

*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).*

POSTING DATE: FEBRUARY 8, 2024

**SPECIAL CALL  
AGENDA  
MUSKOGEE CITY COUNCIL  
FEBRUARY 12, 2024**

**TO: ALL MEMBERS OF THE MUSKOGEE CITY COUNCIL**

*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.*

By virtue of the authority vested in me as Mayor of the City of Muskogee, Oklahoma, I do hereby issue a call for a Special Call Meeting of the Muskogee City Council to convene:

**DATE: FEBRUARY 12, 2024**  
**TIME: 5:30 P.M.**  
**PLACE: COUNCIL CHAMBERS, THIRD FLOOR  
MUNICIPAL BUILDING, 229 W. OKMULGEE,  
MUSKOGEE, OKLAHOMA**

**ROLL CALL  
PURPOSE:**

APPROVAL OF MINUTES: SPECIAL CALL CITY COUNCIL NOVEMBER 13, 2023, REGULAR SESSION CITY COUNCIL NOVEMBER 27, 2023, AND SPECIAL CALL CITY COUNCIL DECEMBER 11, 2023, OR TAKE OTHER NECESSARY ACTION.

**CONSENT AGENDA**

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

1. Approval of claims for all City departments December 2, 2023 through December 29, 2023, or take other necessary action.
2. Approval of the lowest and best bid from Gray Manufacturing, in the amount of \$51,000.00, for the purchase of a new mobile column lift set for the Fire Department garage, or take other necessary action. (Robert Swepston)
3. Approval of Resolution No. 2971 to allow Neighbors Building Neighborhoods (NBN) to issue Certificates of Appropriateness (COA) on behalf of the Historic Preservation Commission for the Muskogee Historic Revitalization Subgrant Program, or take other necessary action. (Jody King)
4. Approval of amended City Council Policy 1-6, Records Retention and Authority to Destroy, or take other necessary action. (Katrina Bodenhamer)
5. Approval of Final Payment to APAC Central, Inc., in the amount of \$138,439.58, for the NW Zone Mill & Overlay Project No. 2022042, or take other necessary action. (Mike Stewart)
6. Approval of Change Order No. 1 for the Four Corners Signal Improvements, Project No. 2016040, with Traffic & Lighting Systems, LLC, in the amount of \$68,295.60, or take other necessary action. (Mike Stewart)
7. Approval of the lowest and best bid in the amount of \$450,000.00, from Cook Consulting, LLC, for the Haskell Pump Station, Project No. 2022021, as recommended by Cowan Group Engineering, or take other necessary action. (Mike Stewart)
8. Approval of the lowest and best bid in the amount of \$87,001.00, from Anytime Roofing Inc., for the Facilities Building Roof Replacement, Project No. 2023028, as recommended by Cowan Group Engineering, or take other necessary action. (Mike Stewart)
9. Approval of the appointment of Cleta Mullins to serve on the Wellness Initiative Coalition, filling the unexpired term of Linda Milton, commencing upon appointment, and ending on August 31, 2024, or take other necessary action. (Councilor Perline Boyattia-Craig)
10. Approval of the appointment of Perry Hewitt to the Parks and Recreation Board, filling the unexpired term of Julie Macomb, commencing upon appointment, and ending April 30, 2025, or take other necessary action. (Councilor Shirley Hilton-Flanary)
11. Approval of the appointment of Dr. Jack Weaver to the Wellness Initiative Coalition to serve a four (4) year term, filling the expired term of Dr. James Baker, beginning February 1, 2024, and ending on January 31, 2028, or take other necessary action. (Councilor Tracy Hoos)
12. Approval of the appointment of Melony Carey to the Historic Preservation Commission, to serve a three (3) year term, beginning February 1, 2024, and ending on January 31, 2027, or take other necessary action. (Mayor Marlon J. Coleman)

**REGULAR AGENDA**

13. Consider approval to authorize submission of Letters of Inquiry to the City of Muskogee Foundation for FY2024-2025 grant cycle for City projects as follows: a) Pickleball Courts at Hatbox \$300,000.00; b) Teen Center/YVC Operations \$150,000.00; c) City Attorney Juvenile and Adult Community Service Program \$100,000.00; d) Coody Creek Trail design, \$55,000.00; e) Coody Creek Trail construction, \$1,470,000.00; f) River Country Water Park expansion, \$2,000,000.00; g) Muskogee Police Department body cameras, \$94,000.00, per year for five (5) years; and h) Muskogee Police Department tasers, \$161,000.00, per year, for five (5) years, or take other necessary action. (Mike Miller)
14. Discuss and consider approval of Second Amended Ordinance No. 4198-A, an Ordinance Amending the City of Muskogee Code of Ordinances by Amending Chapter 74, Taxation, Article VIII, Use Tax, by Amending Section 74-237, Economic Development Fund, Amending Section 74-237(h) Removing the Subcommittee and Replacing it with an Economic Development Advisory Board, and Adding Sections (h) (1)-(8); Adding Section 74-237 (i) and Sections (i)(1) (a)-(e), Adding Section (2) and Sections (2) (a) and (b), Providing for Severability, Repealer and Setting an Effective Date, or take other necessary action. (Councilor Tracy Hoos)
15. Consider approval of Ordinance No. 4222-A, an Ordinance amending the City of Muskogee Code of Ordinances, by adopting Chapter 18, Buildings and Building Regulations, Article X, Vacant and Abandoned Commercial Buildings, or take other necessary action. (Katrina Bodenhamer)
16. Consider approval of Ordinance No. 4221-A, an ordinance amending the City of Muskogee Code of Ordinances by repealing Chapter 18, Buildings and Building Regulations, Article II, Registration Certificates and Fees; Permits, Bonds and Insurance, Division 6, Vacant Building Registration, or take other necessary action. (Katrina Bodenhamer)
17. Consider approval of Resolution No. 2973 declaring items of personal property presently in the possession of the City of Muskogee, to be surplus to the needs of the City of Muskogee, and authorize the City Manager to offer for sale or dispose of the same, all as per the attached list, or take other necessary action. (Mike Stewart)
18. Consider approval to authorize the City Manager to execute an Engagement Letter with Hood & Associates, Certified Public Accountants, to perform review of financial statements and prepare audit report for FY2023, or take other necessary action. (Dennis Read)
19. Receive report on upcoming municipal election dates and encouraging and informing citizens about voting opportunities. (Mayor Marlon J. Coleman)
20. Consider approval to allocate \$10,000.00 of hotel/motel tax, to sponsor the Oklahoma Music Hall of Fame Induction Ceremony, or take other necessary action. (Councilor Jaime Stout)
21. Consider an Executive Session to discuss and take possible action on the following:

- a. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss a Worker's Compensation claim, No. CM3-2023-00490H, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)
- b. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the pending tort claim of Marion Hunter, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)
- c. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to provide an update regarding (PFAS) contamination In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-2873, United States District Court, District of South Carolina, and take other necessary action in Open Session. (Katrina Bodenhamer)
- d. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the on-going litigation styled Quintana v. City of Muskogee et al., filed in the United States District Court for the Eastern District of Oklahoma, Case No. 23-VC-389-RAW, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

The City Clerk is hereby authorized to give each member of the Muskogee City Council notice of this Special Call Meeting as provided by the Charter of the City of Muskogee, Oklahoma.

ADJOURN

**Special City Council**

**Meeting Date:** 02/12/2024  
**Initiator:** Jennifer Sharp, Admin II  
**Department:** City Clerk  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

APPROVAL OF MINUTES: SPECIAL CALL CITY COUNCIL NOVEMBER 13, 2023, REGULAR SESSION CITY COUNCIL NOVEMBER 27, 2023, AND SPECIAL CALL CITY COUNCIL DECEMBER 11, 2023, OR TAKE OTHER NECESSARY ACTION.

**BACKGROUND:**

**RECOMMENDED ACTION:**

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**Fiscal Impact**

**Attachments**

11-13-2023 spccmin  
11-27 CC  
12-11-2023 scccmin

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# MINUTES

## OF THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA MET IN A SPECIAL CALL SESSION IN COUNCIL CHAMBERS OF CITY HALL NOVEMBER 13, 2023

The City Council of the City of Muskogee, Oklahoma, met in a Special Call Session at 5:30 p.m., on November 13, 2023, in Council Chambers, Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma, with Mayor Marlon J. Coleman presiding.

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

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

Staff Present: Mike Miller, City Manager; Mike Stewart, Interim Assistant City Manager; Katrina Bodenhamer, City Attorney; Tammy L. Tracy, City Clerk; Kenna Terrell, Deputy City Clerk; Jeff Reeves, Project Manager; Johnny Teehee, Police Chief; Maggie Eaton, Human Resources Director; Avery Rigney, Interim Public Works Director; Chris Cummings, IT Director; Austin Witt, Deputy City Attorney; Jody King, Planning Director

- 1 Consider approval to allow the City Manager to negotiate and execute a Consulting Service Agreement and Business Associate Agreement with Alliant Insurance Services, for the purpose of providing Broker Services for employee health benefits, as recommended by the City of Muskogee Health Insurance Committee, or take other necessary action. (Maggie Eaton)

Motion was made by Councilmember Traci McGee, seconded by Councilmember Perline Boyattia-Craig to allow the City Manager to negotiate and execute a Consulting Service Agreement and Business Associate Agreement with Alliant Insurance Services, for the purpose of providing Broker Services for employee health benefits, as recommended by the City of Muskogee Health Insurance Committee.

AYE: Deputy Mayor Derrick Reed, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

NAY: Mayor Marlon J. Coleman, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary

Carried

- 2 (No Action) Discuss and provide direction to Staff on an Economic Development Plan that outlines budget, expenses, incentives, and related procedures. (Mike Miller)

Council Member Tracy Hoos stated it has previously been discussed to have a three (3) person committee comprised of Council members who would work directly with Staff. Mr. Hoos stated he feels Economic Development is more than just the body; it is other partners, such as the URA, the Port, and the County. He recommended that a committee would bring everyone to the table to make the best decision, perhaps including people from the private sector. Mr. Hoos said diversifying the committee will bring perspective, more sustainable solutions, and foster better communication between agencies.

- 3 (Stricken) Receive report and discuss the topic of youth services as presented during the public comment period of the City Council meeting of October 23, 2023. (Mayor Marlon J. Coleman)

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

Motion was made by Councilmember Tracy Hoos, seconded by Councilmember Alex Reynolds to approve to enter into Executive Session.

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

Carried - Unanimously

Council entered into Executive Session at 6:50 p.m.

Council reconvened into Regular Session at 7:20 p.m.

- a Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the lawsuit styled Arrowhead Mall vs. City of Muskogee, CJ-2020-47, filed in the District Court in and for Muskogee County, Oklahoma, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

Motion was made by Councilmember Traci McGee, seconded by Councilmember Perline Boyattia-Craig to authorize the City Manager to negotiate and approve the agreement as discussed in Executive Session.

