominant surface finish material are as follows:

1. Plain concrete block (allowed on rear of structure if not abutting a public street or is properly screened as determined by this document).
2. Utility-sized brick.
3. Exposed aggregate (rough finish) concrete wall panels.
4. Plastic.
5. Reflective surfaces that produce glare that are visible from a public street.

Proposed Residential Bulk and Yard Standards

BULK AND YARD	Single-Family Detached	Two-Family (Duplex)	Townhouse	Multi-Family (Apartments)
LOT DIMENSIONS				
Lot Width (min.)	None	None	None	None

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Lot Area (min.)	None	None	None	None
SETBACKS				
Front (min.) 2	20 ft.	20 ft.	None	None
Side (min.) 3	5 ft.	5 ft.	None	None
Corner Lot (min.) 3	15 ft.	15 ft.	None	None
Rear (min.) 3	25 ft.	25 ft.	None	None
INTENSITY				
Lot Coverage (max.)	None	80%	80%	None
Building Height (max.)	2½ stories or 35 ft.	2½ stories or 35 ft.	3 1/2 Stories or 46 ft.	4 1/2 Stories or 63 ft.
Intensity of Use (max.)	2 dwellings per lot (principal + ADU/SRO)	2 dwellings per lot (principal + ADU/SRO)	None	None

Proposed Commercial Bulk & Yard Standards

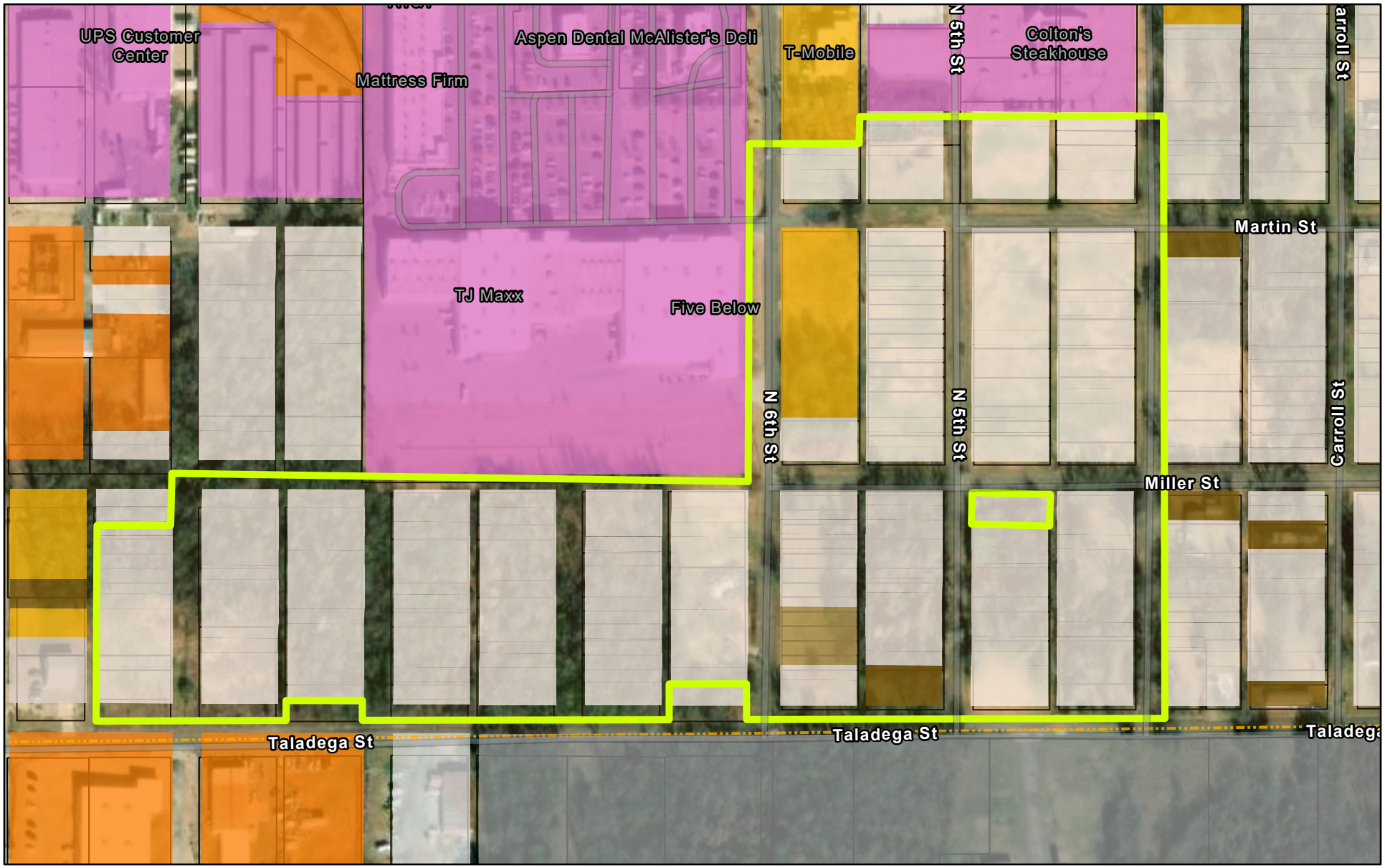
COMMERCIAL	
LOT DIMENSIONS	
Lot Width (min.)	None
Lot Area (min.)	None
SETBACKS	
Front (min.)	None

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Side (min.) [1]	None
Corner Side (min.) [1]	None
Rear (min.) [1]	None
INTENSITY	
Lot Coverage (max.)	None
Building Height (max.)	10½ stories or 115 ft.

RECOMMENDATION: Direct staff to process a rezone application and create a PUD.

City of Muskogee Zoning Map



7/9/2024

1:3,500

0 0.02 0.04 0.09 mi

0 0.04 0.07 0.15 km

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City of Muskogee Urban Renewal Area Planned Unit Development Agreement

PROJECT NAME: King's Crossing Plaza, City of Muskogee Urban Renewal Area

ADDRESS/LEGAL DESCRIPTION:

BRIEF PROJECT DESCRIPTION: This is a multi-phase mixed-use residential and commercial development in which the goal is to eliminate blight in the City of Muskogee as identified by the Urban Renewal Plan and to promote development.

BASE ZONING: Range of mixed zoning that includes R-1 Single Family Residential, R-4 Multi-Family Residential, R-5 Mobile Home, and C-1 Local Commercial.

Article I. Intent and Purpose

A. The purpose of this Planned Unit Development (PUD) for the City of Muskogee Urban Renewal Authority (Authority) is to promote the 1984 Urban Renewal Plan (URA Plan). An urban renewal area is designed to promote the social, cultural, political, economic development of an area that has been identified as blighted. This PUD is an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this chapter. The objective of the PUD is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of the Muskogee Comprehensive Plan and planning policies of the City while departing from the strict application of the use and bulk regulations of the zoning title. The Planned Development is intended to permit and encourage such flexibility and to accomplish the following purposes:
    1. To stimulate creative approaches to the commercial, residential and commercial/mixed-use development of land.
    2. To provide more efficient use of land.
    3. To preserve natural features and provide open space areas and recreation areas in excess of that required under existing zoning regulations.
    4. To develop new approaches to the built environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
    5. To unify building and structures through design.
    6. Promotion of long term planning pursuant to the Comprehensive Plan, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.
B. **Standards for Review**
    Modifications in conventional zoning and subdivision regulations are privileges and will be considered by the City only in direct response to the accrual of tangible benefits from the Planned Development to the City or the neighborhood/area in which it would be located. These benefits shall be in the form of exceptional amenities, landscape, architectural or site design, or the conservation of special man-made or natural features of the site. In reviewing an application for a Planned Development, the Planning Commission

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and/or the City Council, as the case may be, shall be required to make certain findings based on the following standards.

A. **Required Findings**. No application for a Planned Development shall be approved unless all of the following findings are made about the development:
   1. *Comprehensive Plan.* The Planned Development shall conform with the general planning policies of the City as set forth in the Comprehensive Plan.
   2. *Public Welfare.* The Planned Development shall be so designed, located and proposed to be operated and maintained that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety and welfare.
   3. *Impact on Other Property.* The Planned Development shall not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district, shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood and shall be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate vicinity.
   4. *Impact on Public Facilities and Resources.* The Planned Development shall be so designed that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it at the cost of the developer in accordance with the Subdivision Regulations.
   5. *Archaeological, Historical or Cultural Impact.* The Planned Development shall not substantially adversely affect a known archaeological, historical, or cultural resource located on or off of the parcel proposed for development.
   6. *Parking and Traffic.* The Planned Development shall have or make adequate provision to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets, provides appropriate cross access to adjacent properties and parking areas, and provide adequate access for emergency vehicles.
   7. *Adequate Buffering.* The Planned Development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.
   8. *Signage.* Any signage on the site of the Planned Development shall be in conformity with the Sign Regulations.

B. **Modification Standards**. In addition to the findings required above, the following standards shall be utilized in considering applications for modifications of the conventional zoning and subdivision regulations for a Planned Development. These standards shall not be regarded as inflexible, but shall be used as a framework by the City to test the quality of the amenities, benefits to the community, and design and desirability of the proposal.
   1. *Integrated Design.* A Planned Development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and

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facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.

2. *Beneficial Common Open Space.* Any common open space in the Planned Development shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following would not be considered usable common open space:
    a. Areas reserved for the exclusive use or benefit of an individual tenant or owner.
    b. Dedicated streets, alleys and other public rights-of-way.
    c. Vehicular drives, parking, loading and storage area.
    d. Irregular or unusable narrow strips of land less than fifteen feet (15') wide.
3. *Functional and Mechanical Features.* Exposed storage areas, trash and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the Planned Development and made as unobtrusive as possible. They shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
4. *Visual and Acoustical Privacy.* The Planned Development shall provide reasonable visual and acoustical privacy for each dwelling unit. Fences, insulations, walks, barriers and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.
5. *Energy Efficient Design.* A Planned Development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the Planned Development.
6. *Drives, Parking and Circulation.* Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.
7. *Surface Water Drainage.* Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.

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Article II. Relation to the Comprehensive Plan

A. The 2013 City of Muskogee Comprehensive Plan and Future Land Use Map (Comprehensive Plan) identify this area as proper for commercial and industrial development as a regional/commercial corridor and light industrial. Resolution 2455 was a resolution to amend the future land use plan from the Comprehensive Plan from these designations to Urban Renewal Area (URA). This resolution allowed for future rezones and economic development to take effect as it pertained to the URA Plan by amending the Comprehensive Plan to include the URA so that any future would development would conform with the Comprehensive Plan as required by O.S. § 43-103. This resolution was adopted by the City of Muskogee City council on May 27, 2014.

Article III. Acreage

A. The PUD area within this portion of the URA will consist of 26.6 acres (more or less).

Article IV. Land Uses

A. **Current Land Use**. Land uses vary across the URA based on current zoning and use. This PUD will encompass 93 parcels of land. Below are the rough calculation of the percentage of land use by zoning:
   1. *R-1 Single Family*. 92% of the PUD area is zoned R-1with most lots being vacant.
   2. *R-4 Multi-Family*. 4% of the PUD area is zoned R-4 with all lots being vacant.
   3. *R-5 Mobile Home*. 2% of the PUD area is zoned R-5 with all lots being vacant.
   4. *C-1 Local Commercial*. 2% of the PUD area is zoned C-1 with the single lot being vacant.

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B. **Proposed Land Use.** The land use for this PUD shall consist of mixed used residential and commercial development. A blank space or the absence of the use from the table indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Planning Director to be a permitted or special use in the district, based on his evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

USE	Permitted	Special Use
RESIDENTIAL		
Household Living		
Dwelling, Single-Family	X	
Dwelling, Two-Family	X	
Dwelling, Multi-Family	X	
Dwelling, Mixed Use (commercial downstairs, residential upstairs)[1]	X	
Dwelling, Townhouse	X	
Dwelling, Senior Independent		X
Single Room Occupancy (SRO)		X

Accessory Dwelling Unit (maximum of 1 per lot)	X	
Short-Term Rentals		X
Group Living		
Community Residence, Large (8 or more persons)		X
Community Residence, Small (7 or fewer persons)		X
Assisted Living		X
AGRICULTURAL		
Urban Agriculture	X	
Community Gardens	X	
INSTITUTIONAL		
Government and Educational		
Municipal/Public Building	X	
Public Library	X	
School, Preschool—12th Grade	X	
Religious		
Place of Worship	X	
Professional Services		
Day Care Home, Child		X
COMMERCIAL		
Eating and Drinking Establishments		
Café	X	
Catering Establishment	X	
Dairy Products or Ice Cream Store	X	
Delicatessen	X	
Restaurant (sit-down)	X	
Restaurant (drive-thru)		X
Restaurant (drive-in)		X

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Amusement and Recreational Establishments Serving Alcoholic Beverages	X	
Nightclubs/Dance Halls Serving Alcoholic Beverages	X	
Tavern/Bar	X	
Restaurants with Private Clubs	X	
Private Clubs	X	
Pool Halls, Serving Alcoholic Beverages	X	
Entertainment and Spectator Sports		
Drive-in Theater		X
Music Halls (indoor)		X
Theater (indoor)		X
Outdoor Amusement Enterprises		X
Adult Uses		X
Financial Services		
Bank	X	
Credit Unions or Bureaus	X	
Safe Depositories	X	
Savings and Loan	X	
Stock and Bonds Broker	X	
Trust Companies	X	
Food and Beverage Retail Sales		
Bakery, Retail (onsite production and sale)	X	
Convenience Food Store	X	
Fruit or Vegetable Stand		X
Grocery or Supermarket	X	
Liquor Store		X
Meat Market	X	
Medical Service		

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Dental/Medical Laboratory		X
Laboratories, Testing and Experimental		X
Research Laboratories		X
Indoor/Outdoor Supply		
Nursery or Garden Supply Store		X
Greenhouse		X
Monument Sales		X
Professional Office		
Professional Offices	X	
Office, Business	X	
Employment Agencies	X	
Abstract Companies	X	
Accountants	X	
Advertising Offices	X	
Collection Agencies	X	
Employment Agencies	X	
Finance Companies	X	
Medical Offices	X	
Messenger Services	X	
Protection Services	X	
Publicity Services	X	
Tax Consultants	X	
Utility Companies	X	
Professional Studio		
Arts Instruction	X	
Retail Stores		
Barbershop, Beauty Shop, Nail Salon, Day Spa	X	
Retail Sales, Goods Produced on the Premises	X	

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Shopping Center	X	
Retail Goods Establishment	X	
Sports and Recreation		
Bowling Alley	X	
Recreation Clubs, Private or Non-Profit	X	
Dance Hall	X	
Roller Skating Rink	X	
Vehicle and Equipment, Sales and Service		
Car Wash	X	
Ambulance Service, Office or Garage	X	
Gas Station	X	
Used Car Lot (no commercial garages, only incidental repairs)	X	
Battery Service and/or Oil Change Stations	X	
Motorcycle Sales and Repair and Small Engine Repair	X	
Muffler and/or Tire Shops	X	
Trailers for Hauling, Rental and Sales	X	
Vehicle and Machinery Repair, Used	X	
Vehicle and Machinery Sales	X	

Note:

A. Height restriction of 10 stories or 115 feet on mixed-use structures.
B. Marijuana related facilities shall be banned from operating with this PUD.

