

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

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

AGENDA MUSKOGEE CITY COUNCIL FEBRUARY 24, 2025

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

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

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

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

ROLL CALL

**APPROVAL OF MINUTES: CITY COUNCIL SPECIAL CALL SESSION NOVEMBER 19, 2024,
CITY COUNCIL SPECIAL CALL SESSION NOVEMBER 20, 2024, SPECIAL CALL SESSION
JANUARY 13, 2025, AND CITY COUNCIL REGULAR SESSION JANUARY 27, 2025, 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 January 4, 2025, through January 31, 2025, or take other necessary action. (Roger Kolman)
2. Approval of Change Orders No. 5 and No. 6 for the Swim & Fitness Remodel, Project No. 2023025, with AC Owen Construction, LLC, for the amount of \$10,464.60, or take other necessary action. (Mark Wilkerson)
3. Approval of final payment to AC Owen Construction, LLC, in the amount of \$32,190.13, for the Swim & Fitness Remodel, Project No. 2023025, or take other necessary action. (Mark Wilkerson)

4. Approval of an application for a TSET “Innovations in Built Environment” Grant in the amount of \$80,000.00, to be used for the renovation of Honor Heights Park tennis courts and pickle ball court conversion, as recommended by the Parks and Recreation Board, or take other necessary action. (Mark Wilkerson)
5. Approval of Change Order No. 2 (credit), for the CDBG Waterline, Project No. 2023008, in the amount of (\$2,445.17), or take other necessary action. (Mike Stewart)
6. Approval of final payment to Cook Consulting LLC, in the amount of \$390,014.46, for the CDBG Waterline, Project No. 2023008, or take other necessary action. (Mike Stewart)
7. Approval for the City of Muskogee Airport Manager, Drew Saffell, and City of Muskogee Airport Board Chairman, Tyler Evans, to accept donations, contributions, or sponsorship on behalf of the City of Muskogee for the First Annual Salute to Service Day, to be held at the Muskogee Davis Field Regional Airport on March 15th, 2025, or take other necessary action. (Tyler Evans)
8. Approval for the City of Muskogee Animal Shelter to receive a donation in the amount of \$20,851.99, from the Jack Bethany, Jr. Estate, or take other necessary action. (Tyler Evans)
9. Approval for use of the Muskogee Davis Field Regional Airport to host the First Annual Salute to Service Day and the Commemorative Air Force Tora! Tora! Tora! Event, or take other necessary action. (Tyler Evans)
10. Approval of an agreement with Tetra Tech, in the amount of \$135,240.00, for Sanitary Sewer Evaluation Services, more particularly in the Haskell Blvd. area, or take other necessary action. (Mike Stewart)
11. Approval of an agreement between the City of Muskogee and Waste Management of Oklahoma for the purpose of solid waste disposal, to be effective March 1, 2025, or take other necessary action. (Mike Stewart)
12. Approval of the appointment of Wren Stratton to the War Memorial Trust Authority, filling the unexpired term of David Weston, commencing upon appointment, and ending August 31, 2026, or take other necessary action. (Mayor W. Patrick Cale)

REGULAR AGENDA

13. Consider approval of Ordinance No. 4248-A, an Ordinance of the City of Muskogee, Oklahoma, establishing a zoning classification and annexing territory adjacent to the city limits upon the petition of the owner of said territory located in the NW Section 15, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma, in a portion of the John T. Griffin Industrial Park; directing notification; providing for repealer, severability, and declaring an emergency, or take other necessary action. (Roger Kolman)

14. Consider approval of Ordinance No. 4249-A, an Ordinance of the City of Muskogee, Oklahoma establishing a zoning classification and annexing territory adjacent to the city limits upon the petition of the owner of said territory located in the NW Section 15, Township 14 North, Range 18 East and NE Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, Oklahoma, in a portion of the John T. Griffin Industrial Park; directing notification, providing for repealer, severability, and declaring an emergency, or take other necessary action. (Roger Kolman)
15. Consider approval of Ordinance No. 4250-A, an Ordinance of the City of Muskogee, Oklahoma establishing a zoning classification and annexing territory adjacent to the city limits upon the petition of the owner of said territory located in Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, Oklahoma, in a portion of the John T. Griffin Industrial Park; directing notification; providing for repealer, severability and declaring an emergency, or take other necessary action. (Roger Kolman)
16. Hold a Public Hearing and consider approval of Ordinance No. 4257-A, rezoning a parcel of land from R-1 Single Family Residential, to I-1 Light Industrial, for a property located in SECTION 16, TOWNSHIP 14 NORTH, RANGE 18 EAST of the INDIAN BASE and MERIDIAN, Muskogee County, State of Oklahoma, generally located at West 53rd Street South; providing for repealer, severability, and if approved, authorize Staff to revise the official zoning map, or take other necessary action. (Sarah Winkle)
17. Hold a Public Hearing and consider approval of Ordinance No. 4256-A, rezoning a parcel of land from R-1 Single Family Residential, to I-1 Light Industrial, located in the NW SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST of the INDIAN BASE and MERIDIAN and NE SECTION 16, TOWNSHIP 14 NORTH, RANGE 18 EAST of the INDIAN BASE MERIDIAN, MUSKOGEE COUNTY, STATE of OKLAHOMA, also known as 1801 and 2041 West Smith Ferry Road; providing for repealer, severability, and, if approved, authorize Staff to amend the official zoning map, or take other necessary action. (Sarah Winkle)
18. Hold a Public Hearing and consider approval of Ordinance No. 4255-A, rezoning a parcel of land from R-1 Single Family Residential, to I-1 Light Industrial, located in the NW SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST of the INDIAN BASE and MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA; providing for repealer, severability, and, if approved, authorize Staff to amend the official zoning map, or take other necessary action. (Sarah Winkle)
19. Discussion and possible approval of a revised ground lease for the Hangar Park Addition of the Muskogee-Davis Regional Airport between the City of Muskogee and Ronald and Kymber Thomas, or take other necessary action. (Roger Kolman)
20. Consider approval to award Blessed Lawn the following: a) Base Bid 1 in the amount of \$15,800.00 per month; b) Base Bid 3 in the amount of \$7,700.00 per month; c) Base Bid 4 in the amount of \$4,900.00 per month; d) Health Department Ditch in the amount of \$600.00 per cut; e) East Broadway Parking Lot in the amount of \$200.00 per cut; f) Haskell Boulevard Medians in the amount of \$175.00 per cut; and g) Kendall District Medians in the amount of \$150.00 per cut, or take other necessary action. (Mike Stewart)

21. Consider approval to award City Wide Maintenance Base Bid 2, the Elliot and Morningside Detention Mowing Bid, in the amount \$1,050.00 per cut, or take other necessary action. (Mike Stewart)
22. Consider approval to award Lawn Busters the Turnpike Mowing Bid, in the amount \$13,000.00 per cut, the Peak Boulevard Right-of-Way Mowing Bid, in the amount of \$4,250.00 per cut, and the South Main Street Mowing Bid, in the amount of \$4,250.00 per cut, or take other necessary action. (Mike Stewart)
23. Consider approval to award Avery Lawn Care the Highway 69 Medians Mowing Bid in the amount of \$800.00 per week; and North Main Street Medians Mowing Bid in the amount of \$300.00 per week, or take other necessary action. (Mike Stewart)
24. Consider approval to award Muskogee Lawn and Tree the Peak Boulevard Medians Mowing Bid in the amount \$2,000.00 per cut, or take other necessary action. (Mike Stewart)
25. Consider approval of the lowest and best bid to Tonto Construction, in an amount not-to-exceed \$106,240.00, for Bio-Solids Removal and Disposal from the Wastewater Treatment Plant, or take other necessary action. (Mike Stewart)

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 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.

26. Consider an Executive Session to discuss the following:
 - a. Pursuant to Section 307C.11, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss matters pertaining to a proposed Economic Development Project, located in the John T. Griffin Industrial Park, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate within the City of Muskogee, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)
 - b. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss negotiations with the Fraternal Order of Police, Lodge No. 95, and if necessary, take appropriate action in Open Session. (Maggie Eaton)
 - c. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss Worker's Compensation Claim Number 10-23-20, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

ADJOURN

Regular City Council

1.

Meeting Date: 02/24/2025
Initiator: Jennifer Sharp, Admin II
Department: City Clerk
Staff Information Source:

Information

AGENDA ITEM TITLE:

APPROVAL OF MINUTES: CITY COUNCIL SPECIAL CALL SESSION NOVEMBER 19, 2024, CITY COUNCIL SPECIAL CALL SESSION NOVEMBER 20, 2024, SPECIAL CALL SESSION JANUARY 13, 2025, AND CITY COUNCIL REGULAR SESSION JANUARY 27, 2025, OR TAKE OTHER NECESSARY ACTION.

BACKGROUND:

RECOMMENDED ACTION:

Fiscal Impact

Attachments

11-19-2024 SPCCMIN
11-20-2024 SPCCMIN
1-13-2025 SPCCMIN
1-27-2025 ccmin

MINUTES

OF THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA MET IN A SPECIAL CALL SESSION AT THE MUSKOGEE-DAVIS REGIONAL AIRPORT NOVEMBER 19, 2024

The City Council of the City of Muskogee, Oklahoma, met in a Special Call Session at 5:30 p.m., on November 19, 2024, at the Muskogee-Davis Regional Airport, 1201 Sabre Street, Muskogee, Oklahoma, with Mayor W. Patrick Cale presiding.

Meeting was called to order by Mayor W. Patrick Cale and the City Clerk called the roll as follows:

Present: Patrick Cale, Mayor; Derrick Reed, Deputy Mayor; Jaime Stout, Councilmember; Tracy Hoos, Councilmember; Shirley Hilton-Flanary, Councilmember; C.B. Abel, Councilmember; Melody Cranford, Councilmember; Dan Hall, Councilmember; Tom Martindale, Councilmember

Staff Present: Mike Miller, City Manager; Roger Kolman, Assistant City Manager; Katrina Bodenhamer, City Attorney; Tammy L. Tracy, City Clerk; Tera Shows, Economic Development Manager; Judy Villalobos, Executive Assistant

Attendees: Lori Mueller, OMAG, Mike Bailey, OMAG

- 1 Engage in discussion on City strategic planning including, but not limited to, current and long-term City needs, and provide necessary direction to Staff. (Mike Miller)

Lori Mueller and Mike Bailey, Oklahoma Municipal Assurance Group (OMAG), led both City Council and Staff in professional and leadership development. Various styles of leadership were discussed and evaluated among participants. Group exercises were conducted and discussions were held.