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

NAY: Councilmember Alex Reynolds

Carried

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MARLON J. COLEMAN, MAYOR

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TAMMY L. TRACY, CITY CLERK



# MINUTES

## OF THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, MET IN REGULAR SESSION IN COUNCIL CHAMBERS OF CITY HALL NOVEMBER 27, 2023

The City Council of the City of Muskogee, Oklahoma, met in Regular Session at 5:30 p.m., on November 27, 2023, in Council Chambers, Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma, with Mayor Marlon J. Coleman presiding.

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

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

Staff Present: Mike Miller, City Manager; Mike Stewart, Interim Assistant City Manager; Katrina Bodenhamer, City Attorney; Tammy L. Tracy, City Clerk; Maggie Eaton, Human Resources Director; Avery Rigney, Interim Public Works Director; Mark Wilkerson, Parks & Recreation Director; Chad Farmer, Deputy Police Chief; Kevin Anthis, Aquatic & Fitness Facility Manager; Leslie Arnold, Legal Assistant; Austin Witt, Deputy City Attorney; Jody King, Planning Director

APPROVAL OF MINUTES: SPECIAL CALL CITY COUNCIL OCTOBER 9, 2023 AND CITY COUNCIL REGULAR SESSION OCTOBER 23, 2023, OR TAKE OTHER NECESSARY ACTION.

Motion was made by Councilmember Alex Reynolds, seconded by Councilmember Perline Boyattia-Craig to approve Minutes: Special Call City Council October 9, 2023 and City Council Regular Session October 23, 2023.

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

Carried - Unanimously

## CONSENT AGENDA

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Shirley Hilton-Flanary to approve Consent Agenda Items one (1) through ten (10).

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

Carried - Unanimously

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

- 1 Approval of claims for all City departments September 30, 2023 through November 2, 2023, or take other necessary action.
- 2 Approval to accept lowest and best bid from Vance Brothers, in the amount of \$1,684,968.35, for SE Zone Micro-Surfacing, Project No. 2023026, or take other necessary action. (Avery Rigney)
- 3 Approval to accept lowest and best bid from Rosscan, LLC, for SE Zone Mill & Overlay, Project No. 2023027, in the amount of \$1,663,539.91, or take other necessary action. (Avery Rigney)
- 4 Approval for the Muskogee Police Department to accept a one-time donation of \$5,000.00 from the 2023 Chevy First Responder Program, or take other necessary action. (Johnny Teehee).
- 5 Approval of Resolution No. 2964 declaring the property located on the north property line of 1226 S. 20th Street within the City of Muskogee, as surplus property, or take other necessary action. (Jody King)
- 6 Approval of Resolution No. 2965 declaring the property located in the Tuxedo Park Subdivision, Lot 16 of Block 6 within the City of Muskogee, as surplus property to the needs of the City, or take other necessary action. (Jody King)
- 7 Approval of Change Order No. 2 for Smith Ferry Road Off Right-of-Way Drainage Project, Orchard Parkway Culvert, Project No. 2022031, in the amount of \$32,510.50, or take other necessary action. (Avery Rigney)
- 8 Approval of Change Order No. 2 for Waterline Interconnects Pkg "C", to Cook Consulting, or take other necessary action. (Mike Stewart)

- 9 Approval of Final Payment to Tecta America, in the amount of \$152,017.41, for Raw Water Roof Replacement, Project No. 2022035, or take other necessary action. (Mike Stewart)
- 10 Approval of the reappointment of John Lange to the Airport Board, beginning October 1, 2023, and expiring September 30, 2027, or take other necessary action. (Councilor Patrick Cale)

### **REGULAR AGENDA**

- 11 (No Action) Receive presentation on CaptiveAire Systems, Inc., and its recent expansion in Muskogee, and take other necessary action. (Mike Miller)

Heather McDowell, Port Muskogee Director of Economic Development, with guests Shane McCullough and Teresa Inhoffe of CaptiveAire Systems, Inc, spoke about the company's expansion and plans for the future.

- 12 Consider approval of the appointment of Eric Elgin to the Muskogee City-County Port Authority and Muskogee City-County Trust Port Authority, to fill the unexpired term of John Schilt, commencing upon appointment and ending on August 31, 2024, or take other necessary action. (Councilor Perline Boyattia-Craig)

Motion was made by Councilmember Perline Boyattia-Craig, seconded by Councilmember Shirley Hilton-Flanary to approve the appointment of Eric Elgin to the Muskogee City-County Port Authority and Muskogee City-County Trust Port Authority, to fill the unexpired term of John Schilt, commencing upon appointment and ending on August 31, 2024.

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

Carried - Unanimously

- 13 Consider approval of proposed Ordinance No. 4215-A, an ordinance amending the City of Muskogee Code of Ordinances, Chapter 54, Offenses and Miscellaneous Provisions, Article VII, Smoking and Tobacco, Section 54-313, Receipt of Tobacco Products or Vapor Products by a Minor, Providing for Repealer, Severability, and Setting and Effective Date, or take other necessary action. (Katrina Bodenhamer)

Deputy City Attorney Austin Witt stated there are currently two (2) tobacco cessation programs being utilized in Muskogee. The first is through Muskogee High School for those under 18, and the second is through Neighbors Building Neighborhoods for those who are 18-20 years of age. There are two (2) online options offered through the State of Oklahoma.

Motion was made by Councilmember Perline Boyattia-Craig, seconded by Councilmember Alex Reynolds to approve Ordinance No. 4215-A, an ordinance amending the City of Muskogee Code of Ordinances, Chapter 54, Offenses and Miscellaneous Provisions, Article VII, Smoking and Tobacco, Section 54-313, Receipt of Tobacco Products or Vapor Products by a Minor, Providing for Repealer, Severability, and Setting and Effective Date.

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

Carried - Unanimously

- 14 Consider approval of Ordinance No. 4216-A, an ordinance amending the City of Muskogee Code of Ordinances, Chapter 18, Building and Building Regulations, Article III, Building Code and Regulations, Section 18-188, Public Nuisance Review Committee Established and Created; Composition; Meetings; Promulgation of Rules, Section 18-190, Duty to Serve as Administrative Hearing Board on Certain Matters, and Section 18-191, Appeals, Providing for Repealer, Severability, and Setting and Effective Date, or take other necessary action. (Jody King)

Planning Director Jody King stated this was presented to the Public Works Committee on November 13, 2023 and will adjust how the Public Nuisance Review Committee operates, creating a faster process. He stated the ordinance will eliminate the automatic appeal, and will shorten the process by five (5) to ten (10) days.

Motion was made by Councilmember Shirley Hilton-Flanary, seconded by Councilmember Tracy Hoos to approve Ordinance No. 4216-A, an ordinance amending the City of Muskogee Code of Ordinances, Chapter 18, Building and Building Regulations, Article III, Building Code and Regulations, Section 18-188, Public Nuisance Review Committee Established and Created; Composition; Meetings; Promulgation of Rules, Section 18-190, Duty to Serve as Administrative Hearing Board on Certain Matters, and Section 18-191, Appeals, Providing for Repealer, Severability, and Setting and Effective Date.

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

Carried - Unanimously

- 15 Consider approval of Ordinance No. 4217-A, an ordinance amending the City of Muskogee Code of Ordinances, Chapter 18, Building and Building Regulations, Article IX, Uniform Building Code Appeals, Section 18-487, Ex Officio Members, Section 18-488, Meetings; Procedural Rules, and Section 18-490, Powers and Duties, Providing for Repealer, Severability, and Setting and Effective Date, or take other necessary action. (Jody King)

Planning Director Jody King stated this Ordinance is a companion to Ordinance No.

4216-A, and updates the language to reflect the removal of the automatic appeal.

Motion was made by Councilmember Tracy Hoos, seconded by Councilmember Perline Boyattia-Craig to approve Ordinance No. 4217-A, an ordinance amending the City of Muskogee Code of Ordinances, Chapter 18, Building and Building Regulations, Article IX, Uniform Building Code Appeals, Section 18-487, Ex Officio Members, Section 18-488, Meetings; Procedural Rules, and Section 18-490, Powers and Duties, Providing for Repealer, Severability, and Setting and Effective Date.

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

Carried - Unanimously

- 16 Consider approval of Ordinance No. 4220-A, terminating the Defined Benefit Pension System known as the Defined Benefit COLA Plan for retirees only for the City of Muskogee, Oklahoma, adopted by Ordinance No. 3412-A on February 24, 1997, as amended; directing the distribution of excess assets; providing for Severability and Repealer; and Declaring an Emergency. (Maggie Eaton)

Human Resources Director Maggie Eaton explained this action item is to close the old Defined Benefit Retiree Only plan as all of Muskogee's liabilities have been paid. The residual assets that were set aside to pay for the plan's liabilities now belong to the City. This action is to terminate the old plan in order to process the payment and direct the distribution of the excess assets.

Motion was made by Councilmember Patrick Cale, seconded by Councilmember Perline Boyattia-Craig to approve Ordinance No. 4220-A, terminating the Defined Benefit Pension System known as the Defined Benefit COLA Plan for retirees only for the City of Muskogee, Oklahoma, adopted by Ordinance No. 3412-A on February 24, 1997, as amended; directing the distribution of excess assets; providing for Severability and Repealer.

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

Carried - Unanimously

Motion was made by Councilmember Tracy Hoos, seconded by Councilmember Alex Reynolds to declare an emergency.

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

Carried - Unanimously

- 17 Consider approval of Resolution No. 2966 directing the filing and notification of the publication of Supplement No. 24 to the Muskogee City Code of Ordinances, or take other necessary action. (Tammy L. Tracy)

City Clerk Tammy L. Tracy stated this will adopt ordinances approved by the City Council through May 2023, Ordinance 4195-A.

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Shirley Hilton-Flanary to approve Resolution No. 2966 directing the filing and notification of the publication of Supplement No. 24 to the Muskogee City Code of Ordinances.

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

Carried - Unanimously

- 18 (No Action) Receive a report on the Adult and Juvenile Community Service Program, and take other necessary action. (Katrina Bodenhamer)

Legal Assistant Leslie Arnold provided a PowerPoint Presentation over the Adult and Juvenile Community Service Program.

Direction was given to Staff to explore expanding the program and further assisting citizens who may benefit from this program.

- 19 Consider approval to authorize the City Manager to negotiate and execute a contract with Olsson Engineering for the design of a new Waste Water Treatment Plant, or take other necessary action. (Avery Rigney)

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Tracy Hoos to authorize the City Manager to negotiate and execute a contract with Olsson Engineering for the design of a new Waste Water Treatment Plant.

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

Carried - Unanimously

- 20 (No Action) Hold a public hearing to discuss proposed water and sewer rate increases relating to the Water Meter Replacement Project and new Wastewater Treatment Plant Project, and provide direction to Staff. (Mike Miller)

Mayor Marlon J. Coleman opened the Public Hearing.