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Section V. Development Standards.

A. **Existing Conditions**
   1. **Structures, Streets, and other Impervious Surfaces.**
   2. **Floodplain**
   3. **Surrounding Zoning and Land Use**
   4. **Utilities**

B. **Residential Development Standards.**
   1. All residential structures shall comply with the Building Code(s) adopted by the City of Muskogee.
   2. Structures shall face a public or private street. If the structure is located on a corner lot, the structure should face and be addressed from the street which the front yard abuts, as shown on the approved plat of the addition the structure is located
   3. **Bulk & Yard Standards**

BULK AND YARD	Single-Family Detached	Two-Family (Duplex)	Townhouse	Multi-Family (Apartments)
LOT DIMENSIONS				
Lot Width (min.)	None	None	None	None
Lot Area (min.)	None	None	None	None
SETBACKS				
Front (min.) [2]	20 ft.	20 ft.	None	None
Side (min.) [3]	5 ft.	5 ft.	None	None
Corner Lot (min.) [3]	15 ft.	15 ft.	None	None
Rear (min.) [3]	25 ft.	25 ft.	None	None
INTENSITY				
Lot Coverage (max.)	None	80%	80%	None
Building Height (max.)	2½ stories or 35 ft.	2½ stories or 35 ft.	3 1/2 Stories or 46 ft.	4 1/2 Stories or 63 ft.
Intensity of Use (max.)	2 dwellings per lot (principal + ADU/SRO)	2 dwellings per lot (principal + ADU/SRO)	None	None

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D. **Accessory Structures.** Accessory structures are allowed in the rear yard of any single-family detached or two-family structure and must conform to the following requirements:

1. **General Standards**
   a. All accessory structures and related uses shall be subject to the following regulations, in addition to any other regulations within this Article and this Zoning Ordinance.
   b. An accessory use may not be established prior to the establishment of the principal use to which it is an accessory.
   c. The building height of any detached accessory structure shall not exceed eighteen (18) feet or the height of the principal building, whichever is less, unless located in the A-1 district or accessory structure height is otherwise permitted or limited by this Ordinance.
   d. No accessory structures may be located in a front yard or corner side yard setback.
   e. An accessory structure may not occupy more than 40% of the rear yard.
   f. Detached accessory structures (including overhangs) shall be located a minimum of ten (10) feet, or the minimum distance required by the City

Building Codes, from the principal structure or another accessory structure.

g. All accessory structures must be located a minimum of three (3) feet from any rear lot line and three (3) feet from an interior side lot line, unless otherwise permitted by this Ordinance.
h. Accessory structures shall not be located within a public or private easement.
i. On a reversed corner lot in a residential district, no detached accessory structure shall be closer to the side lot line abutting the street than the required front yard on the adjacent property to the rear. In addition, for such lots, all accessory structures shall be located no closer to the rear lot line than the minimum side yard of the adjacent residential property.
j. If located partially or completely between the side lot line and the principal structure on the lot, a detached accessory structure shall meet the minimum side yard requirements established for the principal structure.

2. **Detached Garages and Detached Accessory Structures.**
   a. A detached garage or accessory structure shall not exceed a maximum height of one and a half stories, or eighteen (18) feet as measured from the garage floor to the peak of a pitched roof, whichever is lower.
   b. The square footage of any individual detached structure shall not exceed forty (40) percent, of the square footage, of the principle structure located on the property.
   c. The total of all detached structures shall not occupy more than forty (40) percent of the rear yard.
   d. Detached structures shall not to be located in the front yard setback.
   e. Detached structures shall be located a minimum of three (3) feet from any rear lot line or interior side lot line and shall not be located within the corner side yard setback.
   f. If located partially or completely between the side lot line and the principal structure on the lot, a detached garage shall meet the minimum side yard setback requirements established for the principal structure.
   g. Detached structures shall be located a minimum of ten (10) feet from the principal structure on a lot. The distance shall be measured from the walls of the structure.
   h. Detached structures shall have a hip or gable roof with a minimum 3:12 pitch and a minimum one (1) foot overhang finished with soffit material.
   i. In addition to the requirements of this Section, detached garages and all other detached accessory structures, larger than one hundred twenty (120) square feet, constructed with an exterior metal finish, and built after the adoption of this Section shall comply with the following design standards. Detached garages or detached accessory structure located within the PUD or carports that are open on three (3) or more sides located shall be exempt from this requirement.
      a. Side walls shall not exceed a height of ten (10) feet measured from grade to the top of the wall; and

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b. The maximum overhead door height shall not exceed nine (9) feet measured form grade to the top of the door opening; and
c. Roof panels, wall panels and trim items shall have a Kynar or siliconized modified polyester (SMP) coating and a minimum thickness of twenty-six (26) gauge or a Class 4 rating.

3. **Accessory Dwelling Units (Granny Flats) and Single-Room Occupancies.**
   a. **Definition.** An Accessory Dwelling Unit is defined as a self-contained housing unit incorporated within a single-family dwelling or within an accessory structure to a single-family dwelling unit, being the primary residence, and complies with each of the criteria stated below. The intent of permitting accessory dwelling units is to:
      a. Provide older homeowners with a means of obtaining companionship, security, and services from family, thereby enabling them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
      b. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
      c. Provide housing units for persons with disabilities;
      d. Protect stability, property values, and the residential character of a neighborhood.

   b. Procedural Requirements.
      a. Accessory dwelling units can be occupied by members of the principal homeowners' extended family and as a rental property to single-persons only.
      b. Approved accessory dwelling units which no longer complies the criteria and requirements in this section shall be discontinued or obtain approval through the Board of Adjustment.
      c. Accessory dwelling units incorporated within a single family dwelling are permitted As-of-Right.
      d. A Certificate of Occupancy must be on file with the City and approved by the Building Inspector. ADUs and SROs are required to renew their occupancy certificate every year, subject to an annual inspection by the Building Inspector.

   c. Use and Dimensional Regulations.
      a. The Building Inspections Department may issue a Building Permit authorizing the installation and use of an accessory dwelling unit within an existing or new owner-occupied, single-family dwelling or a Special Permit authorizing the installation and use of an accessory dwelling unit in a detached structure on a single-family home lot only when the following conditions are met:
         i. The unit will be a complete, separate housekeeping unit containing both kitchen and bath.
         ii. Only one accessory dwelling unit may be created within a single-family house or house lot.
         iii. The owner(s) of the residence or residential lot in which the accessory dwelling unit is created must continue to occupy at

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least one of the dwelling units as their primary residence, except for bona fide temporary absences.

iv. The gross floor area of an accessory unit shall not occupy more than 600 square feet and or, if located in an accessory structure, 40% of the rear yard or, whichever is less.

v. The combined square footage of an accessory dwelling unit, primary residence and all other structures located on the property shall not cover more than thirty-five (35) percent of the lot.

vi. Any new separate outside entrance serving a detached accessory dwelling unit shall face the interior of the lot.

vii. [Reserved.]

viii. The accessory structure in which an accessory dwelling unit is located shall not exceed a maximum building height of one and a half stories, or eighteen (18) feet.

ix. An accessory dwelling unit shall not have a footprint larger than that of the principal residence to which it is accessory

x. Once an accessory dwelling unit has been added to a single-family lot, the accessory dwelling unit shall never be enlarged beyond the 40% of the rear yard or 600 square feet, whichever is less, or exceed the maximum lot coverage allowed by this ordinance.

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xi. The structure in which an accessory dwelling unit is located constructed after the date of adoption of this Ordinance shall be consistent with the architecture and design of the principal building. Consistency of design shall include use of the same palette of materials as the principal building, roofing, roof pitch, trim and colors.

xii. An accessory dwelling unit may not be occupied by more than two (2) people, nor have more than one bedroom.

xiii. The construction of any accessory dwelling unit must be in conformity with the City Building Codes and all other applicable State and local regulations.

b. To encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the Board of Adjustment may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

c. When a structure, which has received a permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter to the Building Official stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fide temporary absences.

d. Prior to issuance of a permit, the owner(s) must send a notarized letter stating that the owner will occupy one of the dwelling units on

the premises as the owner's primary residence, except for bona fide temporary absences.

e. Prior to issuance of a permit, a floor plan must be submitted showing the proposed interior and exterior changes to any previously existing accessory structure or primary structure that is being converted for use as an accessory dwelling unit.

E. **Home Occupations.** A "Home occupation" is defined as any business, occupation or activity conducted for gain within a single-family dwelling, or an accessory building thereto, which is incidental or secondary to the use of such building for dwelling purposes and which does not change the essential residential character of the building. The regulations of this section dealing with home occupations are designed to protect and maintain the residential character of a neighborhood while permitting certain limited commercial activities.

1. The home occupation shall be conducted entirely within the dwelling and shall be clearly incidental and secondary to the use of the dwelling for residential purposes.
2. No more than thirty percent (30%) or six hundred (600) square feet of the residential dwelling, including any garage or accessory building, whichever is less, shall be used to conduct the home occupation.
3. A home occupation shall not be established prior to the member(s) of the family conducting the home occupation taking possession of, and residing in, the dwelling.
4. No person who is not a member of the family and residing on the premises shall be employed in the home occupation activity on the premises.
5. All home occupations shall be conducted entirely within an enclosed building. No materials or equipment associated with the home occupation shall be stored outside the building.
6. No sign other than a name plate not more than two (2) square feet in area, attached to the dwelling, shall be allowed. No display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling shall be allowed.
7. The conduct of any home occupation shall not eliminate the kitchen, living room, bathrooms, or all of the bedrooms of the dwelling.
8. The receipt, sale or shipment of deliveries shall not be made more than once a week and the deliveries shall not restrict traffic circulation within the neighborhood.
9. There shall be no display, activity or environmental manifestation that will indicate from the exterior of the residential dwelling in which a home occupation is being conducted that such residential dwelling is being used in whole or in part for anything other than residential purposes. The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than usually experienced in an average residential occupancy within a residentially zoned district under normal circumstances where no home occupation exists.

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10. Home occupations shall not generate refuse exceeding amounts typically produced by an average residential occupancy within a residentially zoned district under normal circumstances where no home occupation exists.
11. No alteration of any kind shall be made to the residential dwelling where a home occupation is conducted that would change its residential character, including, but not limited to, the enlargement of public utility services, cooking facilities, or driveway or parkway areas beyond the capacities customarily required for residential use.
12. The home occupation shall not involve the use of commercial vehicles other than one vehicle not to exceed three-quarter ton owned by the resident of the dwelling, which shall be parked in an adequate off-street parking area.
13. The following businesses, occupations or activities are specifically prohibited home occupations:
    a. Motor vehicle and accessory sales or rental, repair and/or painting and detailing, including trailer rental or sales.
    b. Medical or dental clinics.
    c. Restaurants.
    d. Kennels (as defined under Article 90-18 of this Zoning Ordinance) and veterinary clinic.
    e. Funeral homes.
    f. Nursery schools, but not day care homes with seven (7) or fewer children.
    g. Repair shops or service establishments, except the repairs of electrical appliances, cameras, lawnmowers, or other similar small items.
    h. Beauty shops and barber shops, except when customer visits are by appointment only and are limited to no more than two customers at any given time. Beauty and barber shops allowed under these provisions shall be registered with the appropriate licensing and inspection authorities.
14. On the premises, retail sales shall be prohibited except for sales of products or goods produced or fabricated, or plants grown on the premises as a result of the home occupation, or for incidental retail sales made in connection with a home occupation. All sales shall occur within an enclosed building.

F. **Landscaping and Screening.** See Article 5, Section K, Landscaping and Screening
G. **Office Street Parking.** See Article 5, Section J, Parking

C. **Commercial Development Standards.**
1. All commercial structures shall comply with the Building Code(s) adopted by the City of Muskogee.
2. Development within the commercial districts shall comply with the following design standards. Development shall include all new construction and existing structures if the existing structure is enlarged or remodeled by more than 51 percent.
    a. *Façade Articulation.* Buildings shall comply with the following building articulation standards:
        a. All sides of the structure's façade, except the rear of the structure unless the rear façade abuts a public street, where said façade is over 100 feet, shall include architectural features a maximum of every 75 feet, to minimize the appearance of blank walls. Such as, changes in wall texture, masonry patterns, windows, colonnade, columns or pilasters.