No actions were taken at this meeting.

The meeting was adjourned at 8:45 p.m.

W. PATRICK CALE, MAYOR

TAMMY L. TRACY, CITY CLERK

MINUTES

OF THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA MET IN A SPECIAL CALL SESSION AT THE MUSKOGEE-DAVIS REGIONAL AIRPORT NOVEMBER 20, 2024

The City Council of the City of Muskogee, Oklahoma, met in a Special Call Session at 8:30 a.m., on November 20, 2024, at the Muskogee-Davis Regional Airport, 1201 Sabre Street, Muskogee, Oklahoma, with Mayor W. Patrick Cale presiding.

Meeting was called to order by Mayor W. Patrick Cale and the City Clerk called the roll as follows:

Present: Patrick Cale, Mayor; Derrick Reed, Deputy Mayor; Jaime Stout, Councilmember; Tracy Hoos, Councilmember; Shirley Hilton-Flanary, Councilmember; C.B. Abel, Councilmember; Melody Cranford, Councilmember; Tom Martindale, Councilmember

Absent: Dan Hall, Councilmember

Staff Present: Mike Miller, City Manager; Roger Kolman, Assistant City Manager; Katrina Bodenhamer, City Attorney; Tammy L. Tracy, City Clerk; Tera Shows, Economic Development Manager; Judy Villalobos, Executive Assistant

Attendees: Lori Mueller, OMAG, Mike Bailey, OMAG

- 1 Engage in discussion on City strategic planning including, but not limited to, current and long-term City needs, and provide necessary direction to Staff. (Mike Miller)

Councilor Dan Hall entered the meeting at 10:10 a.m.

Lori Mueller and Mike Bailey, Oklahoma Municipal Assurance Group (OMAG), led the session with City Council and Staff. The main topic of discussion was the Council's strategic focus moving forward. Several potential wants and needs for the City of Muskogee were discussed and vetted among the attendees. A final consensus resulted in the following items making the top three priorities:

1. Growth through attracting young families;
2. Building a sense of pride in the community by allocating and establishing resources;
3. Improving water and wastewater infrastructure, roads, and aging and deteriorating city facilities.

Other topics discussed were the City's current form of government, the role of a city councilmember and developing a new, more concise mission statement for the City.

Councilor C. B. Abel left the meeting at 1:25 p.m.

Councilor C. B. Abel returned to the meeting at 3:00 p.m.

No actions were taken at this meeting.

The meeting was adjourned at 3:15 p.m.

W. PATRICK CALE, MAYOR

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 JANUARY 13, 2025

The City Council of the City of Muskogee, Oklahoma, met in a Special Call Session at 5:30 p.m., on January 13, 2025, in Council Chambers, Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma, with Mayor W. Patrick Cale presiding.

Meeting was called to order by Mayor W. Patrick Cale and the City Clerk called the roll as follows:

Present: Patrick Cale, Mayor; Derrick Reed, Deputy Mayor; Jaime Stout, Councilmember; Tracy Hoos, Councilmember; Shirley Hilton-Flanary, Councilmember; C.B. Abel, Councilmember; Melody Cranford, Councilmember; Dan Hall, Councilmember

Absent: Tom Martindale, Councilmember

Staff: Roger Kolman, Interim City Manager; Katrina Bodenhamer, City Attorney/Interim Assistant
Present: City Manager; Tammy L. Tracy, City Clerk; Kenna Terrell, Deputy City Clerk; Mike Stewart, Public Works Director; Jeff Reeves, Project Manager; Johnny Teehee, Police Chief; Maggie Eaton, Human Resources Director; Jody Moore, Fire Chief; Avery Rigney, Assistant Public Works Director; Sarah Winkle, Deputy Planning Director; Tera Shows, Economic Development Manager; Brooke Hall, Asst. Director of Parks & Recreation; Austin Witt, Deputy City Attorney; Jody King, Planning Director

- 1 Consider approval of Ordinance No. 4247-A, an Ordinance of the City of Muskogee, Amending Chapter 2, Administration, Article V. Boards and Commissions, Division 12, Municipal Employees' Retirement Board; Section 2-471, Membership, Election and Qualifications; Section. 2-472, Terms and Representation By Department; Section 2-473, Absences and Vacancies; Providing for Codification, Repealer, Severability and Setting an Effective Date, or take other necessary action. (Tammy L. Tracy)

City Clerk Tammy L. Tracy stated this is a housekeeping item, updating the sections to reflect current practices and reestablishing the retirement board.

Motion was made by Mayor Patrick Cale, seconded by Councilmember Shirley Hilton-Flanary to approve Ordinance No. 4247-A, an Ordinance of the City of Muskogee, Amending Chapter 2, Administration, Article V. Boards and Commissions, Division 12, Municipal Employees' Retirement Board; Section 2-471, Membership, Election and Qualifications; Section. 2-472, Terms and Representation By Department; Section 2-473, Absences and Vacancies; Providing for Codification, Repealer, Severability and Setting an Effective Date.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall

Carried - Unanimously

- 2 Consider approval of Resolution No. 3020, a Resolution supporting the application by the Oklahoma Department of Transportation for Rebuilding American Infrastructure with Sustainability and Equity, (RAISE) grant funding, for improvements to US-69, or take other necessary action. (Roger Kolman)

Interim City Manager Roger Kolman stated ODOT is applying for grant funding and requested the City provide a Letter of Support in the form of a resolution to submit with the application. This grant will help fund the improvements of Highway 69 through Muskogee.

Motion was made by Mayor Patrick Cale, seconded by Councilmember Shirley Hilton-Flanary to approve Resolution No. 3020, a Resolution supporting the application by the Oklahoma Department of Transportation for Rebuilding American Infrastructure with Sustainability and Equity, (RAISE) grant funding, for improvements to US-69.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall

Carried - Unanimously

- 3 Consider an Executive Session to take possible action on the following:

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

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall

Carried - Unanimously

Council entered into Executive Session at 6:06 p.m.

Council reconvened into Regular Session at 7:31 p.m.

Meeting was called to order by Mayor W. Patrick Cale and the City Clerk called the roll as follows:

Present: Patrick Cale, Mayor; Derrick Reed, Deputy Mayor; Jaime Stout, Councilmember; Tracy Hoos, Councilmember; Shirley Hilton-Flanary, Councilmember; C.B. Abel, Councilmember; Melody Cranford, Councilmember; Dan Hall, Councilmember
Absent: Tom Martindale, Councilmember

- a (Tabled) Pursuant to Section 307 C.11, Title 25, Oklahoma Statutes, consider convening in Executive Session to confer on matters pertaining to Economic Development Project ED-2024-06, including a proposal to entice a business to locate in the southeastern quadrant of the City, and if necessary, take appropriate action in Open Session. (Tera Shows)

City Attorney/Interim Assistant City Manager Katrina Bodenhamer stated this item will be tabled until the City Council meeting on January 27, 2025.

- b Pursuant to Section 307 B.1 Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of Interim City Manager Roger Kolman, and if necessary, take appropriate action in Open Session. (Councilor Tracy Hoos)

Motion was made by Councilmember C.B. Abel, seconded by Deputy Mayor Derrick Reed to amend the contract of Interim City Manager Roger Kolman as discussed in Executive Session.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall

Carried - Unanimously

- c (No Action) Pursuant to Section 307 B.1 Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of City Attorney Katrina Bodenhamer, and if necessary, take appropriate action in Open Session. (Councilor Tracy Hoos)
- d (No Action) Pursuant to Section 307 B.1 Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of City Clerk Tammy L. Tracy, and if necessary, take appropriate action in Open Session. (Councilor Tracy Hoos)

- e Pursuant to Section 307 B.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 Dan Hall, seconded by Councilmember Shirley Hilton-Flanary to approve the contract with the Fraternal Order of Police, Lodge No. 95, as presented in Executive Session.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall

Carried - Unanimously

- f Pursuant to Section 307 B.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 C.B. Abel, seconded by Councilmember Dan Hall to approve the contract with the International Association of Firefighters, Local No. 57, as presented in Executive Session.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall

Carried - Unanimously

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

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Shirley Hilton-Flanary to approve the contract with the American Federation of State, County, and Municipal Workers, Local No. 2465, as presented in Executive Session.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall

Carried - Unanimously

W. PATRICK CALE, MAYOR

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 JANUARY 27, 2025

The City Council of the City of Muskogee, Oklahoma, met in Regular Session at 5:30 p.m., on January 27, 2025, in Council Chambers, Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma, with Mayor W. Patrick Cale presiding.

Meeting was called to order by Mayor W. Patrick Cale and the City Clerk called the roll as follows:

Present: Mayor Patrick Cale; Deputy Mayor Derrick Reed; Councilmember Jaime Stout; Councilmember Tracy Hoos; Councilmember Shirley Hilton-Flanary; Councilmember C.B. Abel; Councilmember Melody Cranford; Councilmember Dan Hall; Councilmember Tom Martindale

Staff Roger Kolman, Assistant City Manager; Katrina Bodenhamer, City Attorney; Tammy L.

Present: Tracy, City Clerk; Kenna Terrell, Deputy City Clerk; Mike Stewart, Public Works Director; Johnny Teehee, Police Chief; Dennis Read, Treasurer; Tyler Evans, Emergency Management Director; Avery Rigney, Assistant Public Works Director; Mark Wilkerson, Parks & Recreation Director; Seth Campbell, Assistant City Attorney; Tera Shows, Economic Development Manager; Sarah Winkle, Deputy Planning Director; Austin Witt, Deputy City Attorney; Jody Moore, Fire Chief

APPROVAL OF MINUTES: CITY COUNCIL SPECIAL CALL DECEMBER 9, 2024, AND SPECIAL CALL DECEMBER 12, 2024, OR TAKE OTHER NECESSARY ACTION.

Motion was made by Deputy Mayor Derrick Reed, seconded by Councilmember Tracy Hoos to approve Minutes: City Council Special Call December 9, 2024, and Special Call December 12, 2024.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Carried - Unanimously

CONSENT AGENDA

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

Motion was made by Deputy Mayor Derrick Reed, seconded by Councilmember Shirley Hilton-Flanary to approve Consent Agenda Items one (1) through thirteen (13).