City Manager Mike Miller stated it is time to update our wastewater treatment plant and to replace many water meters across the City. The wastewater treatment plant is updated every 20-30 years to maintain water quality. The Oklahoma Department of Environmental Quality (ODEQ) has inspected and requires changes be made. Mr. Miller stated these updates will allow for better economic development and industrial expansion. ODEQ has verbally agreed to the timeline.

Alan Brooks, The Public Finance Law Group, stated the timeline must be met in order to avoid future fines from ODEQ. He stated sewer rates should pay for the sewer system. The Oklahoma Water Resources Board will provide the loan for the updates, and the City will repay using the sewer rates.

City Clerk Tammy L. Tracy stated comparing our rates to other municipalities of similar size, our sewer rates are low. A \$7.75 base increase on sewer for three (3) consecutive years would place us in the middle range. The rate increase would be effective October 2024.

Mr. Miller stated implementing the rates shows the ability to repay the loan and meets ODEQ expectations.

Mr. Miller stated there has been no funding mechanism in place for replacement of broken water meters. He stated water revenue should pay for water service.

Ms. Tracy stated in comparison with other cities of similar size, our water service fee is low. To replace the meter, MXU, and install, a one-time \$4.00 base rate increase would allow for future repair/replacement. The rate increase would be effective October 2024.

Mayor Marlon J. Coleman closed the Public Hearing.

- 21 Consider approval of City Council Policy 3-3-7, Limited Emergency Paid Sick Leave, or take other necessary action. (Katrina Bodenhamer)

City Attorney Katrina Bodenhamer stated this policy will replace the policy rescinded on October 23, 2023. The new policy will allow for five (5) paid sick days with a medical professional COVID-19 test. It will require the employee to wear a mask for five (5) days after returning to work.

Motion was made by Councilmember Perline Boyattia-Craig, seconded by Councilmember Tracy Hoos to approve City Council Policy 3-3-7, Limited Emergency Paid Sick Leave.

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

- 22 Consider approval to authorize the City Manager to negotiate and execute the renewal of the Traffic Signal Maintenance Contract with SignalTek Inc., now Traffic Lighting Systems, which includes, but is not limited to, the repair, installation, maintenance, and 24-hour call for traffic signals and flashing school signals, as recommended by Staff, or take other necessary action. (Mike Stewart)

Interim Assistant City Manager Mike Stewart stated there are three (3) changes to the existing contract: the name change from SignalTek, Inc, to Traffic Lighting Systems; the City Manager signature was added to execute the contract; and it has been dated according to the fiscal year.

Motion was made by Councilmember Tracy Hoos, seconded by Councilmember Perline Boyattia-Craig to authorize the City Manager to negotiate and execute the renewal of the Traffic Signal Maintenance Contract with SignalTek Inc., now Traffic Lighting Systems, which includes, but is not limited to, the repair, installation, maintenance, and 24-hour call for traffic signals and flashing school signals, as recommended by Staff.

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

- 23 Consider approval of the lowest and best bid in the amount of \$973,200.00 for the River Country Waterpark renovation project from Allison Landscape and Pool, LTD, or take other necessary action. (Mark Wilkerson)

Motion was made by Councilmember Perline Boyattia-Craig, seconded by Councilmember Jaime Stout to approve of the lowest and best bid in the amount of \$973,200.00 for the River Country Waterpark renovation project from Allison Landscape and Pool, LTD.

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



- 24 Consider approval of the 2024 meeting schedule for City Council and Public Works and Finance Committees, as per City Code 2-20 and Council Policy 1-2, or take other necessary action. (Mike Miller)

City Manager Mike Miller stated this was previously discussed at the Public Works Committee meeting, and it was decided to continue with the current schedule. The 2024 committee meetings will be held on the second Monday of each month and City Council meetings on the fourth Monday of each month.

Motion was made by Councilmember Perline Boyattia-Craig, seconded by Councilmember Jaime Stout to approve the 2024 meeting schedule for City Council and Public Works and Finance Committees, as per City Code 2-20 and Council Policy 1-2.

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

Carried - Unanimously

#### **RECOGNIZE CITIZENS WISHING TO SPEAK TO THE MAYOR AND COUNCIL.**

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

- 25 Consider an Executive Session to discuss and take possible action on the following:
- a (Stricken) Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session with Attorney Matt Sill to provide an update regarding (PFAS) contamination In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-2873, United States District Court, District of South Carolina, and the potential of opting out of the settlement. (Katrina Bodenhamer)

ADJOURN

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TAMMY L. TRACY, CITY CLERK

# MINUTES

## OF THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA MET IN A SPECIAL CALL SESSION IN COUNCIL CHAMBERS OF CITY HALL DECEMBER 11, 2023

The City Council of the City of Muskogee, Oklahoma, met in a Special Call Session at 5:30 p.m., on December 11, 2023, in Council Chambers, Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma, with Mayor Marlon J. Coleman presiding.

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

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

Staff Present: Mike Miller, City Manager; Roger Kolman, Assistant City Manager; Katrina Bodenhamer, City Attorney; Tammy L. Tracy, City Clerk; Mike Stewart, Public Works Director; Jeff Reeves, Project Manager; Johnny Teehee, Police Chief; Dennis Read, Treasurer; Maggie Eaton, Human Resources Director; Avery Rigney, Assistant Public Works Director; Chris Cummings, IT Director; Alicia Glanz, Deputy Treasurer; Austin Witt, Deputy City Attorney; Jody King, Planning Director

- 1 Consider approval of claims for all City departments November 4, 2023 through December 1, 2023, or take other necessary action.

Motion was made by Councilmember Jaime Stout, seconded by Deputy Mayor Derrick Reed to approve claims for all City departments November 4, 2023 through December 1, 2023.

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

Carried - Unanimously

- 2 Consider approval of Resolution No. 2969 of the City of Muskogee, Oklahoma (The "City") approving action taken by the Muskogee Municipal Authority (The "Authority") in Resolution No. 2968 authorizing the issuance, sale and delivery of a promissory note of the Authority to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract, as amended, by and between the City and the Authority pertaining to the leasing of the City of Muskogee water and sanitary sewer systems to the Authority; authorizing the modification of the security with respect to certain outstanding indebtedness of the Muskogee Municipal Authority, specifically adding one-half of one percent (0.50%) of sales tax revenue to the security pledge; approving and authorizing the execution of a sales tax agreement; and constraining other provisions related thereto, or take other necessary action. (Mike Miller)

Motion was made by Mayor Marlon J. Coleman, seconded by Councilmember Patrick Cale to approve Resolution No. 2969 of the City of Muskogee, Oklahoma (The "City") approving action taken by the Muskogee Municipal Authority (The "Authority") in Resolution No. 2968 authorizing the issuance, sale and delivery of a promissory note of the Authority to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract, as amended, by and between the City and the Authority pertaining to the leasing of the City of Muskogee water and sanitary sewer systems to the Authority; authorizing the modification of the security with respect to certain outstanding indebtedness of the Muskogee Municipal Authority, specifically adding one-half of one percent (0.50%) of sales tax revenue to the security pledge; approving and authorizing the execution of a sales tax agreement; and constraining other provisions related thereto.

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

Carried - Unanimously

- 3 Consider approval of Resolution No. 2962 adopting an Amendment to Appendix A of the Muskogee City Code Pertaining to Schedules of Fees and Charges Per Attached List; Amending the Water And Sewer Rate Charges For Base Rates, Inside And Outside Customers; Delaying the effective date of future increases on all Rates in Accordance With the Consumer Price Index, All Urban Consumers, For Region VI, Dallas-Fort Worth, or take other necessary action. (Mike Miller)

Motion was made by Mayor Marlon J. Coleman, seconded by Councilmember Jaime Stout to approve Resolution No. 2962 adopting an Amendment to Appendix A of the Muskogee City Code Pertaining to Schedules of Fees and Charges Per Attached List; Amending the Water And Sewer Rate Charges For Base Rates, Inside And Outside Customers; Delaying the effective date of future increases on all Rates in Accordance With the Consumer Price Index, All Urban Consumers, For Region VI, Dallas-Fort Worth.

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

- 4 Consider approval of Resolution No. 2963 which directs monthly water and sewer base rate increases, as contemplated in Resolution No. 2962, with the funds to be retained by the Muskogee Municipal Authority, and that use of these funds be restricted to the Muskogee Municipal Authority for Meter Replacement Project and loan repayment of Waste Water Treatment Plant and utilized for the purposes outlined therein, or take other necessary action. (Mike Miller)

Motion was made by Mayor Marlon J. Coleman, seconded by Councilmember Jaime Stout to approve Resolution No. 2963 which directs monthly water and sewer base rate increases, as contemplated in Resolution No. 2962, with the funds to be retained by the Muskogee Municipal Authority, and that use of these funds be restricted to the Muskogee Municipal Authority for Meter Replacement Project and loan repayment of Waste Water Treatment Plant and utilized for the purposes outlined therein.

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

- 5 (Stricken) Receive presentation from Goodwill Industries on their investment and community development effort aiming to provide job opportunities and career training to Muskogee residents, or take other necessary action. (Mayor Marlon J. Coleman)
- 6 Consider approval of Resolution No. 2967, amending the City of Muskogee municipal budget for FY 2023-2024 providing for the transfer of excess General Fund revenue from FY 2022-2023 into the Stabilization Account and Special Project Fund, in accordance with City Code 2-552; Providing for the transfer of funds from Special Projects Fund to Civic Center Enterprise Fund; Providing transfer authority, or take other necessary action. (Mike Miller)

City Manager Mike Miller explained it is time to appropriate surplus funds from prior year in accordance with Ordinance No. 4079-A. He Stated there is currently \$1,050,000.00 in unobligated funds. This funding will be directed to the Civic Center boiler project, and additional money to complete the project will come from the Special Project Fund.

Council member Alex Reynolds left the meeting at 4:59 p.m.

Mr. Miller explained the purpose of the mid-year budget adjustment is to review financial performance and allocate carryover funds based on Council priorities. He

stated with careful budgeting, revenue is higher than expenses. This year, our revenue over expenses was \$4,959,541.63. In summary, the Reserve Fund is now at 21%, and the Special Project Fund is \$4,049,268.64.

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Shirley Hilton-Flanary to approve Resolution No. 2967, amending the City of Muskogee municipal budget for FY 2023-2024 providing for the transfer of excess General Fund revenue from FY 2022-2023 into the Stabilization Account and Special Project Fund, in accordance with City Code 2-552; Providing for the transfer of funds from Special Projects Fund to Civic Center Enterprise Fund; Providing transfer authority.

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

Carried - Unanimously

- 7 Consider approval of the lowest and best bid in the amount of \$573,500.00 from AC Owen Construction for the Swim and Fitness Center remodel project as recommended by KKT Architects, Inc., or take other necessary action. (Mark Wilkerson)

Motion was made by Councilmember Traci McGee, seconded by Councilmember Perline Boyattia-Craig to approve the lowest and best bid in the amount of \$573,500.00 from AC Owen Construction for the Swim and Fitness Center remodel project as recommended by KKT Architects, Inc..