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b. The design of accessory buildings, such as security kiosks, maintenance buildings, and outdoor equipment enclosures, shall be incorporated into, and compatible in design concept with, the overall design of the project and the main buildings on the site.
c. Predominant façade colors must be subtle, neutral or earth-tone colors. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are prohibited as predominant façade colors. Building trim and accent areas may be brighter and include primary colors.

b. *Window Design*. Reflective glass is prohibited.
c. *Roof Design*. Buildings shall comply with the following roof design standards:
    a. Roofs shall be designed as an integral part of the façade design.
    b. When visible from the public street a roofline over 100 linear feet must be "broken up" by providing a change in height, or with the incorporation of a major focal point feature, such as a dormer, gable or projected wall feature, or articulations in the façade of the building, every 100 linear feet in building length that gives a visual appearance of the roofline being broken up.
    c. Parapet walls shall feature three-dimensional cornice treatments or other shadow-creating detail elements along their tops.
    d. "Green roof" designs are encouraged.
d. *Entrances*. Buildings shall comply with the following entrance design standards:
    a. Main entrances to the building shall be well defined.
    b. All public entrances shall make provision for pedestrian walkways and landscape areas.
e. *Permitted Building Materials*. Permitted building materials for exterior use are as follows:
    a. Clay brick.
    b. Natural or cast stone.
    c. Stucco.
    d. Wood.
    e. Architectural precast concrete.
    f. Exterior insulating finish systems (EIFS).
    g. Vinyl.
    h. Glass curtain walls (non-load bearing glass wall extending more than one story).
    i. Aluminum, steel or other metal sidings.
    j. Metal wall panels.
f. *Prohibited Building Materials.* Prohibited materials for a predominant surface finish material are as follows:
    a. Plain concrete block (allowed on rear of structure if not abutting a public street).
    b. Utility-sized brick.
    c. Exposed aggregate (rough finish) concrete wall panels.
    d. Plastic.

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g. Reflective surfaces that produce glare the following roof materials are prohibited visible from a public street.

3. **Bulk and Yard Standards**

COMMERCIAL	C-2
LOT DIMENSIONS	
Lot Width (min.)	None
Lot Area (min.)	None
SETBACKS	
Front (min.)	None
Side (min.) 1	None
Corner Side (min.) 1	None
Rear (min.) 1	None
INTENSITY	
Lot Coverage (max.)	40% (not to exceed 5,000 sq. ft. for main structure)
Building Height (max.)	2½ stories or 35 ft

NOTES:

A. Where the side and/or rear lot line is adjacent to a residential use, then it shall be screened by a six-foot-high sight proof fence or dense hedge.

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D. **Landscaping and Screening.** See Article 5, Section K, Landscaping and Screening

E. **Office Street Parking.** See Article 5, Section J, Parking

D. **Water Lines**

1. The subdivider shall install water lines and fire hydrants within his immediate subdivision. Installation shall be in accordance with these standards and the latest state department of environmental quality specifications.
   a. The minimum water line size shall be as follows:
      a. Water lines constructed on section lines shall be not less than 12 inches in diameter;
      b. Water lines constructed on one-half section lines shall not be less than eight inches in diameter;
      c. Water lines in residential areas shall be not less than six inches in diameter;
      d. Water lines in commercial and industrial areas shall be not less than eight inches in diameter;
      e. Four-inch lines may be used in culs-de-sac for distances of not more than 300 feet.
   b. In no case shall the pipe diameter be less than the diameter of the existing pipe being extended. The city may require the pipe size to be increased to accommodate future growth or meet distribution needs.
   c. Fire hydrants.

a. Residential spacing for hydrants shall not exceed 500 feet;
b. Commercial and industrial area spacing shall not exceed 300 feet;
c. Hydrants shall be located within ten feet of a roadway. Hydrant location shall be adjusted so that the hydrant is located on lot lines and street intersections;
d. Hydrants shall not be installed on lines less than six inches in diameter;
e. A valve shall be installed between the main and the hydrant.

d. Water mains shall be extended to the boundary of a subdivision. Mains shall be looped at intervals not exceeding 600 feet, unless approved by the city engineer. Dead-end lines will require a fire hydrant for flushing. A waterline may be capped and not placed into service if no connections are anticipated on the section of line and the line is a dead end for a future extension. Flushing hydrants will not be required in this case.
e. All water mains shall be sized to supply a minimum of 45 psi and provide a fire flow of 1,500 gpm at a residual pressure of 20 psi at the point of service. Higher pressures and flows may be required as defined in NFPA 1231—Standard on Water Supplies for Suburban and Rural Fire Fighting, 1993 Edition. A Hardy-Cross analysis must be submitted with the final plat showing the proposed water line extensions meet these requirements.
f. Isolation valves shall be installed at all pipe junctions so that each section of pipe can be isolated. Valves shall be installed at no less than 1,000 feet on a straight section of pipe.
g. All creek and river crossings shall be encased in steel.
h. Private service lines shall be installed to all lots where a street crossing is required. Service lines shall be installed within five feet of a lot line. Separate service will be required for each lot or tract. The location of the service line shall be marked on the top of the curb with a "W." The letter "W" shall be two inches wide and 2½ inches high, cut a minimum of one-half inch into the concrete curb.
i. Water lines shall be located in the street right-of-way ten feet from the right-of-way line where possible.
j. All plastic water lines shall have a tracer wire to be used for location purposes.

2. The city engineer shall maintain standard construction details and a list of materials that can be used for the construction of water line improvements.

E. **Sanitary Sewer**

1. Sanitary sewers shall be installed to serve each lot. No individual disposal system or treatment plant shall be permitted except as noted herein. The developer is required to connect to the public sewer system if the development is within 300 feet of the nearest public sewer line, measured from the subdivision boundaries or when subdivisions contain ten acres and more than ten lots.
2. Whenever a sanitary sewer is not reasonably accessible, septic tanks or other unit disposal systems may be used in accordance with the following provisions:
    a. A lot on which a unit disposal system is located shall not be less than one acre in area if it is not served by a public water line, and two acres in area if it has a water well;

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b. No portion of any unit disposal system shall be located closer than 20 feet to the lot line of the lot on which the system is located;
c. All unit disposal systems and plat requirements shall comply with the recommendations and requirements of the state and county health departments; and
d. When a unit disposal system is proposed, the county health department must sign the plat indicating the site is suitable for such purposes.

3. The city engineer shall maintain standard construction details and a list of materials that can be used for the construction of sanitary sewer improvements. Sanitary sewers shall be installed in accordance with the latest state department of environmental quality specifications and these standards.
   a. The depth and slope of sanitary sewer mains shall be designed so the maximum extension of the main can be made.
   b. Manholes shall be provided at the ends of all main lines. If the line has potential for extension, one section of pipe shall be stubbed out.
   c. Manholes located in low places, drainageways or floodprone areas shall be raised so that water cannot enter. Watertight lids may be used with permission.
   d. The maximum depth of flow in a sanitary sewer pipe line, including peaks, shall not exceed 60 percent of the diameter of the pipe for design purposes.
   e. Private service lines shall be installed to all lots or tracts where a street crossing is required. The location of the service line shall be marked on the top of the curb with an "L." The letter "L" shall be two inches wide and 2½ inches high, cut a minimum of one-half inch into the concrete curb.
   f. Sanitary sewer mains shall be located, where possible, in the street right-of-way on the opposite side of the street from the water line. The main shall be ten feet from the right-of-way line where possible. Vehicle access to all manholes is important. All other line locations not conforming to the requirements of this subsection must have prior approval of the city engineer. All weather access roads or driveways may be required to provide access to manholes.
   g. All creek and river crossings shall be encased in steel.
   h. No public sanitary sewer line shall be less than eight inches in diameter.
   i. When it is necessary to change pipe diameters, the pipe elevations shall be adjusted at the manhole so the tops of the pipes match. Discharge into a smaller pipe with a larger pipe will not be allowed.

F. **Storm Sewer and Drainage**

1. *General requirements and nature of storm sewers and drainage facilities.* The subdivider shall install all storm sewers and drainage improvements, and such improvements shall be designed and constructed in accordance with these standards.
   a. Where a subdivision is traversed by a watercourse, drainage channel or stream, there shall be provided an easement adequate to contain the runoff from a 100-year rainfall event. The easement shall include all of the land within the subdivision that has an elevation below the 100-year rainfall event. The maximum water surface elevation shall be determined using appropriate engineering methods such as an HEC-2 model. Dedicated drainageways shall be provided with adequate vehicular ingress and egress for maintenance purposes. If said drainageway is less than 150 feet, the minimum width required

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will be the floodplain plus an additional width of 15 feet on each side of the floodplain. The city engineer may allow easement widths other than specified in this subsection when storm drainage improvements, topographic conditions, or floodplain permits are allowed.

a. U.S. Weather Bureau Technical Paper No. 40 and National Weather Service HYDRO-35 (June 1977) shall be used for rainfall information.
b. All drainageway systems shall be designed to receive and pass the runoff from a 100-year frequency rainstorm with full urbanization. The collector system shall be designed either:
    i. To pass a minimum of a ten-year frequency storm in a pipe network with overland flow capacities so the combination of any two will pass the runoff from a 100-year frequency storm event;
    ii. Or pass the entire 100-year flood in the pipe network.

b. In the event that a street has a slope greater than one percent, the allowable stormwater depth shall not be deeper than the height of the curb of the street for the 100-year design rainfall. The depth of water at sump locations shall be contained within the existing right-of-way for the 100-year design rainfall for full urbanization.
c. The overland flow portion of the collector system shall be confined to the dedicated right-of-way, or restricted drainage easements to ensure that stormwater can pass through the development without inundating the lowest level of any building, dwelling or structure. Restricted drainage easements shall be shown on the plat.

a. Borrow ditches along type "C" streets shall not exceed four feet in depth. Culverts shall be designed to handle the ten-year rainfall event.
b. All storm drainage and hydraulic calculations will be submitted to the engineering office for review and approval. This shall include sizing of catchbasins, pipe, channels, bridges and stormwater routing and volume calculations.
c. The rational method can be used to calculate runoff from areas less than 25 acres or closed pipe networks with discharges up to 400 cfs. For discharges more than 400 cfs a unit, hydrograph method will be used. U.S. Soil Conservation Service models can be used on all areas.
d. Piping from roof drains, French drains, swimming pools or sump pumps directly into a gutter by cutting the concrete curb will not be allowed.
e. The duration of the design storm shall not be less than two times the time of concentration or six hours.
f. The loss rates in determining the runoff hydrograph shall be an initial loss of 0.5 inches and a uniform loss of 0.08 inches per hour for the subsequent hours once the initial losses are satisfied.

d. Location. The developer may be required by the planning commission and the city engineer to carry away by pipe or open channel any spring, or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with these construction standards. Drainage

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easements shall extend from the street right-of-way to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

a. Accommodation of upstream drainage areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The city engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of full urbanization.
b. The city engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area subdivision. Drainage studies together with such other studies as shall be appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the planning commission may withhold approval of the subdivision until provision has been made for the expansion of the existing downstream drainage facility.

2. *Detention facilities.* On-site detention may be required when a public drainageway designed to handle full urbanization is not available or the downstream basin is experiencing flooding. Private detention facilities will not be allowed unless it is designated as a common area in a "PUD" or "R-T-C" zoning district. A detention facility may also be allowed when it is located on the same lot or tract as the development being served. The detention facility cannot be separated from the improvement it serves.

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a. Detention requirements shall be determined by taking the proposed runoff after development for only the development minus the existing runoff of the site. Peak release rates from the development should not exceed the natural runoff that occurred before developments for all storms up to and including the 100-year storm. Areas suitable for on-site detention include parking lots and landscaped areas.
b. An owner may at his option contribute to the estimated or actual cost of a regional or subregional detention facility to be constructed in lieu of constructing on-site detention as provided in this subsection (b) unless it is determined by the city engineer that on-site detention should be required because of physical facts in the area. This option is only available if a plan for a regional or subregional detention facility has been adopted or constructed by the city council.
c. The city shall determine the amount of the contribution or fee based on the type of development as defined using the Runoff Coefficients for the Rational Method published by the American Society of Civil Engineers and its relative impact on the drainage area versus the cost of the public improvement for that drainage basin. This shall be done by dividing projected flow for the development by the projected flow for the total area contributing to the regional detention facility determined by methods described in this section. This ratio times the total cost of the regional detention facility will determine the owner's

contribution. The projected flows shall be based on the 100-year storm for a fully urbanized area.

d. When using an estimated cost, the cost shall be adjusted yearly, based on Engineering News Record Construction Cost Index and recognizing changes in land costs in the Muskogee area on the annual anniversary of the ordinance from which this chapter is derived. The city engineer will review and approve the estimated project cost and all calculations relating to contributions in lieu of on-site detention.

e. The boundaries of watersheds and priority of acquisition of regional and subregional detention facilities and construction of said detention facilities shall be established by the city engineer and approved by the planning commission.

    a. Detention facilities must be designed for ease of maintenance. Side slopes should not be steeper than three horizontal units to one vertical unit, and the preferred slope is 4:1. All areas of an earthen basin must have a minimum of six inches of topsoil with established grass cover. A paved trickle channel from the inlet to the outlet structure to transmit low flows shall be provided. The channel width must be capable of containing the normal low flow.

    b. An access way at least 15 feet wide shall be provided to any required detention facility.

    c. The maximum allowable depth for water storage in a parking lot will be six inches for parking areas and eight inches for driving areas. Drains will be designed to minimize the potential for clogging.

    d. Detention facilities plan sheets shall show existing and final contours, typical cross sections through the facility, including five- and 100-year water levels, details of inlet and outlet structures, a back water profile for the existing and proposed topography and a summary of the design calculations.

f. The Snyder synthetic unit hydrograph method or the Soil Conservation Service derivative thereof, shall be used for the design of all detention facilities.

g. All detention facilities must be designed in a dry state unless a variance is granted by the city engineer.

h. If a tract of land being developed is located in more than one watershed, grading work to divert flows from one watershed to another will not be allowed and compensatory storage will not be permitted in one watershed for that required in another.

i. In designing the dams for detention facilities, the book titled Design of Small Dams by the U.S. Department of the Interior, Bureau of Reclamation, shall be used. An analysis shall be furnished of any proposed earthen dam construction soil. A boring of the foundation for the earthen dam may be required.

j. All detention dams or dikes shall be constructed as earth filled and non-overflow type dams. Spillways shall be constructed to pass the 500-year flood event with a minimum of one foot of freeboard on the earth dam structure.