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Carried - Unanimously

- 1 Approval of claims for all City departments for November 16, 2024 through January 3, 2025, or take other necessary action. (Roger Kolman)
- 2 Approval for the Muskogee Fire Department to apply for an Assistance to Firefighters Grant, requiring a 10% match, to purchase a Heavy Rescue vehicle, or take other necessary action. (Jody Moore)
- 3 Approval to award the contract for the lowest and best bid for the Abatement Contract (Weeds/Grass & Trash/Debris) to Five Star Demolition LLC, and authorize the City Manager to negotiate and execute the same, or take other necessary action. (Jody King)
- 4 Approval to award the lowest and best bid for the Abatement Contract (Dilapidated Personal Property) to Five Star Demolition LLC, and authorize the City Manager to negotiate and execute the same, or take other necessary action. (Jody King)
- 5 Approval of proposal for the completion of an Intensive Level Survey for the Central Business District from Terracon Consultants, Inc., in the amount of \$68,658.00, or take other necessary action. (Jody King)
- 6 Approval to award a bid in the amount of \$225,704.00 to EKA Consulting, for the City of Muskogee Rehabilitation Program for the remaining eight (8) single-family structures from the 2021-2022 grant period, and authorize the City Manager to negotiate the same, or take other necessary action. (Jody King)
- 7 Approval of final payment to Cook Consulting, in the amount of \$213,083.39, for the Walnut Creek, Project No. 2020007, or take other necessary action. (Jody King)

- 8 Approval of final payment to Heritage Hills Roofing & Construction, in the amount of \$298,500.00, for the Swim and Fitness Center, Roof Replacement Project No. 2024002, or take other necessary action. (Mark Wilkerson)
- 9 Approval to accept the best and only bid for Catch Basin Repair Contract from Cook Consulting, LLC, not to exceed \$200,000.00, or take other necessary action. (Mike Stewart)
- 10 Approval of final payment to Harness Roofing Inc., in the amount of \$29,948.30, for the Roxy Theater Roof Project No. 2024004, or take other necessary action. (Roger Kolman)
- 11 Approval of the lowest and best bid in the amount of \$3,547,338.00, from AC Owen Construction, for the Oklahoma Music Hall of Fame, Remodel Project No. 2024006, or take other necessary action. (Roger Kolman)
- 12 Approval of a proposed lease for the Armory Building and an accessory building, located on East Davis Field Road, or take other necessary action. (Roger Kolman)
- 13 Approval of the appointment of Mike Brawley as the Ward 1 Commissioner to the Urban Renewal Authority, filling the unexpired term of Eric Elgin, commencing upon appointment, and expiring August 31, 2025, or take other necessary action. (Councilor Shirley Hilton-Flanary)

REGULAR AGENDA

- 14 Hold a Public Hearing related to an appeal of the findings by the Uniform Building Code Appeals Board (UBCAB) issued on November 27, 2024, that the structure located at 926 Court Street is dilapidated and has become detrimental to the health, safety, or welfare of the General Public, as to constitute a public nuisance, and/or creates a fire hazard which is dangerous to other property, and that the building is abandoned, or take other necessary action. (Jody King)

Mayor W. Patrick Cale opened the Public Hearing.

Deputy Planning Director Sarah Winkle stated this property was determined to be dilapidated by PNRC, and was moved forward to UBCAB, where it was also deemed detrimental. Staff recommends upholding the findings of PNRC and UBCAB, placing the property on the demolition list.

Elaine Scott, Tulsa, OK, stated this property belonged to her mother, and she did not know the property was in such disrepair. Ms. Scott stated she would like to have the opportunity to correct the issues with the property and requested additional time to do so.

Discussion followed.

Mayor W. Patrick Cale closed the Public Hearing.

Motion was made by Deputy Mayor Derrick Reed, seconded by Councilmember Dan Hall to allow Elaine Scott to acquire a remodel permit within 60 days, update Council within six (6) months on the progress of the work, and then allow one (1) year to complete the required repairs on the property located at 926 Court Street.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Carried - Unanimously

- 15 Consider approval of Resolution No. 3021, amending the City of Muskogee Municipal Budget for FY 2024-2025, providing for the increase in the General Fund Budget; Providing for the increase in the Animal Control License Budget; Providing for the increase in the Sales Tax Capital Outlay Budget; Providing for the increase in the 2019 Street Improvements Budget, or take other necessary action. (Roger Kolman)

Interim City Manager Roger Kolman stated this amendment to the budget accounts for increased expenses, acceptance of a grant, and improvements that were not initially included in the budget. Staff recommended approval.

Motion was made by Councilmember Dan Hall, seconded by Councilmember Tom Martindale to approve Resolution No. 3021, amending the City of Muskogee Municipal Budget for FY 2024-2025, providing for the increase in the General Fund Budget; Providing for the increase in the Animal Control License Budget; Providing for the increase in the Sales Tax Capital Outlay Budget; Providing for the increase in the 2019 Street Improvements Budget.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Carried - Unanimously

- 16 Consider approval to authorize submission of Letters of Inquiry (LOI) to the City of Muskogee Foundation for the FY2025-2026 grant cycle for City projects as follows: a) Mobile Command Trailer \$55,000.00; b) Six (6) Years of Street Rehabilitation Matching Funds \$6,000,000.00; c) Adult/Juvenile Community Service \$80,000.00; d) Heavy Rescue Truck Grant Matching Funds \$86,363.00; e) Rooney Park Planning Grant Matching Funds \$80,000.00; f) Hatbox RV Park Improvements Design Cost Matching Funds \$100,000.00; g) Honor Heights Playground Resurfacing Grant Matching Funds \$40,000.00; Honor Heights Pickle-Ball Courts Conversion Grant Matching Funds \$35,000.00; h) Code Enforcement Vehicle Acquisition Matching Funds \$118,820.00; and i) Four (4) Years of MPD Body Cameras Matching Funds \$60,630.00 per year, or take other necessary action. (Roger Kolman)

Interim City Manager Roger Kolman stated Letters of Inquiry are submitted annually to the Muskogee Foundation to fund programs in our City. One item was inadvertently left off the list, and he is requesting that be included; Teen Center/YVC \$199,400.00.

Motion was made by Councilmember Dan Hall, seconded by Councilmember Shirley Hilton-Flanary to amend the Letters of Inquiry to include the Teen Center/YVC \$199,400.00.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Carried - Unanimously

Motion was made by Councilmember Dan Hall, seconded by Councilmember Melody Cranford to authorize submission of Letters of Inquiry (LOI) to the City of Muskogee Foundation for the FY2025-2026 grant cycle for City projects as follows: a) Mobile Command Trailer \$55,000.00; b) Six (6) Years of Street Rehabilitation Matching Funds \$6,000,000.00; c) Adult/Juvenile Community Service \$80,000.00; d) Heavy Rescue Truck Grant Matching Funds \$86,363.00; e) Rooney Park Planning Grant Matching Funds \$80,000.00; f) Hatbox RV Park Improvements Design Cost Matching Funds \$100,000.00; g) Honor Heights Playground Resurfacing Grant Matching Funds \$40,000.00; Honor Heights Pickle-Ball Courts Conversion Grant Matching Funds \$35,000.00; h) Code Enforcement Vehicle Acquisition Matching Funds \$118,820.00; i) Four (4) Years of MPD Body Cameras Matching Funds \$60,630.00 per year, and j) Teen Center/YVC \$199,400.00.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Carried - Unanimously

- 17 (Stricken) Consider a request to allocate funding for a Request for Qualifications, to be known as the City of Muskogee Infill Palette, or take other necessary action. (Jody King)
- 18 Consider approval of the recommendation for the completion of a Comprehensive Housing Study, to be performed by CommunityScale, to analyze the current conditions of the housing market in the City of Muskogee, and authorize the City Manager to negotiate and execute the agreement for the same, or take other necessary action. (Tera Shows)

Economic Development Manager Tera Shows stated Comprehensive Housing Studies should be completed approximately every five (5) to ten (10) years. The last study for the City was completed in 2019. Out of nine (9) proposals, CommunityScale was selected as the best fit. Staff recommends this be funded by the Housing Incentive fund. Staff recommended approval.

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Shirley Hilton-Flanary to approve of the recommendation for the completion of a Comprehensive Housing Study, to be performed by CommunityScale, to analyze the current conditions of the housing market in the City of Muskogee, and authorize the City Manager to negotiate and execute the agreement for the same.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Carried - Unanimously

- 19 Consider approval of the appointment of Tom Martindale to serve on the Parks and Recreation Board as the City Council representative, serving a term commensurate with his term on City Council, beginning March 1, 2025, or take other necessary action. (Councilor Melody Cranford)

Motion was made by Councilmember Melody Cranford, seconded by Councilmember Dan Hall to approve the appointment of Tom Martindale to serve on the Parks and Recreation Board as the City Council representative, serving a term commensurate with his term on City Council, beginning March 1, 2025.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall

Other: Councilmember Tom Martindale (ABSTAIN)

Carried

- 20 Consider approval of the appointment of Sarah Taliaferro to the Wellness Initiative, to serve a four (4) year term, filling the expired term of Tyjuan Walker, beginning February 1, 2025, and ending January 31, 2029, or take other necessary action. (Councilor Melody Cranford)

Motion was made by Councilmember Melody Cranford, seconded by Councilmember Dan Hall to approve of the appointment of Sarah Taliaferro to the Wellness Initiative, to serve a four (4) year term, filling the expired term of Tyjuan Walker, beginning February 1, 2025, and ending January 31, 2029.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Carried - Unanimously

- 21 Consider approval of the appointment of Michelle Farris to the Muskogee Housing Authority, filling the unexpired term of Muriel Saunders, beginning February 1, 2025, and ending July 31, 2025, or take other necessary action. (Councilor Melody Cranford)

Motion was made by Councilmember Melody Cranford, seconded by Councilmember Dan Hall to approve the appointment of Michelle Farris to the Muskogee Housing Authority, filling the unexpired term of Muriel Saunders, beginning February 1, 2025, and ending July 31, 2025.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Carried - Unanimously

- 22 Consider approval of the reappointment of Darrell Russell, to the Merit System Board, to serve a two (2) year term, beginning February 1, 2025, and ending on January 31, 2027, or take other necessary action. (Mayor W. Patrick Cale)

Motion was made by Mayor Patrick Cale, seconded by Councilmember Shirley Hilton-Flanary to approve the reappointment of Darrell Russell, to the Merit System Board, to serve a two (2) year term, beginning February 1, 2025, and ending on January 31, 2027.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Carried - Unanimously

- 23 Consider approval of the appointment of Greg Payton to the Board of Adjustment, to serve a three (3) year term, beginning February 1, 2025, and ending on January 31, 2028, filling the expired term of Dorian Scotto, or take other necessary action. (Mayor W. Patrick Cale)

Motion was made by Mayor Patrick Cale, seconded by Councilmember Melody Cranford to approve the appointment of Greg Payton to the Board of Adjustment, to serve a three (3) year term, beginning February 1, 2025, and ending on January 31, 2028, filling the expired term of Dorian Scotto.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

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 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.