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

Carried - Unanimously

- 8 Consider approval of the recommendation from GH2 Architects to award the lowest and best bid for the Muskogee Civic Center HVAC Remodel to Sligar Mechanical in the amount of \$1,072,000.00, or take other necessary action. (Mike Stewart)

Motion was made by Councilmember Traci McGee, seconded by Councilmember Shirley Hilton-Flanary to approve the recommendation from GH2 Architects to award the lowest and best bid for the Muskogee Civic Center HVAC Remodel to Sligar Mechanical in the amount of \$1,072,000.00.

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

Carried - Unanimously

- 9 Consider approval of Resolution No. 2970, receiving a petition for creation of an assessment district; directing a registered professional engineer to prepare preliminary plans, specifications, assessment plats, and an estimate of cost for the proposed Walnut Creek assessment district, for the Walnut Creek Addition Phase II, or take other necessary action. (Mike Miller)

Motion was made by Councilmember Shirley Hilton-Flanary, seconded by Councilmember Jaime Stout to approve Resolution No. 2970, receiving a petition for creation of an assessment district; directing a registered professional engineer to prepare preliminary plans, specifications, assessment plats, and an estimate of cost for the proposed Walnut Creek assessment district, for the Walnut Creek Addition Phase II.

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

Carried - Unanimously

- 10 Consider approval of the re-purposing of one-time funding in the amount of \$27,000.00, for events celebrating the Martin Luther King, Jr. Community Center's 50th anniversary in 2024, or take other necessary action. (Deputy Mayor Derrick Reed and Councilor Tracy Hoos)

Motion was made by Councilmember Tracy Hoos, seconded by Councilmember Jaime Stout to approve of the re-purposing of one-time funding in the amount of \$27,000.00, for events celebrating the Martin Luther King, Jr. Community Center's 50th anniversary in 2024.

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

Carried - Unanimously

- 11 Consider approval for the City Manager to submit a Proposal for Funding from the Indian Nation Council of Governments (INCOG) State Energy Program American Recovery and Reinvestment Act Revolving Loan Fund (SEP ARRA RLF), or take other necessary action. (Mike Miller)

Motion was made by Councilmember Tracy Hoos, seconded by Councilmember Shirley Hilton-Flanary to approve for the City Manager to submit a Proposal for Funding from the Indian Nation Council of Governments (INCOG) State Energy Program American Recovery and Reinvestment Act Revolving Loan Fund (SEP ARRA RLF).

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

Carried - Unanimously

- 12 Consider approval to authorize the City Manager to negotiate and execute an agreement with Muskogee Public Schools for use of the former RAA buildings, to house an Esports Center, Teen Center and Youth Volunteer Corps, and temporary use for the Swim & Fitness remodel project; or take other necessary action. (Mark Wilkerson)

Motion was made by Mayor Marlon J. Coleman, seconded by Councilmember Tracy Hoos to authorize the City Manager to negotiate and execute an agreement with Muskogee Public Schools for use of the former RAA buildings, to house an Esports Center, Teen Center and Youth Volunteer Corps, and temporary use for the Swim & Fitness remodel project.

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

Carried - Unanimously

- 13 Consider approval of the appointment of Mike Brawley to the Street Improvement Advisory Board to fill the unexpired term of Marsha Wiseman, commencing upon appointment, and ending on January 31, 2027, or take other necessary action. (Councilor Shirley Hilton-Flanary)

Motion was made by Councilmember Patrick Cale, seconded by Councilmember Tracy Hoos to approve of the appointment of Mike Brawley to the Street Improvement Advisory Board to fill the unexpired term of Marsha Wiseman, commencing upon appointment, and ending on January 31, 2027.

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

Carried - Unanimously

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

Motion was made by Councilmember Tracy Hoos, seconded by Councilmember Perline Boyattia-Craig to enter into Executive Session.



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

Council entered into Executive Session at 5:22 p.m.

Council reconvened into Regular Session at 5:25 p.m.

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

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

- a Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss negotiations with the Fraternal Order of Police Lodge No. 95, and if necessary, take appropriate action in Open Session. (Maggie Eaton)

Motion was made by Councilmember Traci McGee, seconded by Councilmember Jaime Stout to approve a Memorandum of Understanding (MOU) between the Fraternal Order of Police Lodge No. 95 and the City of Muskogee as discussed in Executive Session.

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

Carried - Unanimously

- b Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss negotiations with the American Federation of State, County, and Municipal Employees, Local No. 2465, and if necessary, take appropriate action in Open Session. (Maggie Eaton)

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Traci McGee to approve a Memorandum of Understanding (MOU) between the American Federation of State, County, and Municipal Employees, Local No. 2465 and the City of Muskogee as discussed in Executive Session.

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

Carried - Unanimously

- c Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss negotiations with the International Association of Firefighters, Local No. 57, and if necessary, take appropriate action in Open Session. (Maggie Eaton)

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Tracy Hoos to approve a Memorandum of Understanding (MOU) between the International Association of Firefighters, Local No. 57 and the City of Muskogee as discussed in Executive Session.

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

Carried - Unanimously

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MARLON J. COLEMAN, MAYOR

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TAMMY L. TRACY, CITY CLERK

**Special City Council**

**1.**

Meeting Date: 02/12/2024  
Submitted For: Dennis Read, Finance  
Initiator: Benita Hotema, Assistant Financial Analyst  
Department: Finance  
Staff Information Source:

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Information

AGENDA ITEM TITLE:

Approval of claims for all City departments December 2, 2023 through December 29, 2023, or take other necessary action.

BACKGROUND:

Claims for all City departments.

RECOMMENDED ACTION:

Approve claims December 2, 2023 through December 29, 2023.

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Fiscal Impact

Attachments

*No file(s) attached.*

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**Special City Council**

**2.**

**Meeting Date:** 02/12/2024  
**Submitted For:** Robert Swepston, Fleet Management  
**Initiator:** Melody Elliott, Equipment Office Administrator I  
**Department:** Fleet Management  
**Staff Information Source:** Robert Swepston, Director of Fleet Management

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**Information**

**AGENDA ITEM TITLE:**

Approval of the lowest and best bid from Gray Manufacturing, in the amount of \$51,000.00, for the purchase of a new mobile column lift set for the Fire Department garage, or take other necessary action. (Robert Swepston)

**BACKGROUND:**

The Fire Department garage currently has an aged mobile column lift set that needs to be replaced. The quote was within budget and allocated in this fiscal year's Capital Outlay budget,

**RECOMMENDED ACTION:**

Approve the lowest and best bid from Gray Manufacturing in the amount of \$51,000.00 for the purchase of a new mobile column lift set for the Fire Department garage.

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**Fiscal Impact**

**FUNDING SOURCE:**

Fleet Management Department Capital Outlay Account 213-6060-430-64-50

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**Attachments**

*No file(s) attached.*

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**Special City Council**

**3.**

**Meeting Date:** 02/12/2024

**Submitted For:** Jody King, Planning Dept

**Initiator:** Jody King, Planning Director

**Department:** Planning Dept

**Staff Information Source:**

**Information**

**AGENDA ITEM TITLE:**

Approval of Resolution No. 2971 to allow Neighbors Building Neighborhoods (NBN) to issue Certificates of Appropriateness (COA) on behalf of the Historic Preservation Commission for the Muskogee Historic Revitalization Subgrant Program, or take other necessary action. (Jody King)

**BACKGROUND:**

The Paul Bruhn Historic Revitalization Grant Program fosters economic development in rural communities through the rehabilitation of historic buildings in those communities. The program provides recipients (referred to as prime grantees) with a single grant that is then regranted in smaller amounts to individual projects (subgrants). Neighbors Building Neighborhoods (NBN) applied for the Paul Bruhn Grant in 2023 and was awarded \$750,000 to revitalize our historic districts, and they have called their program the Muskogee Historic Revitalization Subgrant Program. NBN, with the assistance of Main Street Muskogee, is developing the grant application for our federally registered historic districts. Note, not all federally registered historic places are eligible; their eligibility falls on their proximity within a federally registered historic district. This means that any of these properties must obtain a Certificate of Appropriateness (COA) before beginning work. To expedite the process of the COA, The Historic Preservation Commission (Commission) has allowed NBN and the subgrant review committee to issue COA's on behalf of the Commission. With experts on Historic Muskogee such as Melony Cary, Rachel Atherton, and a strict adherence to The Secretary of the Interior's Standards for the Treatment of Historic Properties, The Commission and Planning Staff feel confident they will correctly issue COAs. The Commission approved this arrangement at the special call meeting on December 14, 2023

**RECOMMENDED ACTION:**

Approve the Resolution.

**Fiscal Impact**

**Attachments**

*No file(s) attached.*

**Special City Council**

4.

**Meeting Date:** 02/12/2024  
**Submitted For:** Katrina Bodenhamer, City Attorney  
**Initiator:** Austin Witt, Deputy City Attorney  
**Department:** City Attorney  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Approval of amended City Council Policy 1-6, Records Retention and Authority to Destroy, or take other necessary action. (Katrina Bodenhamer)

**BACKGROUND:**

City Council Policy 1-6 Records Retention does not provide direction to staff regarding the retention of photographs, audio recordings and video recordings. Per State statutes, the length of retention for such items is discretionary. The proposed amendment to City Council Policy 1-6 will provide direction to staff regarding the retention of photographs, audio recordings, and video recordings, in line with Title 11, Section 22-131, Subsection B, Oklahoma Statutes.

**RECOMMENDED ACTION:**

Approve the amendment.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Special City Council**

**5.**

**Meeting Date:** 02/12/2024  
**Submitted For:** Mike Stewart, Public Works      **Initiator:** Ashley Wallace  
**Department:** Public Works  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Approval of Final Payment to APAC Central, Inc., in the amount of \$138,439.58, for the NW Zone Mill & Overlay Project No. 2022042, or take other necessary action. (Mike Stewart)

**BACKGROUND:**

This project was part of the different street improvement zones completed each year. APAC Central, Inc., has completed what is needed to close out this project.

There was a \$150,000 contingency in this contract. A final payment of \$138,439.58 is due to APAC Central Inc. for the NW Zone Mill & Overlay Project.

Please see attachment: The attachment is the original powerpoint for the NW Zone improvements. This was reviewed at the neighborhood meeting and at council prior to the project. This attachment is added for reference to the map and list, as well as providing definitions.

A powerpoint will be presented at Public Works and Finance Committee with images of the improved streets.

**RECOMMENDED ACTION:**

Approve Final Payment to APAC Central, Inc., in the amount of \$138,439.58.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Special City Council**

**6.**

**Meeting Date:** 02/12/2024  
**Submitted For:** Mike Stewart, Public Works      **Initiator:** Ashley Wallace  
**Department:** Public Works  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Approval of Change Order No. 1 for the Four Corners Signal Improvements, Project No. 2016040, with Traffic & Lighting Systems, LLC, in the amount of \$68,295.60, or take other necessary action. (Mike Stewart)

**BACKGROUND:**

The change order includes the following items that were not included in the original contract documents.