3. *Closed conduit storm sewer systems.*

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a. All pipe systems shall be designed using methods to ensure maximum water tightness. Pipe joints must have gaskets. Connections into manholes must be grouted with a nonshrink grout.
b. Stormwater inlets shall be installed so that water is collected from the gutters at approximately 500-foot intervals. Stormwater inlets shall be sized according to Drainage of Highway Pavements by the Federal Highway Administration, Hydraulic Engineering Circular No. 12, March 1984. All inlets shall be designed according to Hydraulic Design of Highway Culverts by the Federal Highway Administration, Hydraulic Design Series No. 5, September 1985. Provide all calculations for review.
c. Inlets shall be located in such a manner that no portion of the inlet will encroach upon the curb radius within the street intersection. When possible, the inlet should be located upstream of the intersection and crosswalks, to intercept street flow before the flow can enter the intersection. Inlets should be located on local streets in advance of intersections, to intercept in-street flows before they run into collector or arterial streets.
d. All outlets shall have concrete head walls.
e. Manholes shall be located at all pipe junctions, bends and spaced no more than 500 feet apart.
f. When it is necessary to change pipe diameters the pipe elevations shall be adjusted at the manhole so the tops of the pipes match. Discharge into a smaller conduit or pipe with a larger conduit or pipe will not be allowed.
g. When storm sewers are constructed in fill areas, all materials in fill areas shall be compacted to a 95 percent standard proctor density prior to the laying of the pipe.
h. A maximum time of concentration of ten minutes to the first inlet shall be used for single-family and multifamily residential areas. A maximum time of concentration of five minutes to the first inlet shall be used for commercial and industrial areas.
i. A manhole or junction box will be required at all changes in grade, alignment, elevation or when two or more different size pipes or conduits join together.
j. Stormwater conduits should typically be located in the centerline of the street unless previous improvements will not allow said location.
k. The horizontal distance between storm sewer pipes being placed in the same trench shall be a minimum of two feet or one-third the diameter of the largest pipe, whichever is greater. This would include multiple pipe crossings for culvert purposes.
l. Radius pipes will not be used on storm sewers having a diameter less than 36 inches. Radius pipes will be used on storm sewers larger than 36 inches. The radius of the curve shall be not less than five times the diameter of the pipe. The degree of deflection shall be no more than 7 ½ degrees per joint of radius pipe.
m. Manholes of five feet inside diameter shall be used whenever possible. If the diameter of the manhole exceeds five feet, junction boxes will be used. The rim elevation shall be indicated on all manholes and junction boxes. Manhole and junction boxes may be precast or cast in place.

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n. Drainage pipes shall not enter manholes with four feet inside diameter in the Corbel (neck down) section. The size of pipe entering or leaving a four-foot diameter manhole shall not exceed 24 inches.
o. A minimum of six inches cover shall be provided over pipes and box culverts to the bottom of the subgrade of the street except when box culverts are built with the top at the same grade of the street.
p. All storm sewers shall be shown in profile, showing flowline, size, type, grade and the design discharge. Profiles shall show the natural and proposed ground line at the centerline of the storm sewer.
q. The radius of curve for a box structure shall be a minimum of three times the maximum width of the box structure, but not less than 50 feet.
r. Box culverts and bridges shall have adequate capacity to pass 100-year fully urbanized flows with one-foot freeboard. Backwater analysis shall be provided by the consulting engineer to illustrate compliance with this requirement.
s. All head walls shall be broken-back design except for culverts under roadway embankments where the purpose of the head wall is primarily to retain earth.
t. Storm sewer conveyance systems shall be closed-conduit up to 60-inch diameter pipe or its hydraulic equivalent. Exceptions may be made to this requirement for lands being developed for park purposes and type "C" street sections.
u. Connections from roof drains, French drains and sump pumps will be made at junction boxes, manholes, storm sewer inlet boxes and where stub out connections have been provided. Direct connections to the conduit pipe will generally not be allowed.

4. *Open channel flow.*
   a. Minimum velocity in an open channel, having a roughness coefficient less than or equal to 0.015, shall be 2.5 fps to avoid sedimentation. Use Manning's Equation to determine the normal depth for the design flow and check to see if the critical depth is greater. Critical depth must always be less than normal depth. If the critical depth is greater than normal depth, the channel slope is too steep and must be changed.
   b. All improved channels shall be provided with a minimum of one foot of freeboard.
   c. The centerline radius of a curve on an improved channel shall be a minimum of three times the maximum top width at the design flow elevation.
   d. The maximum allowable side slope for an improved channel with earthen slopes shall be three units horizontal to one unit vertical. Channel slopes steeper than three to one shall be protected using concrete, fabric form or other similar methods approved by the city engineer.
   e. A trickle channel will be required on all channel improvements that have flat bottoms. The trickle channel must be wide and deep enough to contain the normal dry-weather flow but not less than five feet.
   f. All earthen side slopes will receive a minimum of six inches of topsoil and be protected against erosion using sod, sprigging or seeding with protective geotextile matting. Where channel velocities are excessive special erosion

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control measures will be used to protect the channel. These measures will include grouted riprap, concrete lining, hydraulic jumps, and flow restrictions.

g. All open channels shall be designed for ease of maintenance and access to all points.
h. Water surface profiles will be required for large drainage channels where flows exceed 1,500 cfs. Profiles shall be computed using HEC-2.
i. Valley gutters at street intersections are not desirable and should never extend across a collector or arterial street.

The city engineer will maintain standard details and an approved list of allowable materials for the construction of storm sewer improvements.

G. **Streets and Traffic**

1. **Streets and Sidewalks.** The developer within this PUD shall lay out, grade, and otherwise improve all streets that are designated within the URA in accordance with the following provisions:
   a. The design of an improvement of an intersection of any new street with an existing state or federal highway shall be in accordance with the specifications of the state department of transportation, but in no case shall the standards be less than the applicable city specifications.
   b. Public and private street construction standards and right-of-way widths shall be in conformance with the requirements set forth in Tables 1, 1A and 2 that follow. The standards set forth in these tables are considered to be the minimum standards allowed. Site conditions and traffic projections might dictate the need to increase these minimum requirements.
   c. The use of the type "B" and "C" street improvement shall be limited to those areas zoned "PUD" planned unit development and shall be subject to the following provisions:
      a. The smallest lot within the development shall be used as the basis of determining the allowable street section.
      b. Type "B" streets will only be allowed in subdivisions where the minimum lot frontage is 150 feet and the lots are a minimum of one acre in size.
      c. Type "C" streets will only be allowed in subdivisions where the minimum lot frontage is 200 feet and the lots are a minimum of two acres in size.
   d. Sidewalks will be required on both sides of any type "A" public or private street improvement that is contained within the subdivision. Sidewalks must meet all ADA requirements. Sidewalks shall be constructed in accordance with applicable standard specifications of the city. Sidewalks shall be five feet in width in residential areas. Sidewalks shall generally be located adjacent to the curb of the street.
   e. In addition to the provisions set forth in this section, the subdivider may be required to improve, resurface, repair or replace off-site streets that directly serve the subdivision. The extent of the off-site street improvements must be approved by the city council. The city engineer shall maintain standard construction details and a list of materials that can be used for the construction of street improvements.

TABLE 1. STREET IMPROVEMENTS

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Design Element	Primary Arterial	Secondary Arterial	Collector Local	Low Volume Residential Streets		
Design speed				Type "A"	Type "B"	Type "C"
Outlying areas	65 mph	45 mph	35 mph	35 mph	35 mph	35 mph
Urbanized area	55 mph	45 mph	35 mph	35 mph	35 mph	35 mph
Minimum radius	1650	950	400	250	150	150
Maximum grade	5%	5%	8%	8%	8%	8%
Minimum grade	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Stopping sight distance	550'	375'	275'	275'	275'	275'
Number of lanes	4	4	3	2	2	2
Lane width	12'	12'	11'	11'	9.5'	10'
Parking	none	none	1 side	1 side	None	None
Minimum street width measured to face of curbs	52'	50'	32'	26'	22'	
Width of shoulder or parking lane	10'	10'	10'	8'	None	3'
Right-of-way width	120'	80'	60'	60'	60'	60'
Access control	Planned	Planned				
Structure design load	HS-20	HS-20	H-15	H-15	H-15	H-15
Vertical clearance	17.5'	15.5'	15.5'	15.5'	15.5'	15.5'

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Minimum allowable lot size	No minimum required				1 acre	2 acres
Minimum required lot frontage	No minimum required				150'	200'

Note: All streets have six-inch curbs and enclosed storm drainage, except type "C."

TABLE 1A. PAVING DESIGN

Paving design type	CC	CA	RC	RA	RUEA
Street classification	Arterial and local		Local (only)		
Use	Commercial subdivisions		Residential subdivisions		Urban estates
Surface material	Concrete	Asphalt	Concrete	Asphalt	Asphalt
Paving thickness	8"	8"	6"	6"	4"
Concrete strength	3,500 psi		3,500 psi		
Asphalt type "A"		5"		4"	2"
Asphalt type "B"		3"		2"	2"
Base material	Base rock	Base rock	Base rock	Base rock	Base rock
Base thickness	4"	6"	4"	6"	8"
Subgrade compaction	95%	95%	95%	95%	95%
Subgrade thickness	8"	8"	8"	8"	6"
Subgrade stabilization					
PI less than 15	None	None	None	None	None

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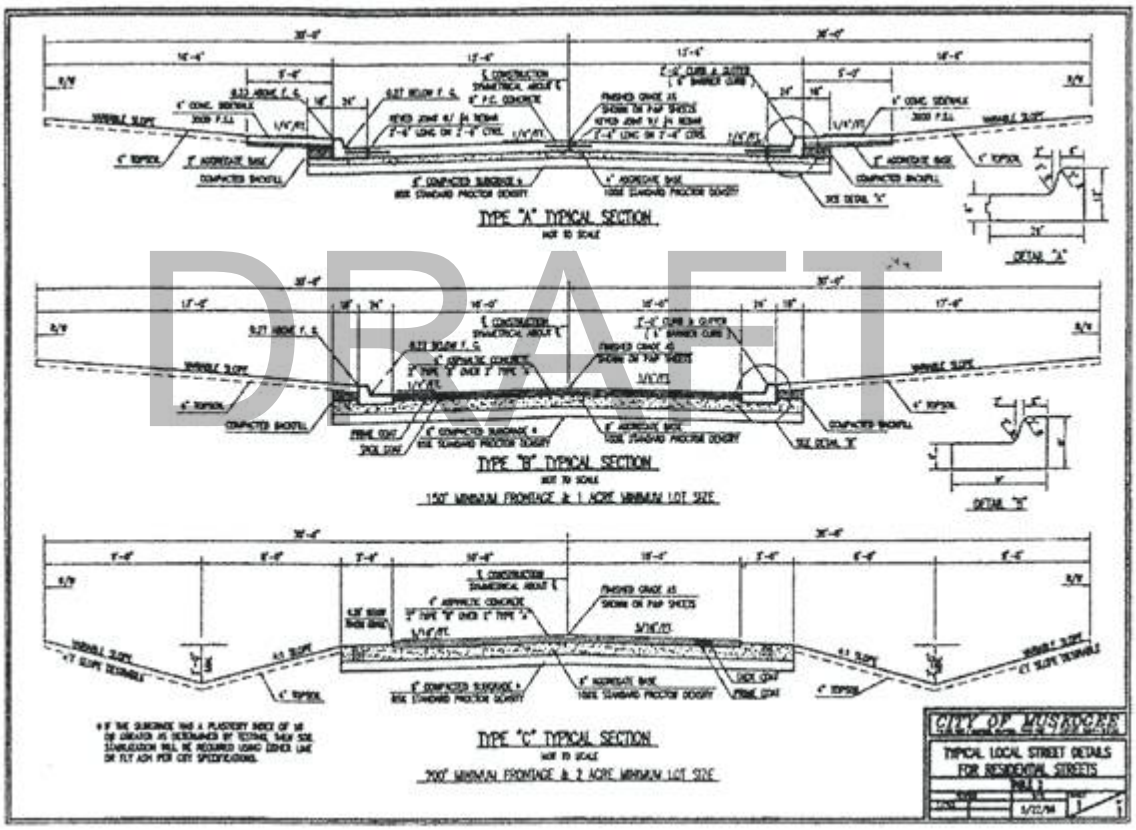
PI between 15 and 28	Fly-ash	Fly-ash	Fly-ash	Fly-ash	Fly-ash
PI greater than 28	Paving design by registered engineer is required				

Notes:

Liquid limit. Liquid limit is the lowest moisture content at which soil tends to flow when disturbed slightly. The change from plastic to liquid is expressed in percentage of water by weight to the weight of dry soil.

Plastic limit. Plastic limit is the lowest percentage of water that will allow rolling a sample to one-eighth-inch diameter without crumbling. It is given in terms of percentage of water by weight to the weight of dry soil.