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

Motion was made by Deputy Mayor Derrick Reed, seconded by Councilmember Tracy Hoos to approve to enter into Executive Session.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Carried - Unanimously

Council entered into Executive Session at 6:17 p.m.

Council reconvened into Regular Session at 7:19 p.m.

Meeting was called to order by Mayor W. Patrick Cale, and the City Clerk called the Roll as follows:

Present: Mayor Patrick Cale; Deputy Mayor Derrick Reed; Councilmember Jaime Stout; Councilmember Tracy Hoos; Councilmember Shirley Hilton-Flanary; Councilmember C.B. Abel; Councilmember Melody Cranford; Councilmember Dan Hall; Councilmember Tom Martindale

- a Pursuant to Section 307 C.11, Title 25, Oklahoma Statutes, consider convening in Executive Session to confer on matters pertaining to Economic Development Project ED-2024-06, including a proposal to entice a business to locate in the southeastern quadrant of the City, and if necessary, take appropriate action in Open Session. (Tera Shows)

Motion was made by Councilmember Dan Hall, seconded by Councilmember Tracy Hoos to approve a proposal to entice a business to locate in the southeastern quadrant of the City as discussed in Executive Session.

AYE: Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Other: Mayor Patrick Cale (ABSTAIN)

Carried

- b Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the pending tort claim CA-42-2024, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Tracy Hoos to approve the settlement of the pending tort claim CA-42-2024 as discussed in Executive Session.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Carried - Unanimously

- c Pursuant to Section 307 B.1 Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the employment and evaluate the performance of City Attorney, Katrina Bodenhamer, and if necessary, take appropriate action in Open Session. (Councilmembers Jaime Stout, Tracy Hoos, and Shirley Hilton-Flanary)

Motion was made by Councilmember Tom Martindale, seconded by Councilmember Dan Hall to approve the contract of City Attorney, Katrina Bodenhamer, as discussed in Executive Session.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Carried - Unanimously

- d Pursuant to Section 307 B.1 Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the employment and evaluate the performance of City Clerk, Tammy L. Tracy, and if necessary, take appropriate action in Open Session.(Councilmembers Jaime Stout, Tracy Hoos, and Shirley Hilton-Flanary)

Motion was made by Councilmember Dan Hall, seconded by Councilmember Shirley Hilton-Flanary to approve the contract of City Clerk, Tammy L. Tracy, as discussed in Executive Session.

AYE: Mayor Patrick Cale, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember C.B. Abel, Councilmember Melody Cranford, Councilmember Dan Hall, Councilmember Tom Martindale

Carried - Unanimously

ADJOURN

W. PATRICK CALE, MAYOR

TAMMY L. TRACY, CITY CLERK

Regular City Council

1.

Meeting Date: 02/24/2025
Submitted For: Dennis Read, Finance
Initiator: Benita Hotema, Assistant Financial Analyst
Department: Finance
Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval of claims for all City departments January 4, 2025, through January 31, 2025, or take other necessary action. (Roger Kolman)

BACKGROUND:

Claims for all City departments.

RECOMMENDED ACTION:

Approve claims January 4, 2025 through January 31, 2025.

Fiscal Impact

Attachments

No file(s) attached.

Regular City Council

2.

Meeting Date: 02/24/2025

Submitted For: Mark Wilkerson, Parks & Recreation

Initiator: Ashley Wallace

Department: Parks & Recreation

Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval of Change Orders No. 5 and No. 6 for the Swim & Fitness Remodel, Project No. 2023025, with AC Owen Construction, LLC, for the amount of \$10,464.60, or take other necessary action. (Mark Wilkerson)

BACKGROUND:

The change orders for the Swim & Fitness Remodel project were for installation and update of the Fire Alarm System with Occupant Notification. This brings the building up to code with the fire alarm system.

RECOMMENDED ACTION:

Staff recommends approval.

Fiscal Impact

Attachments

No file(s) attached.

Regular City Council

3.

Meeting Date: 02/24/2025

Submitted For: Mark Wilkerson, Parks & Recreation

Initiator: Ashley Wallace

Department: Parks & Recreation

Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval of final payment to AC Owen Construction, LLC, in the amount of \$32,190.13, for the Swim & Fitness Remodel, Project No. 2023025, or take other necessary action. (Mark Wilkerson)

BACKGROUND:

The Muskogee Swim and Fitness remodel was completed successfully. The scope of work includes interior remodeling of the fitness space, front entry, and the relocation of the lobby desk; approximately 6,000 square feet. The remodel removed existing walls to enlarge the fitness area, incorporate underutilized space, and facilitate better site lines for staff and clients. All new modern and durable interior finishes, lighting, and mill work were included. The layout and placement of existing equipment was reworked within the enlarged space.

RECOMMENDED ACTION:

Staff recommends approval.

Fiscal Impact

Attachments

No file(s) attached.

Regular City Council

4.

Meeting Date: 02/24/2025
Submitted For: Mark Wilkerson, Parks & Recreation
Initiator: Mark Wilkerson, Parks Director
Department: Parks & Recreation
Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval of an application for a TSET “Innovations in Built Environment” Grant in the amount of \$80,000.00, to be used for the renovation of Honor Heights Park tennis courts and pickle ball court conversion, as recommended by the Parks and Recreation Board, or take other necessary action. (Mark Wilkerson)

BACKGROUND:

FY 2025 TSET Innovations in Built Environment

Purpose

As authorized by Okla. Const. Art. 10, Section 40, and Title 62 O.S. § 2309, to identify and respond to emerging opportunities to transform and improve the health of Oklahoma citizens through the built environment, TSET will accept applications in two areas of emphasis—planning, design and policy development or construction implementation. All applications must support the TSET mission, TSET strategic plan, and adhere to the guidelines stated in this document.

Applications must identify immediate, impactful opportunities to positively transform and improve the health of Oklahomans through built environment projects. Applications must be project-driven, time-limited, have a specific targeted area or population in mind, be supported by multiple partners, and agree to participate in an external evaluation of the project.

TSET seeks projects that are in line with the following guidelines:

- Develop or enhance infrastructure that encourages physical activity, such as park, trails and recreational facilities.
- Support the creation or improvement of land use and facilities that increase access to nutritious foods, such as community gardens, food hubs or farmers’ markets.
- Ensure that new or upgraded public spaces are safe and accessible for all community members, including children, older adults, and people with disabilities.
- Involve community members in the planning and development process to ensure that public spaces meet local needs and preferences.
- Design projects that have a lasting impact on the health of Oklahoma citizens.

Proposed Project

Honor Heights Park tennis courts are in need of surface renovation.

There is an overwhelming interest in the sport of Pickle Ball in the Muskogee community.

Based on the results of the community survey regarding Pickle ball, the Muskogee Parks and Recreation Advisory Board has agreed with staff to convert 2 tennis courts into 6 Pickle Ball courts.

A similar conversion was completed at the Spaulding Park courts in December 2023.

Once completed, the HHP courts will have 2 tennis courts and 6 pickle ball courts in Honor Heights Park. The project also includes parking lot improvements, shade and seating.

RECOMMENDED ACTION:

Approve application for TSET grant.

Fiscal Impact

FUNDING SOURCE:

Honor Heights Tennis/Pickle Ball court renovations **\$125,000**

Resurfacing 2 existing tennis courts and converting 2 tennis courts to 6 pickle ball courts

Would include parking improvements, shade and seating.

TSET \$80,000

Local match \$45,000 (\$35k CoCity of Muskogee Foundation, \$5k Friends of Honor Heights Park, \$5k Park Dev Fund)

Attachments

No file(s) attached.

Regular City Council

5.

Meeting Date: 02/24/2025

Submitted For: Mike Stewart, Public Works

Initiator: Ashley Wallace

Department: Public Works

Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval of Change Order No. 2 (credit), for the CDBG Waterline, Project No. 2023008, in the amount of (\$2,445.17), or take other necessary action. (Mike Stewart)

BACKGROUND:

One (1) hydrant was not required for installation as previously thought when issuing the original deduct change order to bring the project within budget. One (1) additional service was identified during construction and was required to be tied into the new line.

RECOMMENDED ACTION:

Staff recommends approval.

Fiscal Impact

Attachments

No file(s) attached.

Regular City Council

6.

Meeting Date: 02/24/2025

Submitted For: Mike Stewart, Public Works

Initiator: Ashley Wallace

Department: Public Works

Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval of final payment to Cook Consulting LLC, in the amount of \$390,014.46, for the CDBG Waterline, Project No. 2023008, or take other necessary action. (Mike Stewart)

BACKGROUND:

The CDBG Waterline project consisted of replacing the existing waterlines along Elgin Avenue from 25th Street to 30th Street with 1550 feet of 6-inch waterline and six (6) new fire hydrants added. The line was identified through the Capital Improvements plan and Water Model to be replaced due to the age and condition of the line. Construction was completed by Cook Consulting LLC. City Staff and the Engineer have completed a final walk-through and are recommending final payment and closeout of the project.

RECOMMENDED ACTION:

Staff recommends approval.

Fiscal Impact

Attachments

No file(s) attached.

Regular City Council

7.

Meeting Date: 02/24/2025
Submitted For: Tyler Evans, Emergency Management
Initiator: Tyler Evans, Emergency Management Director
Department: Emergency Management
Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval for the City of Muskogee Airport Manager, Drew Saffell, and City of Muskogee Airport Board Chairman, Tyler Evans, to accept donations, contributions, or sponsorship on behalf of the City of Muskogee for the First Annual Salute to Service Day, to be held at the Muskogee Davis Field Regional Airport on March 15th, 2025, or take other necessary action. (Tyler Evans)

BACKGROUND:

The Commorative Air Force airshow act Tora! Tora! Tora! will be returning to Muskogee to practice their airshow act March 13th - 15th 2025. Last year, the public was invited to view these planes practice the act. This practice drew many people and turned into an event itself. This year, the Airport Board approved a larger event to draw more people to view these planes. A larger event with food trucks, bleacher seating, static airplane and vehicle displays, a kids zone, and other activities are planned to take place on Saturday March 15th. Financial help is needed to support this event to pay for equipment such as Port-a-potties, tents/chairs, P.A. speakers, fencing, and advertisement.