- Traffic striping (multi-polymer) on Broadway Street from Main Street to Cherokee Street. The street was re-striped for parking and traffic.
- Concrete Improvements to sidewalks (removal and replacement) adjacent to the signalization improvements at the intersections of:
  - Cherokee and Okmulgee
  - Cherokee and Broadway
  - Cherokee and Callahan
  - Main and Callahan
- This also included curb repairs adjacent to the sidewalks, ADA compliant tactile matting, and railroad flagging at the Callahan Bridge.

**RECOMMENDED ACTION:**

Approve Change Order No. 1 for the Four Corners Signal Improvements Project No. 2016040, in the amount of \$68,295.60.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Special City Council**

7.

**Meeting Date:** 02/12/2024

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

**Initiator:** Ashley Wallace

**Department:** Public Works

**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Approval of the lowest and best bid in the amount of \$450,000.00, from Cook Consulting, LLC, for the Haskell Pump Station, Project No. 2022021, as recommended by Cowan Group Engineering, or take other necessary action. (Mike Stewart)

**BACKGROUND:**

The Haskell Booster Station is in need of repair due to pipe leaks, failing pumps and other equipment. City staff requested design plans and bids for the project to replace the pumps, piping, valves, electrical, driveway, and metal roofing. These proposed improvements will alleviate leaks and protect the structure, its contents, and employees. It will also improve safety at the site as well as operations overall. Bids were solicited in the newspaper and online in multiple bid rooms. Three (3) competitive bids were received and were within the expected budgeted amount for the project.

Cowan Group Engineering is recommending an award to the low bidder, Cook Consulting, LLC.

The project is being funded through the American Recovery and Reinvestment Act being administered by the Oklahoma Water Resources Board.

**RECOMMENDED ACTION:**

Approve lowest and best bid to Cook Consulting, LLC, for the Haskell Pump Station in the amount of \$450,000.00

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**Fiscal Impact**

**FUNDING SOURCE:**

ARPA Funds

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**Attachments**

*No file(s) attached.*

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**Special City Council**

**8.**

**Meeting Date:** 02/12/2024  
**Submitted For:** Mike Stewart, Public Works      **Initiator:** Ashley Wallace  
**Department:** Public Works  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Approval of the lowest and best bid in the amount of \$87,001.00, from Anytime Roofing Inc., for the Facilities Building Roof Replacement, Project No. 2023028, as recommended by Cowan Group Engineering, or take other necessary action. (Mike Stewart)

**BACKGROUND:**

The Facilities building roof covering has multiple leaks and is nearing the end of its useful life. City staff requested bids for the project to replace the decking, insulation, and metal roofing. These proposed improvements will alleviate leaks and protect the structure, its contents, and employees. Bids were solicited in the newspaper and online in multiple bid rooms. While only one (1) bid was received, it was within the expected budget amount for the project and was provided by a reputable contractor.

**RECOMMENDED ACTION:**

Approve bid in the amount of \$87,001.00 from Anytime Roofing Inc., for the Facilities Building Roof Replacement Project.

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**Fiscal Impact**

**FUNDING SOURCE:**

213-1520-413-61.55

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**Attachments**

*No file(s) attached.*

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**Special City Council**

**9.**

**Meeting Date:** 02/12/2024

**Submitted For:** Tammy Tracy, City Clerk

**Initiator:** Tammy Tracy, City Clerk

**Department:** City Clerk

**Staff Information Source:** Councilor Perline Boyattia-Craig

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**Information**

**AGENDA ITEM TITLE:**

Approval of the appointment of Cleta Mullins to serve on the Wellness Initiative Coalition, filling the unexpired term of Linda Milton, commencing upon appointment, and ending on August 31, 2024, or take other necessary action. (Councilor Perline Boyattia-Craig)

**BACKGROUND:**

Ms.Linda Milton has resigned from this board. This appointment will fill her unexpired term.

This is the appointment of Councilor Perline Boyattia-Craig.

**RECOMMENDED ACTION:**

Approve the appointment.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Special City Council**

**10.**

**Meeting Date:** 02/12/2024

**Submitted For:** Tammy Tracy, City Clerk

**Initiator:** Tammy Tracy, City Clerk

**Department:** City Clerk

**Staff Information Source:** Councilor Shirley Hilton-Flanary

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**Information**

**AGENDA ITEM TITLE:**

Approval of the appointment of Perry Hewitt to the Parks and Recreation Board, filling the unexpired term of Julie Macomb, commencing upon appointment, and ending April 30, 2025, or take other necessary action. (Councilor Shirley Hilton-Flanary)

**BACKGROUND:**

Ms. Macomb has resigned from the board. This will fill her unexpired term.

**RECOMMENDED ACTION:**

Approve appointment.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Special City Council**

**11.**

**Meeting Date:** 02/12/2024

**Submitted For:** Tammy Tracy, City Clerk

**Initiator:** Tammy Tracy, City Clerk

**Department:** City Clerk

**Staff Information Source:** Councilor Tracy Hoos

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**Information**

**AGENDA ITEM TITLE:**

Approval of the appointment of Dr. Jack Weaver to the Wellness Initiative Coalition to serve a four (4) year term, filling the expired term of Dr. James Baker, beginning February 1, 2024, and ending on January 31, 2028, or take other necessary action. (Councilor Tracy Hoos)

**BACKGROUND:**

This vacant position must be filled by a medical professional. Councilor Tracy Hoos wishes to appoint Dr. Jack Weaver.

**RECOMMENDED ACTION:**

Approve the appointment.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Special City Council**

**12.**

**Meeting Date:** 02/12/2024

**Submitted For:** Tammy Tracy, City Clerk

**Initiator:** Tammy Tracy, City Clerk

**Department:** City Clerk

**Staff Information Source:** Mayor Marlon J. Coleman

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**Information**

**AGENDA ITEM TITLE:**

Approval of the appointment of Melony Carey to the Historic Preservation Commission, to serve a three (3) year term, beginning February 1, 2024, and ending on January 31, 2027, or take other necessary action. (Mayor Marlon J. Coleman)

**BACKGROUND:**

**RECOMMENDED ACTION:**

Approve the appointment.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Special City Council**

**13.**

Meeting Date: 02/12/2024  
Submitted For: Mike Miller, City Manager  
Initiator: Judy Villalobos, Office Administrator II  
Department: City Manager  
Staff Information Source:

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Information

AGENDA ITEM TITLE:

Consider approval to authorize submission of Letters of Inquiry to the City of Muskogee Foundation for FY2024-2025 grant cycle for City projects as follows: a) Pickleball Courts at Hatbox \$300,000.00; b) Teen Center/YVC Operations \$150,000.00; c) City Attorney Juvenile and Adult Community Service Program \$100,000.00; d) Coody Creek Trail design, \$55,000.00; e) Coody Creek Trail construction, \$1,470,000.00; f) River Country Water Park expansion, \$2,000,000.00; g) Muskogee Police Department body cameras, \$94,000.00, per year for five (5) years; and h) Muskogee Police Department tasers, \$161,000.00, per year, for five (5) years, or take other necessary action. (Mike Miller)

BACKGROUND:

**\$300,000-PICKLEBALL COURTS AT HATBOX**

**\$150,000 - TEEN CENTER/YVC OPERATIONS**

The Teen Center provides a safe and supervised environment that offers participants a chance to learn new skills, socialize with peers in a positive manner, enjoy recreational activities, and receive homework help and encouragement from caring adults- the Teen Center is filling real needs. It is centrally located in the Old Amory Building on Callahan St. Our programming offers a full gym for basketball, volleyball and futsal (indoor soccer), a weight room with fixed weights and cardio equipment, a six station computer lab, and game room with video games, air hockey, and pool and ping pong tables. The Youth Volunteer Corps of Muskogee offers volunteer opportunities for teen participants for civic engagement, leadership and skill building. Through our collaboration with MPS, members may ride the bus from Alice Robertson, Muskogee High School, Rougher Alternative Academy or Sadler Elementary School. Neighborhood youth walk or ride bikes and others are dropped off by parents, siblings or may even drive themselves. We are open every afternoon from 3-7 p.m. and offer extended hours for special events or when school is not in session.

**YVC/Teen Center**

Total request for 24/25 FY is \$150,000.

**\$100,000 CITY ATTORNEY**

The City Attorney's Office is re-applying for funding to continue to operate an adult and juvenile community service program for those who have been criminally charged and adjudicated through our municipal court program.

Over the years, the community service program has been managed by the City Attorney's office and the juvenile program has been operated by Muskogee County Council on Youth Services with funding provided by the foundation. Statistically, there are generally thirty (30) new juvenile cases filed in our court per month. On either a plea or finding of guilty, the juvenile is assessed a range of sixteen (16) to fifty-six (56) hours of community service depending on the nature of the charge. These hours must be completed before the juvenile is released from court supervision. The Municipal Court Judge, has ordered that community service hours for adults may be credit toward fines at the rate of \$15 per hour. This year we have included allowing offenders to get out of jail that are there on municipal fines. They are in jail because of the inability to pay their fines. By allowing them to participate in community service, it is allowing the jail additional needed space for other uses, provides the inmate with credits for 2 days for each 1 day served. This has allowed a significant increase in participation. We believe this will have a substantial impact on community beautification and revitalization. Unfortunately, for approximately the last 8 or so months, we have not been permitted to check out inmates. This is due in part because of the pandemic and due to influx of contraband into the jail. We are confident that we will be able to restart inmate check out in the coming year. The Juvenile program has been run for 8 full years with great success. The adult program has been operational for 10 years and appears to be of great benefit.

#### **\$55,000-COODY CREEK TRAIL DESIGN**

Required local match towards the design of the ODOT approved TAP grant award of \$220,000.

#### **\$1,470,000-COODY CREEK TRAIL CONSTRUCTION**

This proposed trail project extends the Muskogee Centennial Trail and connects into the proposed Gulick St. Trail. The proposed trail will follow Coody Creek and portions of a utility easement. The land on which the trail will be constructed was purchased by the City of Muskogee in the 1970s for the purpose of creating the trail proposed here. The trail will consist of a 10-foot-wide, ADA compliant, shared use asphalt path.

The ultimate goal of the project is to extend the existing citywide trail network to an area that currently lacks access to trails or dedicated active transportation facilities. Project beneficiaries will be residents in low income neighborhoods which surround the proposed project site. These adversely-impacted, diverse members of the community will gain new opportunities for active transportation and connections to downtown services, shopping and amenities.

#### **\$2,000,000-RIVER COUNTRY WATER PARK EXPANSION**

#### **\$94,000 PER YEAR FOR FIVE (5) YEARS- MUSKOGEE POLICE DEPARTMENT BODY CAMERAS**

The City of Muskogee Police Department submits this Letter of Intent for funding to sustain its Body Worn Camera Program. These cameras are used to further the mission of the Muskogee Police Department, which is to “enhance the quality of life and lessen the fears of all citizens.” The video that is recorded from these cameras ensures transparency for the Police Department and is priceless in ensuring trust between the Department and our citizens.