Plasticity index (PI). Plasticity index is the difference between the plastic and liquid limits.



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B. **Street Lighting**

1. Street lighting in a subdivision shall be addressed at the time the subdivision is platted. All easements required to provide service to street lights shall be shown on the plat. Standard street lighting in residential subdivisions will be one 9,500-lumens high-pressure sodium light on a 28-foot wood pole.
2. Only one light shall be required at street intersections and crosswalks required by the planning commission. Higher density lights, additional lights, or decorative lights may be allowed with approval from the public works director.

Before permission can be granted, the property owner must furnish a written agreement between the adjoining property owner and the local electric company which insures payment of electric service and maintenance by the property owner.

3. Street lighting will be installed when the subdivision is 80 percent occupied. If the developer wants street lights installed prior to 80 percent occupancy, the developer must furnish a written agreement between the adjoining property owners and the local electric company which insures payment of the electric service and maintenance by the property owner until the city accepts responsibility for payment. Acceptance shall occur on 80-percent occupancy. Occupancy is based on issuance of certificates of occupancy in accordance with local building codes.

C. **Street Signs**

1. All traffic signs and street name signs shall be furnished by the developers. Their locations may be approved by either the subdivision review committee or the public works department. Regulatory signs (stop, speed limit, etc.) shall meet the city specifications and conform with the Manual on Uniform Traffic Controls. The color of signs will be the standard green background with white reflective letters. In the approved historical area, the signs shall have a brown background with white reflective letters. Private streets shall have a blue background with white reflective letters. The city will install the appropriate signs in new subdivisions at the developer's expense or the developer may install the signage with the approval of the public works department.
2. The public works director will maintain standard details and an approved list of allowable materials for sign construction.

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D. **Utility Locations.**

1. Survey coordinates will be established to locate all city-owned and city-maintained utilities. Accuracy shall be to the nearest 0.5 foot. The following items shall be located and identified by horizontal coordinates based off the city's survey system: manholes, valves, tees, crosses, fire hydrants, air release valves, outfalls, catchbasins, vaults and other appurtenances.
2. Vertical control will be established for all gravity pipe lines. Accuracy shall be to the nearest 0.1 foot. Benchmarks will be established to third order accuracy.
3. Utility location information will be denoted on the plan sheets by a table showing the description of the utility point and north-south, east-west coordinates. The engineer will submit a reproducible location map in hard-copy and a copy of the map in magnetic media format drawn with AUTOCAD using the city's horizontal and vertical control system.

E. **Permits.** For construction sites, the permitting process is conducted according to the rules established under the Oklahoma Pollution Discharge Elimination System (OPDES), as promulgated under OAC 252:605. The state department of environmental quality (DEQ) has an active stormwater general permit for construction activities. All stormwater general permits may be obtained by submitting an application, notice of intent (NOI), and terminated by submitting a notice of termination (NOT) to the DEQ. All stormwater general permits require the applicant to complete, implement and maintain a stormwater pollution prevention

plan (SWPPP). The SWPPP has to meet the requirements set forth in the general permit and must be designed to meet the specific site's specifications and requirements. All holders of general permits pay an annual fee for the life of the permit as required in OAC 252:605-3-61. A permit is in place and effective until the applicant provides a notice of termination to the DEQ.

H. **Parks and Open Space**

1. **Minimum Open Space Allocation**
    a. All mixed-use PUDs shall allocate a minimum of 20% of the total land area to open space.
    b. The open space shall be distributed throughout the development to ensure accessibility for all residents and visitors.
2. **Types of Open Spaces**
    a. Open spaces may include, but are not limited to, parks, playgrounds, community gardens, plazas, courtyards, greenways, and natural preserves.
    b. At least 50% of the open space must be usable for passive or active recreation, with the remainder preserved as natural areas or landscaping features.
3. **Design Standards**
    a. Open spaces shall be designed to be visually appealing, functional, and safe for public use.
    b. Landscaping, seating, lighting, and pathways shall be incorporated to enhance usability and aesthetics.
    c. Open spaces shall be designed to promote environmental sustainability, incorporating features such as native plantings, stormwater management systems, and habitat preservation.
4. **Accessibility and Connectivity**
    a. Open spaces shall be easily accessible to all residents and visitors, including individuals with disabilities.
    b. Pedestrian and bicycle pathways shall be integrated to connect open spaces with residential, commercial, and other areas within the PUD.
        a. **Establishment of Bike Lanes**
            i. The City shall develop and maintain a network of bike lanes throughout the municipality, prioritizing connectivity to schools, parks, commercial areas, and public transportation hubs.
            ii. The City shall implement protected bike lanes on all new major road projects and during significant road maintenance or resurfacing projects, where feasible.
        b. **Design Standards**
            i. Bike lanes shall meet the design standards established by the National Association of City Transportation Officials (NACTO) and the Federal Highway Administration (FHWA).
            ii. Bike lanes shall be a minimum of 5 feet in width. Protected bike lanes shall include a buffer zone of at least 3 feet between the bike lane and motor vehicle traffic.
            iii. Appropriate signage and pavement markings shall be installed to clearly indicate the presence of bike lanes.
        c. **Maintenance of Bike Lanes**

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i. The City shall ensure regular maintenance of bike lanes, including but not limited to, debris removal, pavement repairs, and snow clearance.
ii. Maintenance schedules and protocols shall be established to ensure bike lanes remain safe and functional year-round.

c. Open spaces shall be connected to the broader community and regional greenway systems where feasible.

I. **Parking**. This PUD will have no parking minimums or computations as determined by the City. The developer may determine the amount of parking necessary for their development to better allow for multi-modal transportation and open space development.

J. **Landscaping and Screening**

1. **Purpose**. The purpose of the landscape requirements is:
   a. To promote the beautification of the city and to enhance its aesthetic quality.
   b. To promote reasonable preservation and replenishment of valued trees.
   c. To aid in establishing the ecological balance by contributing to air purification and oxygen regeneration.
   d. To break up large expanses of pavement for appearance and reduce summer heat gain within parking and paved areas.
2. **Applicability**. These requirements shall apply to paved areas for off-street parking, vehicular access and vehicular maneuvering when said combined areas have a minimum of 2,500 square feet of pavement. An exception from the number of trees required will be allowed for new and used car dealers. However, these requirements do not apply to one-family or two-family dwellings.
3. **Site Plan Requirements.** A site plan showing the development of the property shall be submitted to the city for review and approval with a building permit application. The following items related to parking lot landscaping must be shown on the plan.
   a. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, signs, refuse disposal and recycling areas, sidewalks, bicycle paths and parking facilities, fences, electrical equipment, recreational facilities, drainage facilities, and other freestanding structures, as determined necessary by the Building Inspector.
   b. The location, quantity, size, name and condition, both scientific and common, of all proposed and existing plant materials, including trees and other material in the right-of-way, and indicating plant material to be retained and removed.
   c. Dimensions of planters and type of six-inch barrier enclosing the planter.
   d. The existing and proposed grading of the site indicating contours at one (1) foot intervals.
   e. Elevations of all proposed fences, steps, stairs, retaining walls both fixed (cast concrete, unitized walls) and any natural rock outcroppings on the site.
   f. Elevations, cross-sections, and other details as determined necessary by the Building Inspector.
   g. Watering system.
4. **City's Issuance of a Certificate of Occupancy.** Prior to the city's issuance of a certificate of occupancy for a building or use of the off-street parking and maneuvering areas, all landscape requirements must be complete.

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5. **Minor Changes to Approved Landscape Plans**. Minor changes to the landscape plan that do not result in a reduction in the net amount of plant material as specified on the approved landscape plan shall be approved by the Building Inspector. Changes to the size and amount of plant materials of an approved landscape plan shall not be considered a minor change. Major changes shall be approved by the body granting approval of the landscape plan initially.
6. **Selection.** Plant material shall be selected for its form, texture, color, pattern of growth and suitability to local conditions.
    a. All planting materials used shall be of good quality and meet American Nursery & Landscape Association (ANLA) standards for minimum acceptable form, quality and size for species selected, and capable to withstand the seasonal temperature variations of northeastern Oklahoma, as well as the individual site microclimates.
    b. The use of species native to northeastern Oklahoma shall be encouraged.
    c. Size and density of plant material, both at the time of planting and at maturity, are additional criteria that shall be considered when selecting plant material.
    d. Where appropriate, the use of drought tolerant plant material is preferred.
    e. Trees shall be maintained in a living condition.
7. **Plant Material Selection and Quality.** The scale and nature of landscape materials shall be appropriate to the size of the site and related structures.
8. **Installation.** All landscaping materials shall be installed in accordance with the current planting procedures established by the American Nursery & Landscape Association (ANLA). All plant materials shall be free of disease and shall be installed so that soil of sufficient volume, composition and nutrient balance are available to sustain healthy growth.
    a. Trees shall be planted in a location to ensure that they will reach their intended size at normal maturity and no closer together than the following spacing requirements:
        a. Small trees: 20 feet;
        b. Medium trees: 30 feet; and
        c. Large trees: 40 feet.
    b. Landscaping location and species should allow for good visibility so not to obstruct driver vision at turns or pedestrian crossings.
    c. No tree, other than those species listed as small trees, may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within ten (10) lateral feet of any underground water, sewer, or transmission line or other utility.
    d. Minimum tree sizes at time of planting shall be as follows:
        a. Shade trees shall be not less than 2 inches in caliper. Caliper shall be measured six inches above ground level. Each tree shall be planted in a pervious area not less than six feet in diameter.
        b. Evergreen trees shall be not less than six feet in height above ground level.
        c. Ornamental trees shall be not less than one inch in caliper.
        d. Every five shrubs shall be planted in a pervious area not less than 80 square feet with any one side no less than four feet.

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e. Ground covers within the planters are required to prevent dust, maintain moisture and facilitate growth of trees. Acceptable ground covers are grass or sod, bark, and decorative rock. Living ground covers and low-growing shrubs such as sedum, English ivy, vinca and certain junipers are also acceptable when placed in sufficient quantities. The ground cover to be used must be noted on the site plan.

9. **Required Element.** Landscape materials depicted on landscape plans approved by the City shall be considered to be required site plan elements in the same manner as buildings, parking and other improvements. As such, the owner of record, or in some instances the homeowner's association, shall be responsible for the maintenance, repair and replacement of all landscape materials, and fences, steps, retaining walls and similar landscaping elements over the entire life of the development.
10. **Maintenance.** All landscaping materials shall be maintained in good condition, shall present a healthy, neat and orderly appearance, and shall be kept free of refuse and debris. Any dead, unhealthy or missing plants shall be replaced within six (6) months of notification by the City or the next reasonable available growing/planting season. All fences, steps, retaining walls and similar landscaping elements required within the landscaping plan shall be maintained in good repair. The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscape materials, fences, steps, retaining walls and similar landscaping elements, and refuse disposal areas. Irrigation systems, when provided, shall be maintained in good operating condition to promote the health of the plant material and the conservation of water.
11. **Landscape design standards**. Landscape plans, with parking lots having one-hundred (100) or more spaces, shall be prepared by a licensed Landscape Architect, registered in the State of Oklahoma, and evaluated and approved based on the following design criteria.
    a. **Shade Trees.** All deciduous shade trees shall have a minimum trunk size of two (2) inches in caliper at planting, unless otherwise specified.
    b. **Evergreen Trees.** Evergreens trees shall have a minimum height of six (6) feet at planting and shall be incorporated into the landscape treatment of a site, particularly in those areas where year-round screening and buffering is required.
    c. **Ornamental Trees.** Single stem ornamental trees shall have a minimum trunk size of one inch in caliper at planting, unless otherwise specified. Multiple stem ornamental trees shall have a minimum height of eight (8) feet at planting, unless otherwise specified.
    d. **Shrubs.** Unless otherwise specified, all large deciduous and evergreen shrubs shall have minimum height of three (3) feet at installation, and all small deciduous and evergreen shrubs shall have a minimum height of eighteen (18) inches at installation.
        a. Large shrubs shall be considered to be those shrubs that reach five (5) or more feet in height at maturity.
        b. Small shrubs shall be considered to be those shrubs that can grow up to five (5) feet in height if left unmaintained, but are generally kept at heights of eighteen (18) to thirty (30) inches.

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e. **Softening of Walls and Fences.** Plant material shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect and to help break up long expanses of blank walls with little architectural detail. Where said walls and fences are over one-hundred (100) feet in length, on any side, shall include plant material features a maximum of every seventy-five (75) feet.

f. **Planting Beds.** Planting beds may be mulched with shredded hardwood, granite mulch, river rock, feather rocks or similar materials.

g. **Approved tree list.** The following list constitutes the allowed tree or ornamental species for parking lot landscaping in the city. No species other than those included in the list may be planted without permission of the City.