Approval from City Council is requested for City employees Drew Saffell and Tyler Evans to receive donations, contributions, sponsorship from organizations to help pay for this event.

RECOMMENDED ACTION:

Authorize Tyler Evans and Drew Saffell to accept donations, contributions, sponsorship for the 1st Annual Warbird Fly-In event.

Fiscal Impact

Attachments

No file(s) attached.

Regular City Council

8.

Meeting Date: 02/24/2025
Submitted For: Tyler Evans, Emergency Management
Initiator: Tyler Evans, Emergency Management Director
Department: Emergency Management
Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval for the City of Muskogee Animal Shelter to receive a donation in the amount of \$20,851.99, from the Jack Bethany, Jr. Estate, or take other necessary action. (Tyler Evans)

BACKGROUND:

Mr. Jack Bethany, Jr., was an employee of the City of Muskogee from May 2002 until his retirement in December 2013. Mr. Bethany served in several roles during his employment, including Code Enforcement Supervisor and Chief Building Inspector. He also served on various Boards and Commissions for the City after his retirement.

Mr. Bethany passed away on August 15, 2023, and was laid to rest with full military honors.

Mr. Bethany graciously donated a portion of his estate to the City of Muskogee Animal Shelter, totaling \$20,851.99. This donation is greatly appreciated and will be used to make improvements to the Animal Shelter to include new flooring, paint, ceiling repair, and technology upgrades to include a Welcome monitor displaying pictures of animals available for adoption and computers for the Animal Control vehicles. These repairs and investments would not have been possible without this donation.

RECOMMENDED ACTION:

Approve to accept the donation from the Jack Bethany Estate.

Fiscal Impact

Attachments

No file(s) attached.

Regular City Council

9.

Meeting Date: 02/24/2025
Submitted For: Tyler Evans, Emergency Management
Initiator: Tyler Evans, Emergency Management Director
Department: Public Works
Staff Information Source:

Information

AGENDA ITEM TITLE:

Approval for use of the Muskogee Davis Field Regional Airport to host the First Annual Salute to Service Day and the Commemorative Air Force Tora! Tora! Tora! Event, or take other necessary action. (Tyler Evans)

BACKGROUND:

The Commemorative Air Force Tora! Tora! Tora! airshow act will be practicing their act over three days, from March 13th - 15th 2025, at the Muskogee Davis Field Regional Airport. This is the second year Tora! Tora! Tora! has come to Muskogee. A new, larger event is planned this year to coincide with the Tora! Tora! Tora! practices. This event will include additional airplane static displays, first-responder vehicles to include helicopters, military vehicles, food trucks, a kids' zone, bleacher seating, and a pyrotechnic display.

RECOMMENDED ACTION:

Approve use of the Muskogee Davis Field Regional Airport for the 1st Annual Warbird Fly-In and Tora! Tora! Tora! practice event.

Fiscal Impact

Attachments

No file(s) attached.

Regular City Council**10.**

Meeting Date: 02/24/2025
Submitted For: Avery Rigney, Public Works
Initiator: Avery Rigney, Asst. Public Works Director
Department: Public Works
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Approval of an agreement with Tetra Tech, in the amount of \$135,240.00, for Sanitary Sewer Evaluation Services, more particularly in the Haskell Blvd. area, or take other necessary action. (Mike Stewart)

BACKGROUND:

The scope of services is for the area surrounding Haskell Blvd. There is a particular part of this area that has frequent sewer issues including backups, stop-ups, and bypasses from manholes in major rain events. When the sewer is having issues, the difficult part is tracking it back in the system to find the root cause of the issue. Sometimes it takes more invasive measures than what City staff can commit to, this is due to time, man-power, and equipment constraints. Tetra Tech has solved some major issues in the sanitary sewer system before, so they are a reputable company that is familiar with our system.

The scope of services includes: SSES Field Work, Public Information programming, manhole inspections, Cleaning and television inspection, collection system mapping updates, smoke testing, flow monitoring, data entry/quality assurance, flow monitoring report, private sector defect report, defect analysis, and a summary report.

RECOMMENDED ACTION:

Approve

Fiscal Impact**FUNDING SOURCE:**

OWRB loan 6560-432-62.95

Attachments

No file(s) attached.

Regular City Council

11.

Meeting Date: 02/24/2025
Submitted For: Mike Stewart, Public Works
Initiator: Marsha Wiseman, Public Works Strategic Support Admin
Department: Public Works
Staff Information Source: Mike Stewart, Director of Public Works; Rick Padgett, Waste Management Public Sector Manager

Information

AGENDA ITEM TITLE:

Approval of an agreement between the City of Muskogee and Waste Management of Oklahoma for the purpose of solid waste disposal, to be effective March 1, 2025, or take other necessary action. (Mike Stewart)

BACKGROUND:

The City of Muskogee has been disposing of the solid waste generated in the City under a Solid Waste Agreement with Waste Management of Oklahoma since Waste Management purchased the landfill from the City in December 1992. The previous agreement expired in December 2022 and we have been on a month-to-month basis since.

The City continues to operate the Sanitation Division of Public Works and desires to continue disposal services at the Muskogee Community Waste Management Landfill under the new Agreement being presented under this item.

Under the agreement, Waste Management continues to provide three (3) free Saturday disposal days and four (4) additional free disposal days for the City's annual Azalea Festival Cleanup, for a total of seven (7) free disposal days.

The City has had a successful working relationship with Waste Management for almost thirty (30) years and all issues that have come up have been resolved quickly and to each party's satisfaction.

RECOMMENDED ACTION:

Approve agreement.

Fiscal Impact

FUNDING SOURCE:

100-605-0432.30-70

Attachments

No file(s) attached.

Regular City Council

12.

Meeting Date: 02/24/2025

Submitted For: Tammy Tracy, City Clerk

Initiator: Tammy Tracy, City Clerk

Department: City Clerk

Staff Information Source: Mayor W. Patrick Cale

Information

AGENDA ITEM TITLE:

Approval of the appointment of Wren Stratton to the War Memorial Trust Authority, filling the unexpired term of David Weston, commencing upon appointment, and ending August 31, 2026, or take other necessary action. (Mayor W. Patrick Cale)

BACKGROUND:

This appointment will fill the unexpired term of Trustee David Weston.

She is eligible for reappointment.

RECOMMENDED ACTION:

Approve the appointment.

Fiscal Impact

Attachments

No file(s) attached.

Regular City Council**13.**

Meeting Date: 02/24/2025
Submitted For: Roger Kolman, Assistant City Manager
Initiator: Roger Kolman, Assistant City Manager
Department: Assistant City Manager
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Consider approval of Ordinance No. 4248-A, an Ordinance of the City of Muskogee, Oklahoma, establishing a zoning classification and annexing territory adjacent to the city limits upon the petition of the owner of said territory located in the NW Section 15, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma, in a portion of the John T. Griffin Industrial Park; directing notification; providing for repealer, severability, and declaring an emergency, or take other necessary action. (Roger Kolman)

BACKGROUND:

The City-County Port Authority is the owner of the property described below, located in the John T. Griffin Industrial Park and has filed a petition for annexation in accordance with 11 O.S. 21-105. Notice has been given of this annexation petition and public hearing by publication in the Muskogee-Phoenix. A TRACT OF LAND BEING A PART OF THE EAST 208.71 FEET OF THE NORTH 1043.55 FEET OF THE WEST HALF OF THE WEST HALF OF THE NE/4 OF THE NW/4, ALL IN SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE MERIDIAN, MUSKOGEE COUNTY OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SECTION 15, THENCE N88°48'27"E ALONG THE NORTH LINE THEREOF 1444.60 FEET TO THE POINT OF BEGINNING; THENCE S01°36'24"E 462.09 FEET, THENCE N54°44'39"E 250.80 FEET TO A POINT ON THE EAST LINE OF SAID W/2 W/2 NE/4 NW/4, THENCE N01°37'08"W ALONG SAID EAST LINE 321.61 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 15, THENCE S88°48'27"W 208.71 FEET TO THE POINT OF BEGINNING. CONTAINING 1.88 ACRES.

Notice of a public hearing was properly published, and the public hearing was held on February 10, 2025, before City Council.

RECOMMENDED ACTION:

Staff recommends approval of Ordinance 4248-A and the declaration of an emergency

Fiscal Impact**Attachments**

Ordinance 4248-A

ORDINANCE NO. 4248-A

AN ORDINANCE ESTABLISHING A ZONING CLASSIFICATION AND ANNEXING TERRITORY ADJACENT TO THE CITY LIMITS UPON PETITION OF THE OWNER, SAID TERRITORY BEING LOCATED IN THE NW SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA, ALL THAT CERTAIN REAL ESTATE BEING MORE PARTICULARLY DESCRIBED HEREINAFTER; PROVIDING THAT SAID REAL ESTATE SHALL BE PART OF THE CITY OF MUSKOGEE, OKLAHOMA, AND ALL PROPERTY SITUATED THEREIN, SHALL BE SUBJECT TO THE JURISDICTION, CONTROL, LAWS, AND ORDINANCES OF THE CITY OF MUSKOGEE, OKLAHOMA; DIRECTING NOTIFICATION; PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY. (City-county Port Authority, Petitioner)

WHEREAS, the owners of the property described in Section 1 of this Ordinance, said land being contiguous to and adjacent to the City of Muskogee, have requested in writing that the same PROPERTY BE ANNEXED INTO THE CITY OF MUSKOGEE, OKLAHOMA CITY LIMITS.

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

Section 1: The area by which the petition seeks annexation is described as follows:

A TRACT OF LAND BEING A PART OF THE EAST 208.71 FEET OF THE NORTH 1043.55 FEET OF THE WEST HALF OF THE WEST HALF OF THE NE/4 OF THE NW/4, ALL IN SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE MERIDIAN, MUSKOGEE COUNTY OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SECTION 15, THENCE N88°48'27"E ALONG THE NORTH LINE THEREOF 1444.60 FEET TO THE POINT OF BEGINNING; THENCE S01°36'24"E 462.09 FEET, THENCE N54°44'39"E 250.80 FEET TO A POINT ON THE EAST LINE OF SAID W/2 W/2 NE/4 NW/4, THENCE N01°37'08"W ALONG SAID EAST LINE 321.61 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 15, THENCE S88°48'27"W 208.71 FEET TO THE POINT OF BEGINNING. CONTAINING 1.88 ACRES.