#### **\$161,100 PER YEAR FOR FIVE (5) YEARS - MUSKOGEE POLICE DEPARTMENT TASERS**



RECOMMENDED ACTION:

Approve request to submit Letters of Intent to the City of Muskogee Foundation.

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Fiscal Impact

Attachments

*No file(s) attached.*

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**Special City Council**

**14.**

**Meeting Date:** 02/12/2024

**Submitted For:** Mike Miller, City Manager

**Initiator:** Mike Miller, City Manager

**Department:** City Manager

**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Discuss and consider approval of Second Amended Ordinance No. 4198-A, an Ordinance Amending the City of Muskogee Code of Ordinances by Amending Chapter 74, Taxation, Article VIII, Use Tax, by Amending Section 74-237, Economic Development Fund, Amending Section 74-237(h) Removing the Subcommittee and Replacing it with an Economic Development Advisory Board, and Adding Sections (h) (1)-(8); Adding Section 74-237 (i) and Sections (i)(1) (a)-(e), Adding Section (2) and Sections (2) (a) and (b), Providing for Severability, Repealer and Setting an Effective Date, or take other necessary action. (Councilor Tracy Hoos)

**BACKGROUND:**

The City Council amended this ordinance in September of 2023, establishing an economic development committee. In October and November meetings, Councilors discussed possible amendments and changes to the committee's structure, duties and composition. Councilor Hoos has gathered input from those meetings and discussions and proposes the attached changes to the ordinance, which expands the committee to include members of the Urban Renewal Authority, Port Muskogee, and other economic development partners. It further defines the scope of work of the committee to focus on housing and retail projects with specific emphasis on strategic planning, project evaluation, resource allocation, contract review and reporting. The committee would provide recommendations but the City Council retains approval authority for all economic development incentives from the City for these projects; the committee would be subject to open meetings regulations and would discuss confidential matters in executive session.

**RECOMMENDED ACTION:**

Approve the Second Amended Ordinance.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Special City Council**

**15.**

**Meeting Date:** 02/12/2024  
**Submitted For:** Katrina Bodenhamer, City Attorney  
**Initiator:** Austin Witt, Deputy City Attorney  
**Department:** City Attorney  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Consider approval of Ordinance No. 4222-A, an Ordinance amending the City of Muskogee Code of Ordinances, by adopting Chapter 18, Buildings and Building Regulations, Article X, Vacant and Abandoned Commercial Buildings, or take other necessary action. (Katrina Bodenhamer)

**BACKGROUND:**

The state legislature has amended Oklahoma statutes as to municipalities' methodology for regulating vacant and abandoned commercial buildings, removing a municipalities' authority to impose fees for the collection of information on such properties, or to compel a property owner to enroll in a registration list of vacant commercial buildings. New state law prohibits the disclosure of any property owner information as related to vacant commercial buildings, and creates an exemption of a city-generated list from the open records act. The proposed ordinance would adopt a new article under Chapter 18, Buildings and Building Regulations, which would bring the City into compliance with state statutes and provide the City with the authority to regulate these properties in a way that prevents public nuisance, prevents blight, and promotes future growth within the City of Muskogee.

**RECOMMENDED ACTION:**

Approve the ordinance.

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**Fiscal Impact**

**Attachments**

4222-A

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**ORDINANCE NO 4222-A**

**AN ORDINANCE AMENDING THE CITY OF MUSKOGEE CODE OF ORDINANCES BY AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, BY ADOPTING ARTICLE X, VACANT AND ABANDONED COMMERCIAL BUILDINGS, AND ADOPTING SECTION 18-491, PURPOSE; SECTION 18-492, FINDINGS, SECTION 18-493, DEFINITIONS, SECTION 18-494, VACANT BUILDINGS, CONTACT INFORMATION AND VACANT BUILDING PLAN, SECTION 18-495, INSPECTIONS, SECTION 18-496, INSURANCE REQUIREMENTS, SECTION 18-497, EXEMPTIONS, SECTION 18-498, COMPLIANCE, SECTION 18-499, APPEALS, SECTION 18-500, ABATEMENT, AS FOLLOWS; PROVIDING FOR REPEALER, AND SEVERABILITY.**

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THAT THE CITY OF MUSKOGEE CODE OF ORDINANCES IS HEREBY AMENDED BY ADDING AN ARTICLE TO CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, TO BE NUMBERED ARTICLE X, TITLED VACANT AND ABANDONED COMMERCIAL BUILDINGS, WHICH SAID ARTICLE READS AS FOLLOWS:**

**Section 1. CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE X, VACANT AND ABANDONED COMMERCIAL BUILDINGS, SECTION 18-491, PURPOSE, SHALL READ AS FOLLOWS:**

**18-49, PURPOSE**

**The purpose of this Article is to establish a program for the City of Muskogee to identify and maintain an internal list of vacant commercial buildings; to determine the owners of vacant buildings and structures and their responsibilities for the buildings; to improve the process for rehabilitation of vacant commercial buildings; and to hold owners of dilapidated vacant buildings to the standards set forth under 11 O.S. §22-112, et seq. It is the intention of this Article to shift the burden of cost from the general citizenry to the owners of the blighted buildings. Further, the adoption of this Article will help prevent blight and it will contribute to the preservation of public peace, health, safety and welfare of the citizens of the City of Muskogee by managing, removing and preventing the accumulation of vacant buildings which potentially cause a hazard to the health and safety of the Citizens of Muskogee.**

Section 2. CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE X, VACANT AND ABANDONED COMMERCIAL BUILDINGS, SECTION 18-492, FINDINGS, SHALL READ AS FOLLOWS:

SEC. 18-492, FINDINGS

The City of Muskogee determines that the presence of vacant, abandoned or dilapidated commercial structures creates blight. It is recognized that blight lowers property values, leads to deteriorated conditions, undermines the quality of life, affects the public health, safety and general welfare of citizens and also results in human injury and the encouragement of criminal activities which risks public safety. It is also determined that vacant and unoccupied structures demand an inordinate amount of City administrative and ordinance enforcement resources. As such, the City finds the prolonged presence of vacant and abandoned commercial structures to be unacceptable to the citizens of Muskogee.

Section 3. CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE X, VACANT AND ABANDONED COMMERCIAL BUILDINGS, SECTION 18-493, DEFINITIONS, SHALL READ AS FOLLOWS:

SEC. 18-493, DEFINITIONS

Unless otherwise expressly stated, the following terms shall for the purpose of this article, have the meanings indicated in this section.

*Abandoned* means a building which is deserted and which the owner(s) have failed to maintain and upkeep in accordance with the International Code.

*Blighted* means a building or other structure that is so poorly maintained that its condition, directly or indirectly, represents a threat to the health or safety of the general public or to adjoining properties or properties within the area; constitutes an unsanitary condition; leads itself to habitation or infestation by rodents, termites or other vermin; or represents a threat to property values of adjoining property or other property within the area.

*Commercial building* means a building or structure that is used, or designed to be used, for any commercial purpose, and not as a dwelling, whether or not zoned for such use.

*Enforcement officer* means any duly authorized City of Muskogee employee of the planning department, inspection department, code enforcement article, fire department or the police department.

*Evidence of vacancy* means any condition that on its own or combined with other conditions present would lead a code enforcement officer or other city official to believe the property is vacant. Such conditions may include, but are not limited to: lack of connection to or use of standard utility services such as water, sewer, gas or electric; overgrown and/or dead vegetation, accumulation of trash, junk, and/or debris, broken or boarded up windows/doors or statement(s) by enforcement officer(s) that the property is vacant.

*Secured by other than normal means* means a building secured by means other than those used in the design of the building.

City Planner and Director of Planning or Planning Director shall be deemed interchangeable.

Unoccupied means a building which is not regularly attended by individuals on a regular and systematic basis in accordance with the operation and conducting of business for a period in excess of six (6) months.

Unsecured means a building or portion of a building which is open to entry by unauthorized person without the use of tools or ladders.

Vacant building means a building which is:

- (1) Unoccupied and unsecured; or
- (2) Unoccupied and secured by other than normal means; or
- (3) Unoccupied and demonstrates a lack of maintenance or upkeep of the property or the exterior of the structure as evidenced by one or more visible violations of city ordinances or building codes; or
- (4) Illegally occupied, which shall include loitering, vagrancy and squatting; or
- (5) Unoccupied with a mortgage status of abandonment (i.e. deceased or foreclosed); or
- (6) Unoccupied and abandoned by the property owner for a period exceeding six (6) months; or
- (7) The structure is under a condemnation notice or legal order to vacate.

Section 4. CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE X, VACANT AND ABANDONED COMMERCIAL BUILDINGS, SECTION 18-494, VACANT BUILDINGS, CONTACT INFORMATION AND VACANT BUILDING PLAN, SHALL READ AS FOLLOWS:

SEC. 18-494, VACANT COMMERCIAL BUILDINGS, CONTACT INFORMATION AND VACANT BUILDING PLAN

(a) The City of Muskogee may compile an index of the property address and owners, or the designees of property owners, of vacant commercial real property to ensure the public safety and welfare of its citizens. Additionally, for the purpose of addressing public nuisances, dilapidated properties or other unlawful conduct in accordance with their general police powers, the City of Muskogee allows the following information be procured and maintained in the form of an Index by the City Planner, as follows:

- (1) Current contact information of persons or entities responsible for emergency contact and property maintenance as outlined in this subsection; or
- (2) The name of a person or entity authorized to receive notice and service of process for property outlined in this subsection, along with their contact information.
- (3) Provided, however, that if the current contact information for a property owner is the same as the address of record on the current property tax rolls, and that person or entity listed as the property owner is also responsible for the maintenance of the property and authorized to receive notice and service of process, then the property owner shall not be required to provide additional information to the City Planner. Unless other contact information for emergency contact or service of process is provided by the property owner to the City, then it shall be deemed that the current contact information on the

City tax rolls or land records for a property owner is the current contact information for noticed and service of process. It shall be the responsibility of the property owner to provide current contact information if it is not the same as the address of record on the current property tax rolls.