PERMITTED TREES	
COMMON NAME	SCIENTIFIC NAME
Ash, Green	Fraxinus pennsylvanica
Black Gum	Nyssa sylvatica
Cypress, Bald	Taxodium distichum
Elm, Lacebark	Ulmus parvifolia
Golden Raintree	Koelreuteria paniculata
Hackberry	Celtis occidentalis
Kentucky Coffee	Gymnocladus dioica
Locust, Shademaster	Gleditsia triacanthos "Shademaster"
Locust, Thornless	Gleditsia tracanthos inermis
London Plane	Platanus acerifolia
Maple, Autumn Blaze	Acer freemanii
Maple, October Glory	Acer rubrum
Maple, Red Sunset	Acer rubrum "Franksred"
Oak, Live	Quercus virginiana
Oak, Red	Quercus rubra
Oak, Shumard	Quercus shumardii
Oak, Sawtooth	Quercus acutissima
Oak, Water	Quercus nigra
Oak, Willow	Quercus phellos
Pine, Austrian	Pinus nigra

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Pine, Slash	Pinus caribaea
Pistache, Chinese	Pistacia chinensis
PERMITTED ORNAMENTALS	
COMMON NAME	SCIENTIFIC NAME
Redbud	Cercis canadensis
Pear, Aristocrat	Pyrus calleryana 'Aristocrat'
Maple, Amur	Acer ginnala
Smoketree	Cotinus coggygria
Olive, Russian	Elaeagnus angustifolia
Hawthorn, Washington	Crataegus phaenopyrum
PROHIBITED TREES	
COMMON NAME	SCIENTIFIC NAME
North American Elm	Ulmus americana
Female Cottonwood	Populus deltoides
Catalpa	Catalpa
Tree of Heaven	Ailanthus altissima
Sweetgum	Liquidambar styraciflua
Siberian or Chinese Elm	Ulmus pumila
Black Locust	Robinia pseudoacacia
Poplar	Populus
Willow	Salix
Mimosa	Albizia julibrissin
Boxelder	Acer negundo
Silver Maple	Acer saccharinum
Sycamore	Platanus occidentalis

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A. **Irrigation.** Landscape design pursuant to the requirements of this section shall recognize the need for irrigation and water conservation. Sprinkler irrigation

systems may be required for certain landscaped areas, as determined by a landscape architect. The need for sprinkler irrigation systems shall be determined by the type of plant material and the condition/growing medium that they are installed in. For instance, whether there is a permanent means available to water plant material, such as hose bibs, shall be a consideration. All irrigation systems shall be designed to minimize the use of water.

1. Required landscaping shall be irrigated by one of the following methods:
    a. An underground sprinkling system;
    b. A drip system; or
    c. An outside hose attachment within 100 feet of all landscaped areas.

B. **Species Diversity.** Diversity among required plant material is encouraged not only for visual interest, but to reduce the risk of losing a large population of plants due to disease.

C. **Berming.** Earthen berms and existing topographic features shall be incorporated into the landscape treatment of a site where there is sufficient space and, in particular, when berms and existing topographic features can be combined with plant material to facilitate effective screening. Minimum un-retained berm side slopes shall be maintained at no less than a 4:1 slope ratio to prevent erosion and be properly and safely maintained. Retained slopes may be implemented with the appropriate terracing necessary to reduce the need for safety railing.

D. **Turf Required.** All areas within yards that are unpaved shall be landscaped primarily with turf (seed or sod) or live groundcover. Artificial turf is prohibited.

E. **Parking Areas.** All landscaped areas shall be protected with six-inch curbs or equivalent barriers.

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L. **Parking Lot Landscaping**

1. **Parking Lot Landscaping Design Guidelines.** All parking lots of ten (10) or more spaces are subject to site plan review and a landscape plan as a condition of obtaining a building permit.
    a. Perimeter Landscaping. Perimeter landscaping is required for all parking lots and shall be established along the edge of the parking lot that abuts the public right-of-way, excluding alleys.
    b. Interior Parking Lot Landscaping. Interior parking lot landscaping is required for those lots of ten (10) or more spaces.
    c. Landscaping in Excess of Requirements. Nothing in this section shall be deemed to prevent the applicant's voluntary installation of additional interior parking lot landscaping, so long as parking space requirements and parking lot design requirements are complied with.
2. **Existing Parking Lots.** For existing parking lots that currently do not comply with the required parking lot landscaping, such landscaping shall be provided when:
    a. A new principal building.
    b. Over fifty percent (50%) of the total area of an existing parking lot is reconstructed. Resealing or re-striping of an existing parking lot, which

does not entail paving or resurfacing by replacement of the asphalt or concrete, shall not be subject to this requirement.

c. When an existing parking lot less than ten thousand (10,000) square feet in area is expanded by fifty percent (50%) or more in total surface area.
d. When an existing parking lot over ten thousand (10,000) square feet in area is expanded by twenty-five percent (25%) or more in total surface area.
e. When an existing parking lot is required to provide landscaping, which would result in creating a parking area that no longer conforms to the parking regulations of the Article and this Code, such existing parking lot shall not be required to install all or a portion of the required landscaping. The applicant shall be required to show that landscaping cannot be accommodated on the site. If only certain requirements are able to be accommodated on the site, those elements shall be required. The Planning Director shall make the determination that all or a portion of required landscaping does not have to be installed.

3. **Parking Lot Landscaping Design Requirements.** Landscaping is required for all parking lots. Landscaped areas outside of shrub and tree masses shall be planted in turf or other groundcover. The landscaped area shall be improved as follows:
   a. **Quantity of Landscape Material.** One tree from the list of permitted trees or two ornamentals from the list of permitted ornamental trees shall be provided for every 2,500 square feet of paved area. For new and used car dealers only, five shrubs in lieu of each tree will be allowed. The minimum amount of trees and shrubs required by this section shall be located within the parking lot islands or landscaped areas. The required trees shall not be located in the right-of-way.
   b. **Landscaped Areas.** No portion of a parking space shall be located more than fifty (50) feet from a landscaped area or parking lot island and all rows of parking spaces shall be terminated by a parking lot island or landscaped area.
   c. **Design of Planting Areas.** Parking lot islands or landscaped areas shall be at least one-hundred eight (108) square feet in area, with no side being less than six (6) feet, and at least six (6) inches above the surface of the parking lot and protected with concrete curbing, except where designed specifically for the absorption of stormwater. Such islands and landscaped areas shall be properly drained and irrigated as appropriate to the site conditions to ensure survivability.
   d. **Type of Landscape Material.** Shade trees shall be the primary plant materials used in parking lot islands and landscaped areas. Ornamental trees, shrubs, hedges and other plant materials may be used to supplement the shade tree plantings but shall not create visibility conflicts for vehicles and pedestrians. The remaining area shall be planted in turf or other live groundcover, perennials or ornamental grasses.

M. **Buffer Yards.** Buffer yards are required when a commercial use directly abuts a residential use and shall conform to the following:

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1. A buffer yard shall be a minimum of six (6) feet in width.
2. All plantings in the buffer yard shall be in accordance with the design standards of this Section. The minimum size and improvement of buffer yards shall be as follows:

1. An opaque masonry wall (stone, stucco or brick), solid screen fence or dense evergreen hedge, at least six (6) feet in height, shall be erected along one hundred percent (100%) of the yard length.
2. Areas not planted with trees or shrubs shall be maintained as turf or other groundcover.

N. **Screening Requirements**

1. **Refuse Disposal Dumpsters and Refuse Storage Areas.** All refuse containers shall be fully enclosed on three (3) sides by a solid wood or simulated wood screen fence, an opaque masonry wall (stone, stucco or brick) or principal structure wall six (6) feet in height and the enclosure shall be gated. The materials used for screening, including the enclosure, shall complement the architecture of the principal structure. An extension of an exterior principal structure wall may be used as one of the screening walls for a refuse container, provided that such wall meets the minimum six (6) foot height requirement and is of the same building materials as the principal structure. Such wall may not be the gated enclosure.
2. **Loading Berths.** Loading berths in all zoning districts shall be screened as much as possible, unless such screening is determined unnecessary by the body approving the landscape plan. Such screening shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence, or dense evergreen hedge, at least six (6) feet in height.
3. **Outdoor Storage and Display Areas.** All outdoor storage areas shall be completely screened by an opaque masonry wall (stone, stucco or brick) or a solid wood or simulated wood screen fence no less than six (6) feet in height. Where feasible, plant materials shall be installed along the fence or wall located along the public right-of-way to provide a softening effect. No materials stored outdoors shall be of a greater height than that of the required fence or wall.
    a. When the rear or interior side yard of an outdoor display area abuts a residential district, or the rear yard is separated from a residential district by an alley, the outdoor display area shall be effectively screened from view by an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge, at least six (6) feet in height.
    b. All outdoor display areas shall be designed with a landscaped yard along the public right-of-way, excluding alleys, a minimum of ten (10) feet in width and planted with shade or evergreen trees at a rate of one (1) tree per twenty-five (25) feet, and supplemented with shrubs and perennials to enhance the view from the public right-of-way. These screening requirements are not intended to prohibit openings reasonably necessary for access drives and walkways.
    c. Motor vehicle dealerships or rental establishments with outdoor sales and display lots shall be designed with permanent screening along the right-

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of-way meeting the requirements of Paragraph 2 above, but such plantings may be clustered. However, the screening may consist of small shrubs and/or a low pedestrian wall, rather than shade or evergreen trees, to optimize the view of motor vehicles for sale.

4. **Drive-Through Facility.** Drive aisles of drive-through facilities shall be effectively screened from view when adjacent to residential properties in order to minimize the impact of exterior site lighting, headlight glare and any menu intercom displays. Such screening shall be approved during the site plan review process and shall consist of an opaque masonry wall (stone, stucco or brick), a solid wood or simulated wood screen fence or dense evergreen hedge at least six (6) feet in height. Plant materials shall be installed along the fence or wall to provide a softening effect.
5. **Fences, General Requirements.**
    a. All fences shall be measured from existing grade, unless otherwise specified.
    b. For the purposes of this section, masonry walls shall be considered solid fences.
6. **Fence Construction and Design Requirements:**
    a. All fence posts shall be placed on the inside of the fence.
    b. A fence or wall, including all posts, bases, and other structural parts shall be located completely within the boundaries of the lot on which it is located.
    c. Fences shall only be constructed of the following materials:
        a. Treated wood, cedar or redwood
        b. Simulated wood
        c. Decorative brick or stone
        d. Wrought-iron or aluminum designed to simulate wrought-iron
        e. Galvanized or coated chain link, brown, black or green in color (permitted in rear and interior side yard only)
        f. Vinyl
        g. Metal Panel Fencing may be allowed for commercial purposes only and shall be approved by the Planning Director prior to installation. The property owner must create a rendering of the fence and the location of the fence on a site plan created by a licensed professional prior to approval.
7. **Fencing for Residential Use**
        a. Fences or walls, to a maximum height of eight (8) feet, are permitted along the lot (property) line, except as follows:
            a. No fence greater than four (4) feet in height shall be permitted in a front yard, or reversed corner side yard, or rear yard setback of a double-fronted lot.
            b. No opaque fence or wall may be located in a front yard, or reversed corner side yard, or rear yard setback of a double-fronted lot. An opaque fence shall be defined as a fence that blocks or otherwise prevents the passage of light through fifty percent (50%) or more of its surface area.

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c. When a residential lot abuts a commercial or industrial zoning district, the residential lot owner is permitted to erect a fence of up to eight (8) feet in height along the rear or interior side lot lines that abut such districts.
d. In all zoning districts, public or quasi-public buildings and facilities essential to the physical welfare of an area, such as electrical distribution substations, pipeline pumping stations, gas regulator stations, water storage facilities and similar uses may be surrounded by a fence having a height above grade not more than twelve (12) feet.

b. All fences and walls shall comply with the provisions regarding Corner Visual Clearance. At all intersections, at a point of twenty (20) feet in any direction from the point of intersection of the street right-of-way, no sign, wall, fence, hedge, shrub or other object may exceed a height of three (3) feet above the established street grade.

8. **Fences for Commercial Use**
    a. Fences and walls are permitted along the property lines.
    b. Fences in non-residential districts shall erected at a minimum height of six (6) feet to reduce nuisances when commercial uses are adjacent to residential use
9. **Fences Installed in Utility or Drainage Easements.** Fences may be installed or constructed across or upon certain utility or drainage easements located on the owner's property provided that the following conditions are met:
    a. No fence shall be installed or constructed across or upon any access easement.
    b. No drainage easement, stormwater management easement, drainage swale, overland flow path, or storm inlet (individually and collectively referred to in this chapter as "drainage easement") shall be altered or in any way impeded by such fence. A minimum clearance of three (3) inches from the bottom of the fence to the ground shall be maintained at all times on fences installed or constructed within the drainage easement.
    c. Prior to digging postholes within the utility or drainage easement, the property owner or contractor shall notify Oklahoma One-Call System, Inc (Okie) of the proposed work and obtain from Okie all information relating to the location and depth of all underground pipes, conduits, wires and other apparatus within the utility or drainage easement.
    d. All owners of the property on which the fence is installed or constructed and contractors performing work thereon shall be jointly and severally responsible for any damage to any pipes, conduits, wires and other apparatus within the utility or drainage easement.
    e. It is the property owner's obligation to promptly remove the fence or such portion of the fence as may be necessary upon notice from the City or public utility company in order for the City or public utility company to install, repair, remove, replace, maintain or do other

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work on such pipes, conduits, wires or other apparatus within the utility or drainage easement. If the property owner fails to do so in a timely manner or if there is an emergency as determined by the City or public utility company, the City or public utility company may remove the fence or such portion of the fence as may be necessary to do work within the utility or drainage easement.

f. The City or public utility company and their contractors, employees and agents shall have no liability for the removal or damage to such fence in the course of performing any work on such pipes, conduits, wires or other apparatus within the utility or drainage easement and the property owner shall be responsible, at his/her cost, for the repair or reinstallation of any portion of the fence damaged or removed.

10. **Nonconforming Fences.** Any fence that is nonconforming, must be brought into conformance when repaired, reconstructed or expanded.

K. **Lighting.** Lighting on a given site shall adhere to the following standards. City staff and officials may request submittal of a formal lighting plan at their discretion, the content of which shall be determined at the time that such a request is made.