Section 2: The zoning classification of the real estate hereinbefore described in Muskogee County will be zoned in accordance with Ordinance 3948-A upon annexation.

Section 3: The increase of the City by the annexation of the hereinbefore described property will redound to the benefit of the City and the same is hereby zoned and annexed.

Section 4: A copy of the Ordinance, together with an accurate map of the territory zoned and annexed, certified by the Mayor and the City Clerk, shall be filed in the office of the County Clerk of Muskogee County, Oklahoma.

Section 5: REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 6: SEVERABILITY. Should any section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

Section 7: EMERGENCY. This Ordinance being designated to protect the health and safety of the inhabitants of the City of Muskogee, Oklahoma, an emergency is hereby declared to exist whereby the same shall be in full force and effect from and after its adoption and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA THIS _____ DAY OF FEBRUARY, 2025.

W. PATRICK CALE, MAYOR

ATTEST:

TAMMY L. TRACY, CITY
CLERK

(SEAL)

APPROVED as to form and legality this ____ day of _____, 2025.

KATRINA BODENHAMER, CITY ATTORNEY

Regular City Council**14.**

Meeting Date: 02/24/2025
Submitted For: Roger Kolman, Assistant City Manager
Initiator: Roger Kolman, Assistant City Manager
Department: Assistant City Manager
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Consider approval of Ordinance No. 4249-A, an Ordinance of the City of Muskogee, Oklahoma establishing a zoning classification and annexing territory adjacent to the city limits upon the petition of the owner of said territory located in the NW Section 15, Township 14 North, Range 18 East and NE Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, Oklahoma, in a portion of the John T. Griffin Industrial Park; directing notification, providing for repealer, severability, and declaring an emergency, or take other necessary action. (Roger Kolman)

BACKGROUND:

Ferdinand Technologies, LLC is the owner of the property described below, located in the John T. Griffin Industrial Park and has filed a petition for annexation in accordance with 11 O.S. 21-105. Notice has been given of this annexation petition and public hearing by publication in the Muskogee-Phoenix. All of the Northeast Quarter (NE/4) and all of the Northwest Quarter (NW/4) lying East of the Railroad Right of Way in Section 16, Township 14 North, Range 18 East I.M., Muskogee County, Oklahoma, more particularly described by metes and bounds as follows: Beginning at the NE Corner of said NE/4 Section 16, Thence S01°34'36"E 2644.41 feet to the SE Corner of said NE/4, Thence S87°54'36"W along the South line of the NE/4 and NW/4 of Section 16 3081.54 feet to a point on the Easterly Right of Way line of the Union Pacific Railroad, Thence along said Railroad Right of Way N35°40'11"E 2215.36 feet to a point of curve, Thence on a curve to the left having a chord which bears N30°22'05"E 1055.93 feet and a radius of 5548.99 feet an arc distance of 1057.53 feet to a point on the North line of said NE/4 of Section 16, Thence N87°50'12"E 1181.82 feet to the Point of Beginning, containing 126.46 acres, more or less.

AND

A tract of land being a part of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) and the South 276.45 feet of the West Half of the West Half of the Northeast Quarter of the Northwest Quarter (W/2 W/2 NE/4 NW/4) and the East 208.71 feet of the North 1043.55 feet of the West Half of the West Half of the Northeast Quarter of the Northwest Quarter (W/2 W/2 NE/4 NW/4), all in Section 15, Township 14 North, Range 18 East I.M., Muskogee County, Oklahoma, more particularly described by metes and bounds as follows: Beginning at the NW Corner of the said Section 15, Thence N88°48'27"E along the North line thereof 1444.60 feet, Thence S01°36'24"E 462.09 feet, Thence N54°44'39"E 250.80 feet to a point on the East line of said W/2 W/2 NE/4 NW/4, Thence along said line S01°37'08"E 721.97 feet, Thence S88°48'27"W 400.00 feet, Thence S01°37'08"E 277.54 feet to a point on the South line of said NW/4 NW/4, Thence S88°45'27"W along said line 1254.20 feet to a point on the West line of said NW/4 NW/4 Section 15, Thence N01°34'56"W 1322.21 feet to the Point of Beginning and containing 45.74 acres, more or less.

Notice of a public hearing was properly published, and the public hearing was held on February 10, 2025, before City Council.

RECOMMENDED ACTION:

Staff recommends approval of Ordinance 4249-A and the declaration of an emergency

Fiscal Impact**Attachments**

Ordinance 4249-A

ORDINANCE NO. 4249-A

AN ORDINANCE ESTABLISHING A ZONING CLASSIFICATION AND ANNEXING TERRITORY ADJACENT TO THE CITY LIMITS UPON PETITION OF THE OWNER, SAID TERRITORY BEING LOCATED IN THE NW SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN AND NE SECTION 16, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA, ALL THAT CERTAIN REAL ESTATE BEING MORE PARTICULARLY DESCRIBED HEREINAFTER; PROVIDING THAT SAID REAL ESTATE SHALL BE PART OF THE CITY OF MUSKOGEE, OKLAHOMA, AND ALL PROPERTY SITUATED THEREIN, SHALL BE SUBJECT TO THE JURISDICTION, CONTROL, LAWS, AND ORDINANCES OF THE CITY OF MUSKOGEE, OKLAHOMA; DIRECTING NOTIFICATION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY. (Ferdinand Technologies, LLC, Petitioner)

WHEREAS, the owners of the property described in Section 1 of this Ordinance, said land being contiguous to and adjacent to the City of Muskogee, have requested in writing that THE PROPERTY BE ANNEXED INTO THE CITY OF MUSKOGEE CITY LIMITS.

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

Section 1: The area by which the petition seeks annexation is described as follows:

All of the Northeast Quarter (NE/4) and all of the Northwest Quarter (NW/4) lying East of the Railroad Right of Way in Section 16, Township 14 North, Range 18 East I.M., Muskogee County, Oklahoma, more particularly described by metes and bounds as follows: Beginning at the NE Corner of said NE/4 Section 16, Thence S01°34'36"E 2644.41 feet to the SE Corner of said NE/4, Thence S87°54'36"W along the South line of the NE/4 and NW/4 of Section 16 3081.54 feet to a point on the Easterly Right of Way line of the Union Pacific Railroad, Thence along said Railroad Right of Way N35°40'11"E 2215.36 feet to a point of curve, Thence on a curve to the left having a chord which bears N30°22'05"E 1055.93 feet and a radius of 5548.99 feet an arc distance of 1057.53 feet to a point on the North line of said NE/4 of Section 16, Thence N87°50'12"E 1181.82 feet to the Point of Beginning, containing 126.46 acres, more or less.

AND

A tract of land being a part of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) and the South 276.45 feet of the West Half of the West Half of the Northeast Quarter of the Northwest Quarter (W/2 W/2 NE/4 NW/4) and the East 208.71 feet of the North 1043.55 feet of the West Half of the West Half of the Northeast Quarter of the Northwest Quarter (W/2 W/2 NE/4 NW/4), all in Section 15, Township 14 North, Range 18 East I.M., Muskogee County, Oklahoma, more particularly described by metes and bounds as follows: Beginning at the NW Corner of the said Section 15, Thence N88°48'27"E along the North line thereof 1444.60 feet,

Thence S01°36'24" 462.09 feet, Thence N54°44'39"E 250.80 feet to a point on the East line of said W/2 W/2 NE/4 NW/4, Thence along said line S01°37'08"E 721.97 feet, Thence S88°48'27"W 400.00 feet, Thence S01°37'08"E 277.54 feet to the a point on the South line of said NW/4 NW/4, Thence S88°45'27W along said line 1254.20 feet to a point on the West line of said NW/4 NW/4 Section 15, Thence N01°34'56"W 1322.21 feet to the Point of Beginning and containing 45.74 acres, more or less.

Section 2: The zoning classification of the real estate hereinbefore described in Muskogee County will be zoned in accordance with Ordinance 3948-A upon annexation.

Section 3: The increase of the City by the annexation of the hereinbefore described property will redound to the benefit of the City and the same is hereby zoned and annexed.

Section 4: A copy of the Ordinance, together with an accurate map of the territory zoned and annexed, certified by the Mayor and the City Clerk, shall be filed in the office of the County Clerk of Muskogee County, Oklahoma.

Section 5: REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 6: SEVERABILITY. Should any section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

Section 7: EMERGENCY. This Ordinance being designated to protect the health and safety of the inhabitants of the City of Muskogee, Oklahoma, an emergency is hereby declared to exist whereby the same shall be in full force and effect from and after its adoption and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA THIS _____ DAY OF FEBRUARY, 2025.

W. PATRICK CALE, MAYOR

ATTEST:

(SEAL)

TAMMY L. TRACY, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2025.

KATRINA BODENHAMER, CITY ATTORNEY

Regular City Council**15.**

Meeting Date: 02/24/2025
Submitted For: Roger Kolman, Assistant City Manager
Initiator: Roger Kolman, Assistant City Manager
Department: Assistant City Manager
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Consider approval of Ordinance No. 4250-A, an Ordinance of the City of Muskogee, Oklahoma establishing a zoning classification and annexing territory adjacent to the city limits upon the petition of the owner of said territory located in Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, Oklahoma, in a portion of the John T. Griffin Industrial Park; directing notification; providing for repealer, severability and declaring an emergency, or take other necessary action. (Roger Kolman)

BACKGROUND:

The Harold C. Fewel Trust, LLC is the owner of the property described below, located in the John T. Griffin Industrial Park and has filed a petition for annexation in accordance with 11 O.S. 21-105. Notice has been given of this annexation petition and public hearing by publication in the Muskogee-Phoenix.

Beginning at the Northeast corner of said SE/4, thence S01°43'12" 2635.06 feet to the Southeast corner of said SE/4, thence S87°53'46"W along the South line of said SE/4 2655.90 feet to the Southwest corner of said SE/4, thence N01°28'47"W 2637.12 feet to the Northwest corner of said SE/4, thence N87°56'19"E 2644.84 feet to the point of Beginning.