- (4) A fee shall not be collected by the city to administer the collection of information authorized in this section.
- (b) Nothing in this section shall prohibit the City of Muskogee from enacting and enforcing rules and regulations to require real property owners to comply with the provisions of this section and established occupancy standards as set forth by ordinance, the International Property Maintenance Code, and/or state law.
- (c) Nothing in this section shall prohibit the City of Muskogee from requiring the owner of property that is subject to securement or any abatement process to provide the name, physical address and telephone number of an individual to receive and respond to communications concerning the property subject to the securement or abatement process. No future action taken by the City shall be rendered ineffective due to the failure of the property owner to provide the information pursuant to this subsection. The City shall not assess any fees when compiling the information.
- (d) Information obtained by the City under this section shall be confidential and not subject to disclosure under the Open Records Act (reference 11 O.S. § 22-110.1 (2022)).
- (e) The owner of a vacant property shall submit a vacant building plan which must meet the approval of the Planning Director or his/her designee. The plan, at a minimum, must contain information from one of the following three choices:
- (1) If the building is to be demolished, a demolition plan indicating the proposed time frame for demolition starting within 30 days of acceptance of the proposed demolition timeline and does not exceed 90 days in accordance with the Muskogee City Code; or
  - (2) If the building is to remain vacant, a plan for ensuring the building is secured along with the procedure that will be used to maintain the property, and a statement of the reasons why the building will be left vacant (i.e., building for sale, etc.); or
  - (3) If the building is to be returned to an appropriate occupancy or use, a rehabilitation plan for the said building and grounds shall be submitted, and the Planning Director or his/her designee shall establish a time line for permits, repairs, improvements and rehabilitation or remodeling. The rehabilitation plan shall not exceed twelve (12) months from the time a required remodeling permit is obtained, unless the Planning Director or his/her designee grants an extension upon receipt of a written statement from the owner detailing the reasons for the extension. Any repairs, improvements or alterations to the property must comply with all applicable zoning, historic preservation, or building codes, and the property must be properly secured during the rehabilitation.
- (4) All applicable laws and codes shall be complied with by the owner. The owner shall provide written notification to the Planning Department of any changes in information of their vacant building registration within 30 days of the change. If the plan or timetable for the vacant building is revised in any way, the revision(s) must be in writing and must meet the approval of the director of planning or his/her designee.

- (5) The owner shall keep the building secured and free of exterior defects to the building and grounds properly maintained in accordance with all applicable city ordinances. The owner of commercial buildings shall maintain water and electrical utilities to the vacant building at all times, whether or not a vacant building plan is in place.
- (6) Failure of the owner to maintain the building and premises, which results in further proceedings or remedial action taken by an enforcement officer, shall be grounds for revocation of the approved plan and the owner shall be subject to any applicable penalties provided by the law. In addition, the property shall be subject to city securement procedures and/or the dilapidation building process as set out in the City of Muskogee Code of Ordinances.
- (7) Upon registration, the city will post a notice on the front door of the property identifying that the structure was registered as a vacant building. Said notice will state the registration number.
- (8) The registration and all associated processes must be completed in its entirety annually for as long as the property remains vacant.

State Law Reference: 11 O.S. §§ 22-110.1.

Section 5. CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE X, VACANT AND ABANDONED COMMERCIAL BUILDINGS, SECTION 18-495, INSPECTIONS, SHALL READ AS FOLLOWS:

SEC. 18-495, INSPECTIONS

The inspection department may inspect the exterior of any vacant building in the city for the purpose of determining whether the building is unsecured or vacant, and enforcing and assuring compliance with the provisions of this article. Inspections shall occur as follows:

- (1) Vacant properties may be externally inspected by code enforcement officers and/or the building inspector a minimum of twice per year to ensure compliance with all city codes;
- (2) Vacant property will be externally inspected at the start of each registration period (new or renewal) and when the registration is terminated by the property owner;
- (3) Vacant properties will be both internally and externally inspected prior to an issuance of an occupancy certificate;
- (4) Additional inspections may or may not be conducted at the discretion of the Director of Planning or his/her designee.

Section 6. CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE X, VACANT AND ABANDONED COMMERCIAL BUILDINGS, SECTION 18-496, INSURANCE REQUIREMENTS, SHALL READ AS FOLLOWS:

SEC. 18-146, INSURANCE REQUIREMENTS

- (a) The owner of any vacant building or structure shall maintain casualty insurance on the building and provide written evidence annually to the City Planner that the building is insured. The owner of a vacant building may be required to obtain a surety bond in an amount sufficient to demolish the building, as determined by the Planning Director or his/her



designee, as part of the vacant building plan should the owner not abide by the vacant building plan or if the property should be deemed unsafe pursuant to the City of Muskogee Code of Ordinances.

- (b) Owner shall furnish certificates of insurance or surety bond to the city providing evidence of policies noted above for any period of time that the building remains registered.

Section 7. CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE X, VACANT AND ABANDONED COMMERCIAL BUILDINGS, SECTION 18-497, EXEMPTIONS, SHALL READ AS FOLLOWS:

SEC. 18-497, EXEMPTIONS

- (a) A building under active construction, renovation or demolition and having a valid building or demolition permit shall be exempt for registration until the expiration of the currently active building or demolition permit.
- (b) A building which has suffered fire, flood, weather damage or act of God shall immediately be safely secured and shall be exempt from the registration requirement for a period of 120 days after the date of said event.

Section 8. CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE X, VACANT AND ABANDONED COMMERCIAL BUILDINGS, SECTION 18-498, COMPLIANCE, SHALL READ AS FOLLOWS:

SEC. 18-498, COMPLIANCE

A vacant building or structure will no longer be required to register under this article when the following conditions are met:

- (1) The property is brought into full compliance with all property and building codes subjecting the property to this article; or
- (2) The building and its premises have been free from any property code violations for a period of six months after all property code violations subjecting the property to this article have been corrected; or
- (3) The building is occupied and a certificate of occupancy has been issued; or
- (4) The building complies with one of the exemptions listed in section 18-147.

It shall be the obligation of the owner to notify the building official or his or her designee when any condition within this section is met.

Section 9. CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE X, VACANT AND ABANDONED COMMERCIAL BUILDINGS, SECTION 18-499, APPEALS, SHALL READ AS FOLLOWS:

SEC. 18-499, APPEALS

Any owner who is served a notice of the requirement for vacant property registration, or whenever the Planning Director or his/her designee fails to or does not approve a vacant building plan, as required in subsection 18-143(c), may within ten business days of receipt of such notice

of denied vacant building plan, appeal said notice or denied plan to the Uniform Building Code Appeals Board. Such appeal shall be made by filing notice of the appeal with the City Clerk of the City of Muskogee on a form created for that purpose for the Planning Director. Said appeal shall be heard by the Uniform Building Code Appeals Board at their next regularly scheduled meeting.

Section 10. CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE X, VACANT AND ABANDONED COMMERCIAL BUILDINGS, SECTION 18-500, ABATEMENT, SHALL READ AS FOLLOWS:

SEC. 18-500, ABATEMENT

Any owner of a vacant or abandoned commercial property that fails to follow the vacant building plan provided to the City Planner will be considered a public nuisance and be subject to the securement and/or dilapidation process, and further abatement procedures as set out in Chapter 18, Buildings and Building Regulations, and other relevant City of Muskogee ordinances, the International Property Maintenance Code and state law. Any vacant building which remains unsecured, after proper notification as outlined in 11 O.S Sec. 22-112 et seq., shall be boarded up and secured by the City of Muskogee, with the costs of securement placed as a lien on the subject property.

State Law Reference: 11 O.S. §§ 22-112, 22-112-.1, 22-112.4.

**Section 11. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed to the extent of the conflict only.

**Section 12. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

**Section 13. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after publication.

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

CITY OF MUSKOGEE

\_\_\_\_\_  
MARLON J. COLEMAN, MAYOR

ATTEST:

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

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

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

**Special City Council**

16.

**Meeting Date:** 02/12/2024  
**Submitted For:** Katrina Bodenhamer, City Attorney  
**Initiator:** Austin Witt, Deputy City Attorney  
**Department:** City Attorney  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Consider approval of Ordinance No. 4221-A, an ordinance amending the City of Muskogee Code of Ordinances by repealing Chapter 18, Buildings and Building Regulations, Article II, Registration Certificates and Fees; Permits, Bonds and Insurance, Division 6, Vacant Building Registration, or take other necessary action. (Katrina Bodenhamer)

**BACKGROUND:**

The state legislature has amended the statutes relating to municipal regulation of vacant and abandoned commercial buildings in a way that conflicts with the City of Muskogee's current ordinances. The proposed ordinance would repeal all current ordinances relating to Vacant Building Registration, and allow the Council to adopt proposed Ordinance No. 4222-A, which is a statutorily compliant version of this section under a new article heading.

**RECOMMENDED ACTION:**

Approve the ordinance.

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**Fiscal Impact**

**Attachments**

4221-A

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**ORDINANCE NO 4221-A.**

**AN ORDINANCE AMENDING THE CITY OF MUSKOGEE CODE OF ORDINANCES BY REPEALING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, REGISTRATION CERTIFICATES AND FEES; PERMITS, BONDS AND INSURANCE, DIVISION 6, VACANT BUILDING REGISTRATION, SECTION 18-140, PURPOSE; SECTION 18-141, FINDINGS; SECTION 18-142, DEFINITIONS; SECTION 18-143, VACANT BUILDINGS, CONTACT INFORMATION AND VACANT BUILDING PLAN; SECTION 18-144, INSPECTIONS; SECTION 18-145, VACANT BUILDING FEES; SECTION 18-146, INSURANCE REQUIREMENTS; SECTION 18-147, EXEMPTIONS; SECTION 18-148, COMPLIANCE; SECTION 18-149, APPEALS; SECTION 18-150, PENALTIES; PROVIDING FOR REPEALER, AND SEVERABILITY.**

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

**Section 1.** CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE II, REGISTRATION CERTIFICATES AND FEES; PERMITS, BONDS AND INSURANCE, DIVISION 6, VACANT BUILDING REGISTRATION, SECTION 18-140, PURPOSE; SECTION 18-141, FINDINGS; SECTION 18-142, DEFINITIONS; SECTION 18-143, VACANT BUILDINGS, CONTACT INFORMATION AND VACANT BUILDING PLAN; SECTION 18-144, INSPECTIONS; SECTION 18-145, VACANT BUILDING FEES; SECTION 18-146, INSURANCE REQUIREMENTS; SECTION 18-147, EXEMPTIONS; SECTION 18-148, COMPLIANCE; SECTION 18-149, APPEALS; SECTION 18-150, PENALTIES, IS HEREBY REPEALED.

**Section 2. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed to the extent of the conflict only.

**Section 3. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

**Section 4. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after publication.

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

CITY OF MUSKOGEE

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MARLON J. COLEMAN, MAYOR

ATTEST:

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TAMMY L. TRACY, CITY CLERK  
(seal)

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

---

KATRINA BODENHAMER, CITY ATTORNEY

**Special City Council**

17.

Meeting Date: 02/12/2024  
Submitted For: Avery Rigney, Public Works  
Initiator: Avery Rigney, Asst. Public Works Director  
Department: Public Works  
Staff Information Source:

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Information

AGENDA ITEM TITLE:

Consider approval of Resolution No. 2973 declaring items of personal property presently in the possession of the City of Muskogee, to be surplus to the needs of the City of Muskogee, and authorize the City Manager to offer for sale or dispose of the same, all as per the attached list, or take other necessary action. (Mike Stewart)

BACKGROUND:

Over the years, the City of Muskogee has accumulated a large amount of traffic signal heads, poles, and other equipment. The City has historically used any reusable equipment and has stored equipment for reuse when applicable. Since the City has entered a maintenance contract with Traffic Lighting Solutions Inc., the need to store equipment is no longer necessary. The vast majority of the equipment that the City will surplus is antiquated. What is not antiquated is either not usable due to damage or it is not financially feasible to replace a light with a used light as opposed to replacing it by making use of the maintenance contract.