1. **Light Trespass and Distraction**. Lighting shall be provided in such a way as to not interfere with roadway traffic or spill over on adjacent properties.
   a. Specifically, the following types of light trespass are prohibited:
      a. Any light not designed for roadway illumination that produces direct or reflected glare that could disturb the operator of a motor vehicle.
      b. Any light that may be confused with, or construed as, a traffic control device, except as authorized by state, federal or local government.
   b. **Unshielded Lighting**. The use of unshielded lighting, including incandescent light bulbs hung or strung on poles, wires, or any other type of support, are prohibited, except on a temporary basis in areas where approved sale of seasonal goods, carnivals, fairs or other similar activities are held and only when such activities are taking place.
   c. **Light Pole and Building-Mounted Lighting Heights.** The maximum height of light poles on private property, as measured from grade at the base to the bottom of the luminaire, shall be as specified below. These standards do not apply to public right-of-way lighting. Permitted light pole heights shall be as follows:
      a. **Non-Residential Uses**
         i. Lights poles and building-mounted fixtures shall be designed with fully shielded luminaires. Such poles or mounts shall not exceed thirty (30) feet in height.
         ii. Light poles for outdoor recreational facilities shall not exceed sixty (60) feet in height. If light poles that exceed sixty (60) feet are necessary, such light poles are subject to special use approval.
      b. **Residential Uses**
         i. Light poles shall not exceed twelve (12) feet in height.
         ii. Lighting mounted on a dwelling shall not be mounted higher than fifteen (15) feet above grade.

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d. **Automatic Teller Machine Lighting.** The operator, owner, or other person responsible for the automated teller machine shall provide lighting during the hours of darkness with respect to an open and operating automated teller machine and any defined parking area, access area, and the exterior of an enclosed automated teller machine installation.

L. **Signs.** See Chapter 90-16, Signs in the City of Muskogee Code of Ordinances.

M. **Solar Energy Collectors.** A solar energy collector and heat storage unit of size needed to supply the building to which it is appurtenant shall be considered an accessory use and be so regulated. Solar energy collectors shall be mounted so that they cannot be seen from adjacent residential uses or the public right-of-way, except that they may be visible from an alley.

1. **Building-Mounted Solar Energy Collectors.**
   a. A Building-Mounted Solar Energy Collector may have a maximum height of ten feet (10') as measured from the roof surface on which the system is mounted to the highest edge of the system provided, however, that the system does not extend above the peak roof height or façade height.
2. **Ground-Mounted Solar Energy Collectors.**
   a. The maximum height of a Ground-Mounted Solar Energy Collector shall be six feet (6') as measured from the average grade at the base of the system to the highest edge of the system and screened so it is not visible from a public right-of-way or adjacent properties.
   b. All parts of any Ground-Mounted Solar Energy Collectors shall be set back at least five feet (5') from interior side and rear property lines.
3. **Removal.** If the Solar Energy Collector(s) remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed discontinued and shall constitute a public nuisance. The owner/operator shall remove the abandoned system at their expense. Removal includes the entire system and mounting hardware, including panels, equipment, and fencing from the property.

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Article VI. Conclusion

A. Summary of Benefits. This PUD is designed to promote development in an area of blight within the City of Muskogee and will have the following benefits:

1. Enhanced quality of life for residents and visitors.
2. Promotion of sustainable, healthy lifestyles.
3. Contribute to the overall development and growth of the community.
4. Increasing the City's tax base with more retail opportunities.
5. Creating a walkable environment to reduce the dependences on vehicles.
6. To stimulate creative approaches to the commercial, residential and commercial/mixed-use development of land.
7. To provide more efficient use of land.
8. To preserve natural features and provide open space areas and recreation areas in excess of that required under existing zoning regulations.
9. To develop new approaches to the built environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
10. To unify building and structures through design.

11. Promotion of long term planning pursuant to the Comprehensive Plan, which will allow harmonious and compatible land uses or combination of uses with surrounding areas.

B. Final Remarks.

1. The City of Muskogee is committed to the development of this PUD to promote a cohesive, vibrant community with integrated residential, commercial, and recreational spaces; enhance quality of life through the inclusion of pedestrian trails, bike paths, and open spaces; encourage sustainable development and healthy lifestyles.
2. It is understood that developers who develop within this PUD shall conform to the standards of this document and if a particular item related to development is not listed in this document, the developer shall conform to the City of Muskogee Code of Ordinances.

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Public Works Committee **13.**

Meeting Date:	08/12/2024		
Submitted For:	Mike Miller, City Manager	Initiator:	Jody King, Planning Director
Department:	Planning Dept		
Staff Information Source:			

Information

AGENDA ITEM TITLE:

Discuss a Right-of-Way (ROW) closure for property owned by the Urban Renewal Authority, located south of Shawnee Street in the Factory Addition, or take other necessary action. (Mike Miller)

BACKGROUND:

LEGAL DESCRIPTION OF STREET CLOSURE

Part of Martin Street and Miller Street within Factory Addition in the City of Muskogee, Muskogee County, State of Oklahoma, more particularly described as follows: Beginning at the SW Corner of Block 6 in said Factory Addition, thence North along the west line of Block 6 and across Martin Street to the SW Corner of Block 3, thence west across N. 5th Street and along the south line of Block 4 to the SW Corner of Block 4, thence south across Martin Street to the NW Corner of Block 5, thence east along the north line of Block 5 to the NE Corner of Block 5, thence south along the east line of Block 5 to the SE Corner of Block 5, thence east across N. 5th Street to the SW Corner of Block 6 to the Point of Beginning.

LEGAL DESCRIPTION OF ALLEY CLOSURE

The 15 foot Alley in Block 5 of Factory Addition in the City of Muskogee, Muskogee County, State of Oklahoma.

Roughly around the area of between 5th and 6th streets and Martin and Miller Street sits Urban Renewal Authority owned lots for economic development. To best accommodate development, closure of Miller Streets, 5th Street and an alleyway are necessary. This item is to inform the Public Works Committee of an upcoming public hearing and action to be required by the City council. A formal public hearing will be held on Monday, August 19, 2024, at the regular session of the Planning & Zoning Commission. This item is to introduce this body to the Right-of-Way Closure and address questions, concerns, or suggestions.

RECOMMENDED ACTION:

Hold discussion and provide direction

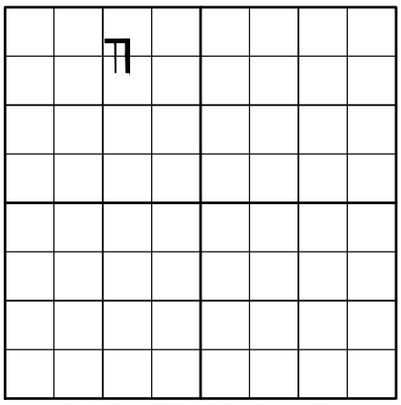
Fiscal Impact

Attachments

Survey

GIS Map of Area with Imagery

Street and Alley Closure



LOCATION MAP

SEC. 23 T 15 N, R 18 E

SCALE: 1"= 100

◉ =IRON PIN

—x— =FENCE

LEGAL DESCRIPTION OF STREET CLOSURE

Part of Martin Street and Miller Street within Factory Addition in the City of Muskogee, Muskogee County, State of Oklahoma, more particularly described as follows:
Beginning at the SW Corner of Block 6 in said Factory Addition, thence North along the west line of Block 6 and across Martin Street to the SW Corner of Block 3, thence west across N. 5th Street and along the south line of Block 4 to the SW Corner of Block 4, thence south across Martin Street to the NW Corner of Block 5, thence east along the north line of Block 5 to the NE Corner of Block 5, thence south along the east line of Block 5 to the SE Corner of Block 5, thence east across N. 5th Street to the SW Corner of Block 6 to the Point of Beginning.

LEGAL DESCRIPTION OF ALLEY CLOSURE

The 15 foot Alley in Block 5 of Factory Addition in the City of Muskogee, Muskogee County, State of Oklahoma.



7/26/2024

Tony Robison

TONY ROBISON, LAND SURVEYOR NO. 1686

Heartland Surveying & Mapping, PLLC

CA #4849

600 Emporia St., Ste."C"
Muskogee, Oklahoma 74401
(918) 682-7796

LICENSED PROFESSIONAL LAND SURVEYOR
TONY ROBISON 1686
OKLAHOMA

FOR: City of Muskogee

DATE: 7/25/2024

This survey was performed without the benefit of a title commitment being furnished and may contain easements or rights of ways not shown.

SHEET SIZE 8.5x14

W.O.# 12345

SURVEYED BY:

DRAWN BY: DR

Last Site Visit:

FILE NAME
Jul 26, 2024 - 1:02pm
S:\CAD -HEARTLAND-FILES\W012345-Street Closure.dwg

URA Map



7/19/2024

1:1,400

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.06 km

Maxar, Microsoft, Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

Public Works Committee **14.**

Meeting Date:	08/12/2024
Submitted For:	Jody King, Planning Dept
Initiator:	Sarah Winkle, Deputy Director of Planning and Community Development
Department:	Planning Dept
Staff Information Source:	

Information

AGENDA ITEM TITLE:

Discuss and take action on the Renew and Rebuild Grant Program awarded by Main Street Muskogee to authorize the use of a resolution to allow the Renew and Rebuild application review team at Main Street Muskogee to issue Certificates of Appropriateness on behalf of the Historic Planning Commission. (Jody King)

BACKGROUND:

The Renew and Rebuild Grant is being offered by Main Street Muskogee, Inc. to property owners who wish to make building improvements, renovations, and/or additions to commercial property in the Main Street Muskogee designated district. The 50/50 matching grant upon approval of the Main Street Muskogee board of Directors can allocate or amend a requested amount per project. Priority will be given to restoring historic buildings in the Main Street Muskogee grant boundary. The Main Street Muskogee grant boundary is defined as the South side of Denison Street, both sides of 7th Street, the North side of Elgin Street but to include P&H Supply, and both sides of Main Street. Special focus to buildings will be given on Broadway from Main to 4th Street. To expedite the process of the COA, I present an option that was done once in the past in a partnership with Main Street Muskogee and Neighbors Building Neighborhoods on a previous iteration of the Paul Bruhn Historic Revitalization Grant Program. With experts on Historic Muskogee such as Melony Cary and a strict adherence to The Secretary of the Interior's Standards for the Treatment of Historic Properties, staff proposes that for any property wishing to participate in the grant, the owner must file an application for a COA. This commission would allow the application review committee to decide on the design/renovation of the structure for the COA. Our friends and
collaborators at Main Street Muskogee would report back to the commission to give an update before or around the launch of the application and once again at the end to present the awarded properties. This will be accomplished via a short-term resolution to be presented to the City Council on August 12th at the Public Works Committee Meeting scheduled at 5:30 P.M., and on August 26th at the regular City Council Meeting scheduled at 5:30 P.M.

RECOMMENDED ACTION:

Direct staff to prepare a resolution to allow the Muskogee Main Street application team to issue Certificates of Appropriateness on behalf of the Historic Planning Commission for the Renew and Rebuild Grant Program.

Fiscal Impact

Attachments

No file(s) attached.

Public Works Committee **15.**

Meeting Date:	08/12/2024		
Submitted For:	Jody King, Planning Dept	Initiator:	Jody King, Planning Director
Department:	Planning Dept		
Staff Information Source:			

Information

AGENDA ITEM TITLE:

Consider approval to authorize the City Manager to negotiate and execute a contract between the City of Muskogee and Okie Safety, for the plan review of commercial building permits and commercial inspections, or take other necessary action. (Jody King)

BACKGROUND:

The City of Muskogee has used Okie Safety for the last two years to help facilitate and expedite the review of construction documents for commercial building permits. In previous iterations of this contract, Okie has only conducted plan reviews. In the last year, we have held discussions with Okie about conducting on-site commercial inspections in addition to commercial plan review. Given the recent turn-over and exceedingly high cost and low availability of unlimited building inspectors, the planning department believes it is in the best interest of the City to work with Okie for all commercial permitting and inspections. The current schedule discussed is for inspections to be scheduled on Monday, Wednesday, and Friday. We already request a 24 lead time for inspections within the inspection division, so this would be no different other than they would call Okie to get on the schedule for inspections rather than the City's permit office.

We will still retain a residential building inspector of staff to handle all residential permitting and to serve as the City Building Official. At this time, our current building official can do emergency inspections for commercial permits during the off days of Okie Safety's scheduled inspection days. This ensures no matter what day of the week it is, if an inspection is called in, it will be taken care of within 24 hours.

Our existing contract is a budgeted line item at an annual cost of $40,000 per year. Additional inspections would increase the contract price to an estimated $157,000 per year based on two-and-a half days of inspections per week at a weekly cost of $2,200 for fifty-two (52) weeks). In addition to these increased costs, we do anticipate a savings of almost $150,000 in personnel costs by switching to Okie Safety for inspections rather than hiring and maintaining three unlimited building inspectors on staff. This switch would offset total costs by almost $33,000 per year.

RECOMMENDED ACTION:

Authorize the City Manage to negotiate and Execute a contract with Okie Safety.

Fiscal Impact

FUNDING SOURCE:

100-7020-424.39-90 Contractual Services/Other

Attachments

Draft Fee Schedule

CITY OF MUSKOGEE

Okie Safety presents the scope and fee schedule below for the purpose of performing permitting, new and existing building plan reviews/inspections, sprinkler suppression system plan reviews, fire alarm plan reviews, mechanical, electrical and plumbing reviews, CO2 system reviews, hood suppression system plan reviews, residential review and inspections, and annually required reviews and inspections.

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1.0 STATEMENT OF WORK

1.1 Review and evaluate project designs to ensure drawings, specifications and supporting documents required are submitted properly and in compliance with adopted codes.

1.2 Conduct onsite inspections to evaluate life safety building elements, mechanical, electrical, plumbing and fire protection systems.