AND

All of the Southwest Quarter of Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma, LESS 15.03 acres more or less occupied by Right-of-Way of the Missouri, Kansas and Texas Railroad Company and LESS 8.12 acres more or less occupied by Right-of-Way of U.S. Highway No. 69 and LESS 51 acres more or less lying West of U.S. Highway No. 69. More particularly described by metes and bounds as follows:

Beginning at the Southeast corner of the said SW/4, thence S87°54'42"W along the south line thereof 2370.50 feet to a point on Easterly Right of Way line of the M.K.&T Railroad (now Union Pacific Railroad), thence along said right of way N29°44'59"E 202.76 feet to a point of curve, thence on a curve having a chord bearing of N33°36'55"E 1150.68 feet, and a radius of 11359.20 feet, a arc distance of 1151.17 feet, thence N35°39'48"E 1934.69 feet to a point on the North line of said SW/4, thence N87°49'57"E 435.52 feet to the Northeast corner of said SW/4, thence S01°28'47"E 2637.12 feet to the point of Beginning containing 86.76 acres.

Notice of a public hearing was properly published, and the public hearing was held on February 10, 2025, before City Council.

RECOMMENDED ACTION:

Staff recommends adoption of Ordinance 4950-A and declaring an emergency.

Fiscal Impact

Attachments

Ordinance 4250-A

ORDINANCE NO. 4250-A

AN ORDINANCE ESTABLISHING A ZONING CLASSIFICATION AND ANNEXING TERRITORY ADJACENT TO THE CITY LIMITS UPON PETITION OF THE OWNER, SAID TERRITORY BEING LOCATED IN SECTION 16, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA, ALL THAT CERTAIN REAL ESTATE BEING MORE PARTICULARLY DESCRIBED HEREINAFTER; PROVIDING THAT SAID REAL ESTATE SHALL BE PART OF THE CITY OF MUSKOGEE, OKLAHOMA, AND ALL PROPERTY SITUATED THEREIN, SHALL BE SUBJECT TO THE JURISDICTION, CONTROL, LAWS, AND ORDINANCES OF THE CITY OF MUSKOGEE, OKLAHOMA; DIRECTING NOTIFICATION; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY. (The Harold C. Fewel Trust, LLC, Petitioner)

WHEREAS, the owners of the acres described in Section 1 of this Ordinance, said land being contiguous to and adjacent to the City of Muskogee, have requested in writing that THE PROPERTY BE ANNEXED INTO THE CITY OF MUSKOGEE CITY LIMITS.

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

Section 1: The area by which the petition seeks annexation is described as follows:

All of the Southeast Quarter of Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma. More particularly described by metes and bounds as follows:

Beginning at the Northeast corner of said SE/4, thence S01°43'12" 2635.06 feet to the Southeast corner of said SE/4, thence S87°53'46"W along the South line of said SE/4 2655.90 feet to the Southwest corner of said SE/4, thence N01°28'47"W 2637.12 feet to the Northwest corner of said SE/4, thence N87°56'19"E 2644.84 feet to the point of Beginning.

AND

All of the Southwest Quarter of Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma, LESS 15.03 acres more or less occupied by Right-of-Way of the Missouri, Kansas and Texas Railroad Company and LESS 8.12 acres more or less occupied by Right-of-Way of U.S. Highway No. 69 and LESS 51 acres more or less lying West of U.S. Highway No. 69. More particularly described by metes and bounds as follows:

Beginning at the Southeast corner of the said SW/4, thence S87°54'42"W along the south line thereof 2370.50 feet to a point on Easterly Right of Way line of the M.K.&T Railroad (now Union Pacific Railroad), thence along said right of way N29°44'59"E 202.76 feet to a point of curve, thence on a curve having a chord bearing of N33°36'55"E 1150.68 feet, and a radius of 11359.20

feet, a arc distance of 1151.17 feet, thence N35°39'48"E 1934.69 feet to a point on the North line of said SW/4, thence N87°49'57"E 435.52 feet to the Northeast corner of said SW/4, thence S01°28'47"E 2637.12 feet to the point of Beginning containing 86.76 acres.

Section 2: The zoning classification of the real estate hereinbefore described in Muskogee County will be zoned in accordance with Ordinance 3948-A upon annexation.

Section 3: The increase of the City by the annexation of the hereinbefore described property will redound to the benefit of the City and the same is hereby zoned and annexed.

Section 4: A copy of the Ordinance, together with an accurate map of the territory zoned and annexed, certified by the Mayor and the City Clerk, shall be filed in the office of the County Clerk of Muskogee County, Oklahoma.

Section 5: REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 6: SEVERABILITY. Should any section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

Section 7: EMERGENCY. This Ordinance being designated to protect the health and safety of the inhabitants of the City of Muskogee, Oklahoma, an emergency is hereby declared to exist whereby the same shall be in full force and effect from and after its adoption and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA THIS _____ DAY OF FEBRUARY, 2025.

W. PATRICK CALE, MAYOR

ATTEST:

(SEAL)

TAMMY L. TRACY, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2025.

KATRINA BODENHAMER, CITY ATTORNEY

Meeting Date: 02/24/2025

Initiator: Corinne Storey, Admin I

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and consider approval of Ordinance No. 4257-A, rezoning a parcel of land from R-1 Single Family Residential, to I-1 Light Industrial, for a property located in SECTION 16, TOWNSHIP 14 NORTH, RANGE 18 EAST of the INDIAN BASE and MERIDIAN, Muskogee County, State of Oklahoma, generally located at West 53rd Street South; providing for repealer, severability, and if approved, authorize Staff to revise the official zoning map, or take other necessary action. (Sarah Winkle)

LEGAL DESCRIPTION:

All of the Southeast Quarter of Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma. More particularly described by metes and bounds as follows:

Beginning at the Northeast corner of said SE/4, thence S01°43'12" 2635.06 feet to the Southeast corner of said SE/4, thence S87°53'46"W along the South line of said SE/4 2655.90 feet to the Southwest corner of said SE/4, thence N01°28'47"W 2637.12 feet to the Northwest corner of said SE/4, thence N87°56'19"E 2644.84 feet to the point of Beginning.

AND

All of the Southwest Quarter of Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma, LESS 15.03 acres more or less occupied by Right-of-Way of the Missouri, Kansas and Texas Railroad Company and LESS 8.12 acres more or less occupied by Right-of-Way of U.S. Highway No. 69 and LESS 51 acres more or less lying West of U.S. Highway No. 69. More particularly described by metes and bounds as follows:

Beginning at the Southeast corner of the said SW/4, thence S87°54'42"W along the south line thereof 2370.50 feet to a point on Easterly Right of Way line of the M.K.&T Railroad (now Union Pacific Railroad), thence along said right of way N29°44'59"E 202.76 feet to a point of curve, thence on a curve having a chord bearing of N33°36'55"E 1150.68 feet, and a radius of 11359.20 feet, a arc distance of 1151.17 feet, thence N35°39'48"E 1934.69 feet to a point on the North line of said SW/4, thence N87°49'57"E 435.52 feet to the Northeast corner of said SW/4, thence S01°28'47"E 2637.12 feet to the point of Beginning containing 86.76 acres.

BACKGROUND:

The applicant is requesting a rezone of the property located at West 53rd Street South from R-1 Single Family Residential to I-1 Light Industrial. The proposed use of the property will be for industrial use. The request conforms to the 2013 Muskogee Comprehensive Plan and Future Land use Plan and will not have a negative impact on the surrounding area, and the Planning Commission recommended approval on February 19, 2025.

Planning Department Analysis

- o Current Zoning & Use: R-1 Single Family Residential, Vacant Land
 - o Section, Township, Range: Northeast Section 16, Township 14 North, Range 18 East
 - o Street Address: West 53rd Street South
- o Notices have been sent to the property owners within a 300 foot radius, as required, and published in the paper twenty (20) days prior to the Public Hearing.

The Planning Commission recommended approval of the rezoning application on February 19, 2025, and the Public Hearing will be held on Monday, February 24, 2025 at 5:30 P.M.: City Council

RECOMMENDED STAFF ACTION:

Staff recommends approval of this rezoning application.

Fiscal Impact

Attachments

Staff Report

Ordinance

Survey

Public Hearing Notice to Paper

Planning & Community Development Staff Report

Agenda Item Title

Hold a public hearing and consider a recommendation to the City Council of the City of Muskogee to approve Ordinance 4250-A to rezone from R-1 Single Family Residential to I-1 Light Industrial the property located in SECTION 16, TOWNSHIP 14 NORTH, RANGE 18 EAST of the INDIAN BASE and MERIDIAN, Muskogee County, State of Oklahoma at West 53rd Street South, City of Muskogee, Muskogee County, State of Oklahoma and if approved, authorize staff to update the official city map. (Sarah Winkle)

Meeting Information:

Meetings will be held at the Muskogee City Hall, 3rd Floor Council Chambers, at 229 W Okmulgee, Muskogee, OK 74401 at the following meetings and times:

- 1. City of Muskogee Special Call Planning & Zoning Commission on February 19, 2025 at 9:00 A.M.**
- 2. City of Muskogee City Council on, February 24, 2025 at 5:30 P.M.**

A public hearing will be conducted at the Planning & Zoning Commission meeting. The notice was published in the Muskogee Daily Phoenix no later than February 4, 2025 for a circulation period of 20 days, and all property owners within a 300 foot radius of the property were noticed.

Legal Description:

All of the Southeast Quarter of Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma. More particularly described by metes and bounds as follows:

Beginning at the Northeast corner of said SE/4, thence S01°43'12" 2635.06 feet to the Southeast corner of said SE/4, thence S87°53'46"W along the South line of said SE/4 2655.90 feet to the Southwest corner of said SE/4, thence N01°28'47"W 2637.12 feet to the Northwest corner of said SE/4, thence N87°56'19"E 2644.84 feet to the point of Beginning.

AND

All of the Southwest Quarter of Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma, LESS 15.03 acres more or less occupied by Right-of-Way of the Missouri, Kansas and Texas Railroad Company and LESS 8.12 acres more or less occupied by Right-of-Way of U.S. Highway No. 69 and LESS 51 acres more or less lying West of U.S. Highway No. 69. More particularly described by metes and bounds as follows:

Beginning at the Southeast corner of the said SW/4, thence S87°54'42"W along the south line thereof 2370.50 feet to a point on Easterly Right of Way line of the M.K.&T Railroad (now Union Pacific Railroad), thence along said right of way N29°44'59"E 202.76 feet to a point of curve, thence on a curve having a chord bearing of N33°36'55"E 1150.68 feet, and a radius of 11359.20 feet, a arc distance of 1151.17 feet, thence N35°39'48"E 1934.69 feet to a point on the North line of said SW/4, thence N87°49'57"E 435.52 feet to the Northeast corner of said SW/4, thence S01°28'47"E 2637.12 feet to the point of Beginning containing 86.76 acres.