The equipment causes general clutter as well as taking up usable space in the Public Works building or the Public Works material yard.

The City has explored the option of selling the equipment to TLS or asking TLS to see if another City would be interested in purchasing it, however, there were no interested parties due to the age of the equipment.

RECOMMENDED ACTION:

Consider approval.

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Fiscal Impact

Attachments

2973

Pictures

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**RESOLUTION NO. 2973**

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

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

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

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

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

Public Works Traffic Department- Location Material Yard

70 Traffic Signal Head Units more or less (obsolete, defective, aged, etc.)

11 pedestrian crossing units (all defective)

8 traffic signal cabinets (defective or damaged)

50 Traffic Signal Poles more or less (to be sold as scrap metal)

Public Works Sanitation Department- Location Material Yard

28 plastic 2 yard dumpsters (defective, damaged beyond repair due to material, burned)

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

**PASSED AND APPROVED** by the City Council of the City of Muskogee, Oklahoma this \_\_\_\_\_ day of \_\_\_\_\_, 2024.



CITY OF MUSKOGEE,  
A municipal corporation,

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MARLON COLEMAN, MAYOR

ATTEST

---

TAMMY L. TRACY, CITY CLERK

APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2024

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KATRINA BODENHAMER, CITY ATTORNEY













**Special City Council**

**18.**

**Meeting Date:** 02/12/2024

**Submitted For:** Dennis Read, Finance

**Initiator:** Dennis Read,  
Treasurer

**Department:** Finance

**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Consider approval to authorize the City Manager to execute an Engagement Letter with Hood & Associates, Certified Public Accountants, to perform review of financial statements and prepare audit report for FY2023, or take other necessary action. (Dennis Read)

**BACKGROUND:**

The City of Muskogee contacted Hood and Associates to perform an audit of financial statements for FY2022-2023. The cost of their audit preparation is on an hourly basis.

**RECOMMENDED ACTION:**

Authorize the City Manager to execute the audit review engagement letter with Hood and Associates for the fiscal year 2023.

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**Fiscal Impact**

**Attachments**

FY23 Engagement Letter

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January 9, 2024

Mr. Dennis Read  
Finance Director  
City of Muskogee, Oklahoma  
229 W Okmulgee Ave  
Muskogee, OK 74401

Hood and Associates, CPAs P.C. is pleased to confirm our understanding of the services we are to provide the City of Muskogee, Oklahoma (the City) for the year ended June 30, 2023.

### **Audit Scope and Objectives**

We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the City of Muskogee, Oklahoma, as of and for the year ended June 30, 2023. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by accounting principles generally accepted in the United States of America and will be subjected to certain limited procedures, but will not be audited:

- Management's Discussion and Analysis.
- Budgetary Comparison Information.
- Schedule of Changes in total OPEB Liability and Related Ratios.
- Schedule of Changes in Net Pension Liability/Asset and Related Ratios.
- Schedules of Employer Contributions and notes to RSI.

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HOOD & ASSOCIATES CPAs, P.C.

HOODCPAS.COM

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a separate written report accompanying our auditor's report on the financial statements and in a report combined with our auditor's report on the financial statements:

- Schedule of expenditures of federal awards.
- Combining and Individual Nonmajor Fund Financial Statements and Schedules.

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information:

- Introductory Section and Statistical Section.

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and issue an auditor's report that includes our opinions about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgement of a reasonable user made based on the financial statements. The objectives also include reporting on:

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

### **Auditor's Responsibilities for the Audit of the Financial Statements and Single Audit**

We will conduct our audit in accordance with GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgement and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or

(4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, Government Auditing Standards do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, an unavoidable risk exists that some material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and Government Auditing Standards. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

We have identified the following significant risk(s) of material misstatement as part of our audit planning:

- Management override

- Improper revenue recognition

### **Audit Procedures - Internal Control**

We will obtain an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

## **Audit Procedures - Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. For federal programs that are included in the Compliance Supplement, our compliance and internal control procedures will relate to the compliance requirements that the Compliance Supplement identifies as being subject to audit. The purpose of these procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

## **Other Services**

We will also assist in preparing the financial statements, schedule of expenditures of federal awards, and related notes of the City of Muskogee, Oklahoma in conformity with accounting principles generally accepted in the United States of America and the Uniform Guidance based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities for the financial statements, schedule of expenditures of federal awards, and related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, the schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

## **Responsibilities of Management for the Financial Statements and Single Audit**

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with accounting principles generally accepted in the United States of America; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1)

access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, including identification of all related parties and all related-party relationships and transactions, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements; schedules of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received, and COVID-19 -related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with accounting principles generally accepted in the United States of America. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have

disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

### **Engagement Administration, Fees, and Other**

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditor's reports or nine months after the end of the audit period.

We will provide copies of our reports to the City; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Hood and Associates, CPAs P.C. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to a Cognizant or Oversight Agency for Audit or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Hood and Associates CPAs, P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the Cognizant Agency, Oversight Agency for Audit, or Pass-Through Entity. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Ms. Violet Kirkendall, CPA, is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We expect to begin our audit as soon as records are made available to us and we will issue our reports 6-8 weeks subsequent to that start date.

Our fee for these services will \$75,000 for the audit of the City of Muskogee. Our audit fees include a single audit of up to two (2) major programs. If additional major programs are required to be audited, an additional fee of \$3,500 per additional major program shall apply. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

## Reporting

We will issue written reports upon completion of our Single Audit. Our reports will be addressed to management and the governing board of City of Muskogee, Oklahoma. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

We appreciate the opportunity to be of service to the City of Muskogee, Oklahoma and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

*Hood and Associates CPAs, P.C.*

## RESPONSE:

This letter correctly sets forth the understanding of the City of Muskogee, Oklahoma.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**Special City Council**

**19.**

**Meeting Date:** 02/12/2024  
**Initiator:** Mike Miller, City Manager  
**Department:** City Manager  
**Staff Information Source:** Mayor Marlon J. Coleman

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**Information**

**AGENDA ITEM TITLE:**

Receive report on upcoming municipal election dates and encouraging and informing citizens about voting opportunities. (Mayor Marlon J. Coleman)

**BACKGROUND:**

This is a public information agenda item to formally encourage citizens to vote in the upcoming municipal election. Our municipal election for Mayor and City Council is February 13. The last day to register to vote in this election is January 19. The last day to request an absentee ballot is January 29. The election board holds early voting on-site at their offices on February 8th and February 9th from 8 a.m. to 6 p.m. Polls are open at city precincts February 13th from 7 a.m. to 7 p.m. All residents are encouraged to make sure they are registered to vote and to participate in the upcoming election.

**RECOMMENDED ACTION:**

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Special City Council**

**20.**

**Meeting Date:** 02/12/2024

**Submitted For:** Mike Miller, City Manager

**Initiator:** Mike Miller, City Manager

**Department:** City Manager

**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Consider approval to allocate \$10,000.00 of hotel/motel tax, to sponsor the Oklahoma Music Hall of Fame Induction Ceremony, or take other necessary action. (Councilor Jaime Stout)

**BACKGROUND:**

Councilor Stout has asked the City of Muskogee to consider allocating \$10,000.00 of unappropriated hotel/motel tax funds for the purpose of sponsoring the Oklahoma Music Hall of Fame Induction Ceremony. The event will be held at the Muskogee Civic Center on Saturday, February 17, 2024. Hall of Fame inductees will include:

Country super group: Ricochet

Bryan White Timothy Long Verlon Thompson Jerry Huffer Shelby Eicher David Webb (Governor's Award Recipient)

Councilor Stout will present additional information about the event and the City's sponsorship opportunity at the meeting.

**RECOMMENDED ACTION:**

Consider approval.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Special City Council**

**21. a.**

**Meeting Date:** 02/12/2024  
**Submitted For:** Katrina Bodenhamer, City Attorney  
**Initiator:** Leslie Arnold, Attorney Secretary  
**Department:** City Attorney  
**Staff Information Source:** City Attorney

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**Information**

**AGENDA ITEM TITLE:**

Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss a Worker's Compensation claim, No. CM3-2023-00490H, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

**BACKGROUND:**

The City Attorney desires to discuss with the Mayor and Council a pending worker's compensation claim, number CM-2023-00490H, arising from an employee injury on 05/06/2022. The City Attorney advises the City Council that the Council should determine that disclosure of confidential communications between the Council and the City Attorney regarding the above referenced item will seriously impair the ability of the City to defend the City's interest, and from that determination, the Council should convene in executive session to discuss this matter.

**RECOMMENDED ACTION:**

Convene in executive session to discuss a worker's compensation claim, number CM3-2023-00490H, and if necessary, take appropriate action in open session

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Special City Council**

**21. b.**

**Meeting Date:** 02/12/2024  
**Submitted For:** Katrina Bodenhamer, City Attorney  
**Initiator:** Austin Witt, Deputy City Attorney  
**Department:** City Attorney  
**Staff Information Source:**

---

**Information**

**AGENDA ITEM TITLE:**

Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the pending tort claim of Marion Hunter, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

**BACKGROUND:**

The City Attorney desires to discuss with the Mayor and Council the pending tort claim of Marion Hunter arising from an occurrence on 08/18/2023.

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

**RECOMMENDED ACTION:**

Convene in executive session to discuss the pending tort claim of Marion Hunter, and if necessary, take appropriate action in open session.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Special City Council**

**21. c.**

**Meeting Date:** 02/12/2024  
**Submitted For:** Katrina Bodenhamer, City Attorney  
**Initiator:** Austin Witt, Deputy City Attorney  
**Department:** City Attorney  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to provide an update regarding (PFAS) contamination In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-2873, United States District Court, District of South Carolina, and take other necessary action in Open Session. (Katrina Bodenhamer)

**BACKGROUND:**

The City Attorney desires to discuss with the Mayor and Council the litigation status of the PFAS water contaminant case.

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

**RECOMMENDED ACTION:**

Convene in Executive Session to discuss pending and possible litigation, and if necessary, take appropriate action in Open Session.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Special City Council**

**21. d.**

**Meeting Date:** 02/12/2024  
**Submitted For:** Katrina Bodenhamer, City Attorney  
**Initiator:** Katrina Bodenhamer, City Attorney  
**Department:** City Attorney  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the on-going litigation styled Quintana v. City of Muskogee et al., filed in the United States District Court for the Eastern District of Oklahoma, Case No. 23-VC-389-RAW, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

**BACKGROUND:**

The City Attorney desires to discuss with the Mayor and Council the status of the pending litigation in the above-referenced case.

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

**RECOMMENDED ACTION:**

Convene in executive session to discuss the above-referenced case, and if necessary, take appropriate action in open session.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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