1.3 Provide three days per week for City inspections.

FEE SCHEDULE

FEE SCHEDULE	
CODE COMPLIANCE REVIEWS	
Plan Review Minimum Permit Fee	$300.00
Rates where total exceeds the Minimum Permit Fee are as follows:	
Commercial Fire and Life Safety Building Plan Review	$.10/sqft
Fire Suppression Plan Review	$300.00 per system
Sprinkler Plan Review	$.03/sqft
Fire Alarm or Hardwire Smoke Alarm Plan Review	$.03/sqft
Residential Plan Review	$300.00/dwelling
Inspection fee	$125.00 per hour 3 hour minimum
Daycare Inspections – To be done annually, all will be completed in the same week	$200.00
Firework Stand Inspections	$200.00
State Required Inspections	$300.00
Civil Review and Inspection	$125/hr with a $300 minimum
MEP Review	$0.06/sqft *Per Trade or $0.18/sqft *combined with a $300 minimum
Neighborhood Developments (Waterlines, Hydrants, Access Roads, and Entrances) Fees includes final inspection and plan review *Phased projects may impact fees	$800.00 : 1-50 dwellings $1,400.00: 51-100 dwellings +$300.00 per every 50 additional dwellings
Unlimited Building Inspector – Daily Rate	Half Day not to exceed 4 Hours - $450.00 Fully Day not to exceed 8 Hours - $900.00
Code Consulting/Pre-Development Meetings	$125.00/hr

DRAFT

Public Works Committee **16.**

Meeting Date:	08/12/2024		
Submitted For:	Jody King, Planning Dept	Initiator:	Jody King, Planning Director
Department:	Planning Dept		
Staff Information Source:			

Information

AGENDA ITEM TITLE:

Discuss an upcoming hearing for a Specific Use Permit to allow a Dog Boarding Facility to operate at a location near Hancock Street and Foltz Lane, or take other necessary action. (Jody King)

BACKGROUND:

The Applicant (Shelley Leckwee) recently purchased and platted land roughly 5 acres in size along Hancock Street near Hancock and Foltz Lane. In order to open a dog boarding facility, it requires the following steps:

1. The request for a dog boarding facility--or a kennel-- can only exist in C-1 Local Commercial Zoning after approval of a special use exception by the Board of Adjustment. The BOA will hear the request on Tuesday, August 13, 2024, at 2:00 P.M.
2. Next, after approval of the special use exception, an application must be made to the Planning & Zoning Commission for a Specific use Permit (SUP). The SUP will be heard in a public hearing at the Planning & Zoning Commission on Monday, August, 18, 2024 at 9:00 A.M. (tentatively).

This item is to inform this body of upcoming items for City Council consideration prior to action to allow the applicant to proceed in a timely manner.

RECOMMENDED ACTION:

Hold discussion

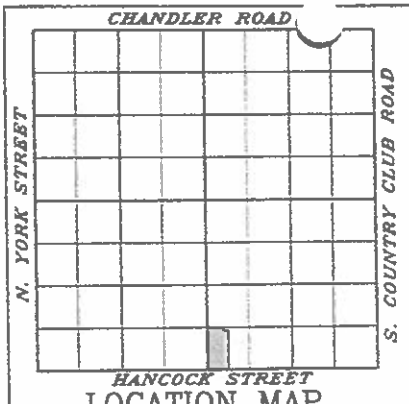
Fiscal Impact

Attachments

Site Plan

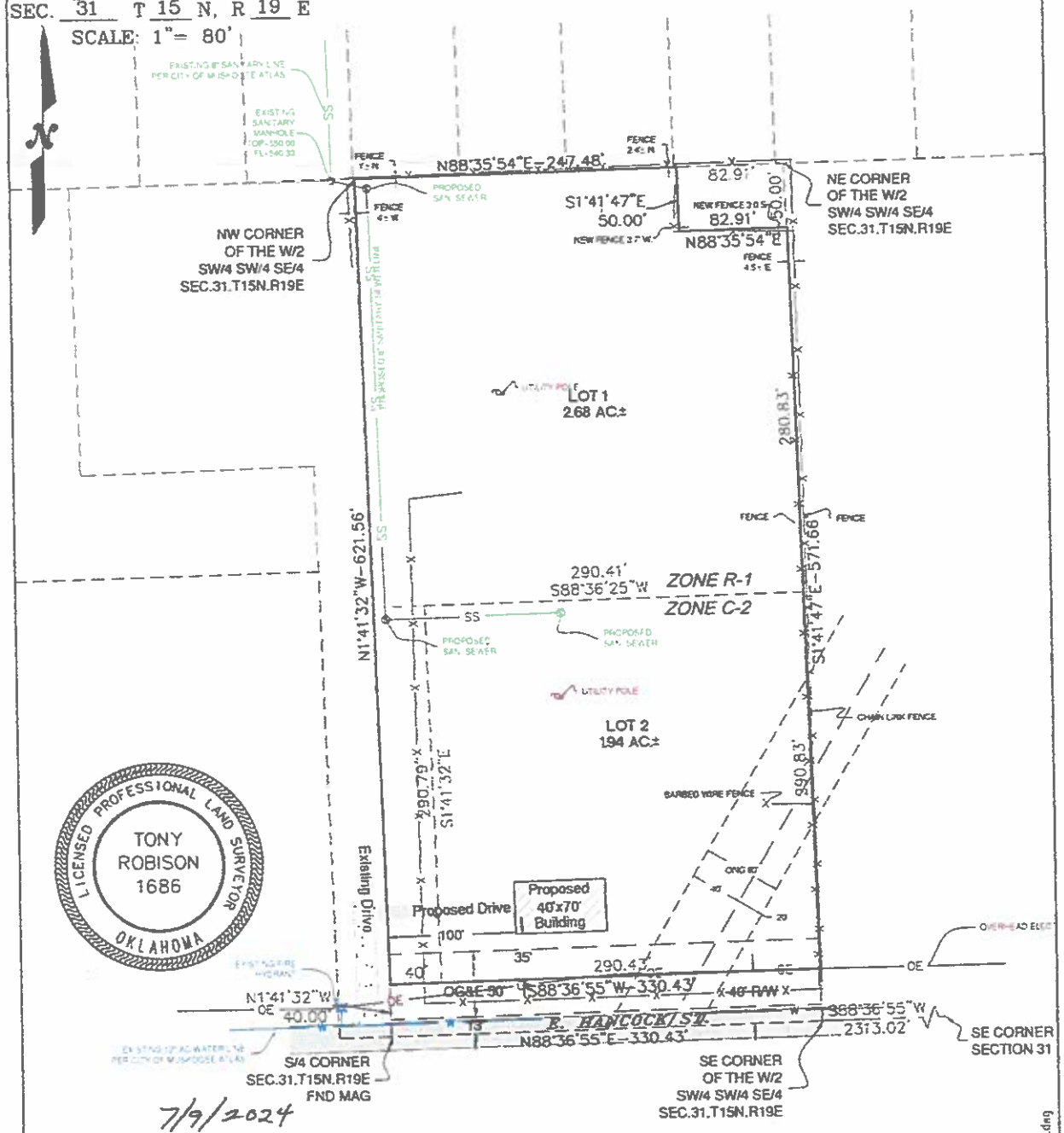
Zoning Map

SITE PLAN



LOCATION MAP
SEC. 31 T 15 N, R 19 E
SCALE: 1"= 80'

LEGAL DESCRIPTION
LOTS 1 AND 2 OF ACT MD ADDITION IN SECTION 31, T15N, R19E OF THE I.B.&M., CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA. CONTAINING 4.92 ACRES, MORE OR LESS.



LICENSED PROFESSIONAL LAND SURVEYOR
TONY ROBISON 1686
OKLAHOMA

7/9/2024

Tony Robison

TONY ROBISON, LAND SURVEYOR NO. 1686

Heartland Surveying & Mapping, PLLC
CA #4849
600 Emporia St., Ste."C"
Muskogee, Oklahoma 74401
(918) 682-7796

FOR: Shelley Leckwee

DATE: 7/9/2024

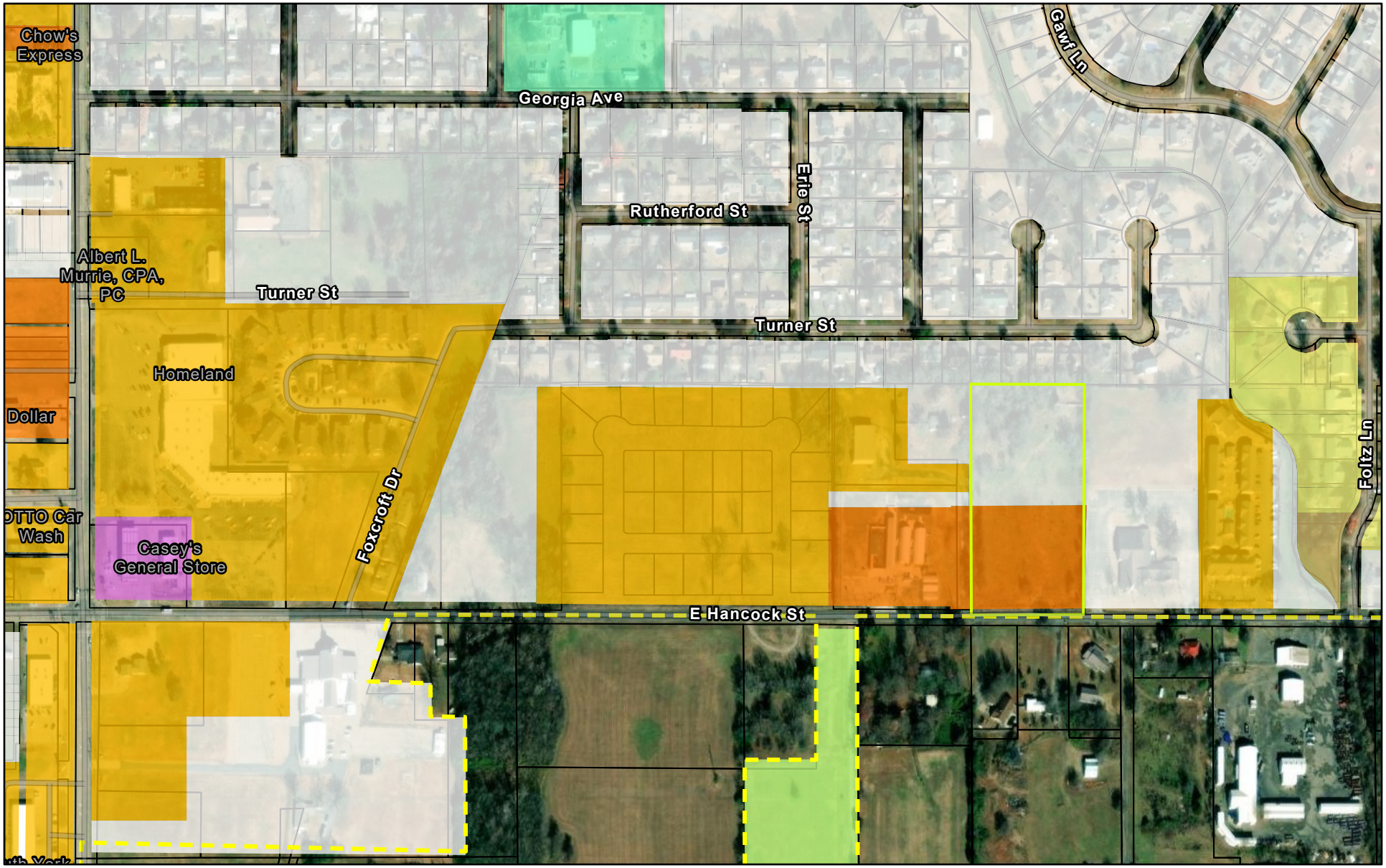
THIS SURVEY MEETS OKLAHOMA MINIMUM SURVEY STANDARDS.

Bearings are based on NAD83 Oklahoma State Plane Coordinate System.

W.O.# 12300
SURVEYED BY: RT
DRAWN BY: AM
Last Site Visit: _____

FILE NAME
Jul 09, 2024 - 3:19pm
S:\CAD -HEARTLAND-FILES\W012300.dwg

City of Muskogee Zoning Map



7/30/2024

1:5,900

0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

Maxar, Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

Jody King, MPA
City of Muskogee Planning Department

Public Works Committee **17.**

Meeting Date: 08/12/2024

Initiator: Tammy Tracy, City Clerk

Department: City Clerk

Staff Information Source: Mayor W. Patrick Cale

Information

AGENDA ITEM TITLE:

Consider the appointment of Councilor Tom Martindale to the City of Muskogee Foundation Board, serving a two (2) year term, filling the expiring term of Deputy Mayor Derrick Reed, beginning September 1, 2024, and ending on August 31, 2026, or take other necessary action. (Mayor W. Patrick Cale)

BACKGROUND:

This appointment is to fill the expiring term of Deputy Mayor Derrick Reed. This seat is a City Council representative and must be filled by a City Council member.

RECOMMENDED ACTION:

Approve the appointment.

Fiscal Impact

Attachments

No file(s) attached.

Public Works Committee **18.**

Meeting Date:	08/12/2024
Initiator:	Tammy Tracy, City Clerk
Department:	City Clerk
Staff Information Source:	Councilor Shirley Hilton-Flanary

Information

AGENDA ITEM TITLE:

Consider the appointment of Wayne Wilburn to the Muskogee Medical Center Authority (MMCA), filling the unexpired term of Ched Wetz, beginning August 1, 2024, and ending May 30, 2027, or take other necessary action. (Councilor Shirley Hilton-Flanary)

BACKGROUND:

Mr. Ched Wetz resigned from the MMCA. This is Councilor Shirley Hilton-Flanary's appointment and she is recommending Mr. Wayne Wilburn to fill the unexpired term. Mr. Wilburn is eligible for reappointment for a full term.

RECOMMENDED ACTION:

Approve the appointment.

Fiscal Impact

Attachments

No file(s) attached.