Background:

The applicant is requesting a rezone of the property located at West 53rd Street South from R-1 Single Family Residential to I-1 Light Industrial. The proposed use of the property will be for industrial use. The request conforms to the 2013 Muskogee Comprehensive Plan and Future Land use Plan.

Planning Department Analysis

- Current Zoning & Use: R-1 Single Family Residential, Vacant Land
 - Section, Township, Range: Northeast Section 16, Township 14 North, Range 18 East
 - Street Address: West 53rd Street South

RECOMMENDATION: Approve the Rezone Request

ORDINANCE NO.4257-A

AN ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MUSKOGEE, AS PROVIDED BY CHAPTER 90 OF THE CITY OF MUSKOGEE CITY CODE, RE-ZONING PROPERTY LOCATED AT W. 53RD ST S., IN THE SECTION 16, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, OKLAHOMA, AS FURTHER HEREIN DESCRIBED; PROVIDING FOR REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

(The Harold C. Fewel Trust, LLC, Applicant)

FROM R-1 SINGLE FAMILY RESIDENTIAL

TO

I-1 LIGHT INDUSTRIAL

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held February 19, 2025, did recommend the approval of the rezoning of the property set out above in the title of the Ordinance, and did authorize the director of the Commission to advise the Council of the City of Muskogee of this recommendation, NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA,

Section 1. THAT, the official zoning map of the City of Muskogee as provided by Chapter 90, Section 01-03, of the Muskogee City Code, September 2014, is hereby amended by changing the District Classification by rezoning;

All of the Southeast Quarter of Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma. More particularly described by metes and bounds as follows:

Beginning at the Northeast corner of said SE/4, thence S01°43'12" 2635.06 feet to the Southeast corner of said SE/4, thence S87°53'46"W along the South line of said SE/4 2655.90 feet to the Southwest corner of said SE/4, thence N01°28'47"W 2637.12 feet to the Northwest corner of said SE/4, thence N87°56'19"E 2644.84 feet to the point of Beginning.

AND

All of the Southwest Quarter of Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma, LESS 15.03 acres more or less occupied by Right-of-Way of the Missouri, Kansas and Texas Railroad Company and LESS 8.12 acres more or less occupied by Right-of-Way of U.S. Highway No. 69 and LESS 51 acres more or less lying West of U.S. Highway No. 69. More particularly described by metes and bounds as follows: Beginning at the Southeast corner of the said SW/4, thence S87°54'42"W along

the south line thereof 2370.50 feet to a point on Easterly Right of Way line of the M.K.&T Railroad (now Union Pacific Railroad), thence along said right of way N29°44'59"E 202.76 feet to a point of curve, thence on a curve having a chord bearing of N33°36'55"E 1150.68 feet, and a radius of 11359.20 feet, a arc distance of 1151.17 feet, thence N35°39'48"E 1934.69 feet to a point on the North line of said SW/4, thence N87°49'57"E 435.52 feet to the Northeast corner of said SW/4, thence S01°28'47"E 2637.12 feet to the point of Beginning containing 86.76 acres.

FROM R-1 SINGLE FAMILY RESIDENTIAL

TO

I-1 LIGHT INDUSTRIAL

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

Section 2. THAT, the City Clerk is authorized and directed to show such change on the zoning map record.

Section 3. REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 4. SEVERABILITY. Should any part, section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS _____ DAY OF FEBRUARY 2025.

W. PATRICK CALE, MAYOR

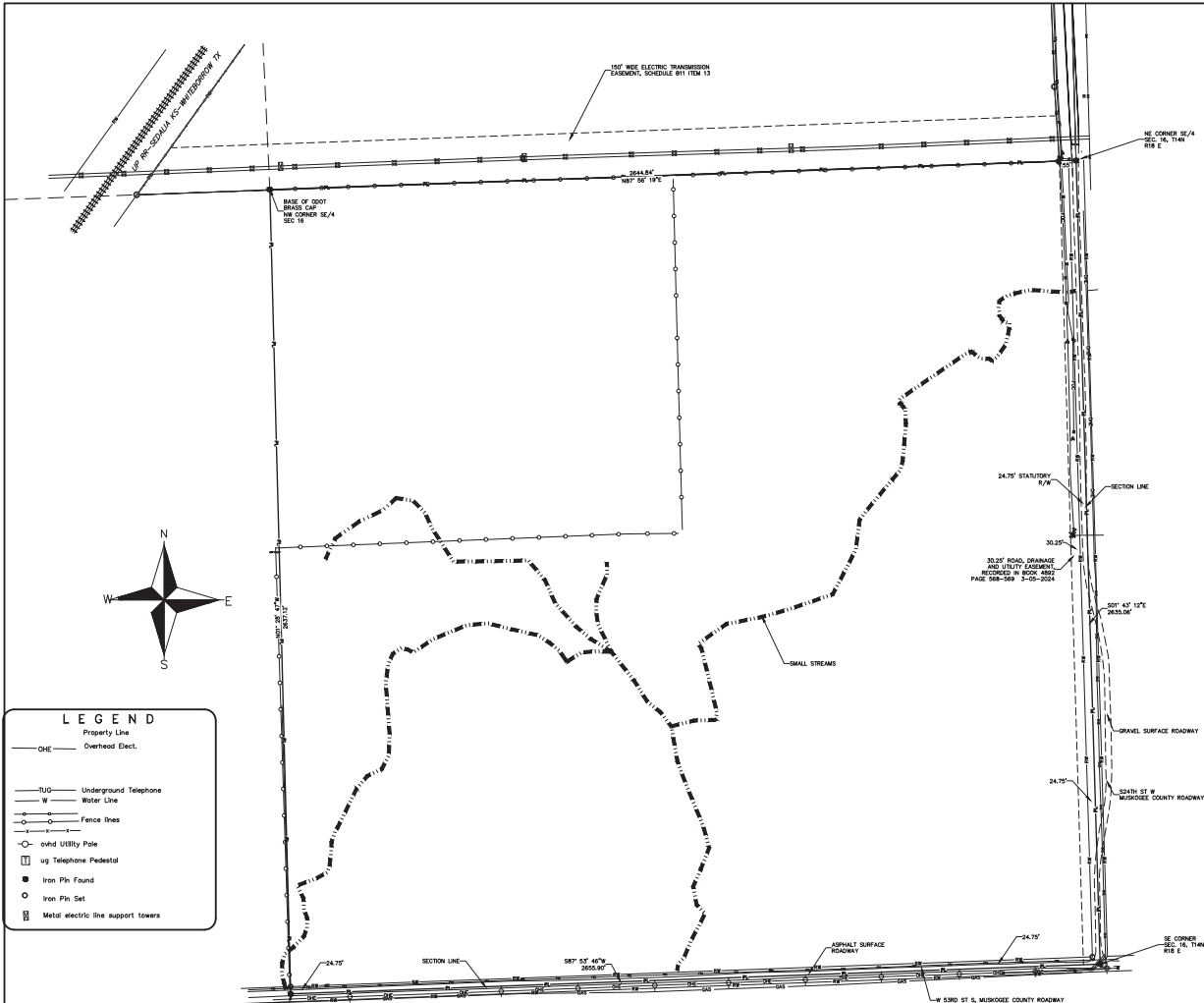
ATTEST:

TAMMY L. TRACY, CITY CLERK

(SEAL)

APPROVED as to form and legality this ____ day of _____, 20____.

KATRINA BODENHAMER, CITY ATTORNEY



ALTA / NSPS LAND TITLE SURVEY

ITEMS PER SCHEDULE B- PART II
OF COMMITMENT NO.1002-394405-RTT
BY REPUBLIC TITLE OF TEXAS, INC MAY 3, 2024
AT 7:00 AM
("The property" refers to the described land in
this survey)

1. Statutory right of way along all Section lines are plotted on this Survey
2. Right of way as set forth in that certain Warranty Deed recorded May 15, 1916 in Book 291, Page 320 and Warranty Deed recorded in Book 291, Page 322. (when plotting the right of way description as described across section 34 and 33 Township 15 N, Range 18E, at station 107+50 from the beginning and extending South as described, the lateral plots $\frac{1}{2}$ mile west of the land described in this survey)
3. Easement in favor of Rural Water District No. 1 Muskogee County, recorded July 30, 1995 in Book 1806, Page 384 affects the property described i this survey due to the right of way easement described being a blanket easement and cannot be determined as described.

RECORDED EASEMENT NOT LISTED
30.25' Easement for Road, Drainage and Utilities, reeoded in book 4892, page 568-569 as shown on this survey

CERTIFICATION

SURVEY CERTIFICATION TO FERDINAND TECHNOLOGIES, L.L.C., REPUBLIC TITLE OF TEXAS, INC. AND FIRST AMERICAN TITLE INSURANCE COMPANY, HEADWATERS SITE DEVELOPMENT, L.L.C., PIONEERS TRAIL LLC, AND EACH OF THEIR SUCCESSORS AND ASSIGNS. THE FOLLOWING DESCRIBED LAND

All of the Southeast Quarter of Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

More particularly described by metes and bounds as follows, Beginning at the Northeast corner of said SE/4, thence S01°43'12" 2635.06 feet to the Southeast corner of said SE/4, thence S87°53'46"W along the South line of said SE/4, 2655.90 feet to the Southwest corner of said SE/4, thence N01°28'47"W 2637.12 feet to the Northwest corner of said SE/4, thence N87°56'19"E 2644.84 feet to the point of Beginning.

GROSS LAND AREA 6986336.64 S.F. OR 160.38 ACRES

BASIS OF BEARINGS
NAD83 OKLAHOMA STATE PLANE COORDINATE SYSTEM
NORTH ZONE

This is to certify that this map or plot and the Survey on which it is based were made in the accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Table A items 1,2,4,7,8,9,10,11a and 16.

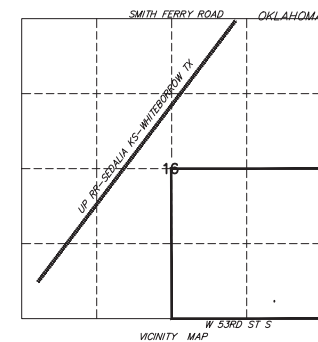
Field work was completed 07/16/2024

Charles W. Chastain
12/18/2024

Signature of Surveyor

Charles W. Chastain
Registered Surveyor No. 1352
In the State of Oklahoma
Date of Survey:
OKLAHOMA C.A. # 219

MUSKOGEE COUNTY OKLAHOMA
SECTION 16 TWP 14N RG. 18E



SURVEYORS NOTES

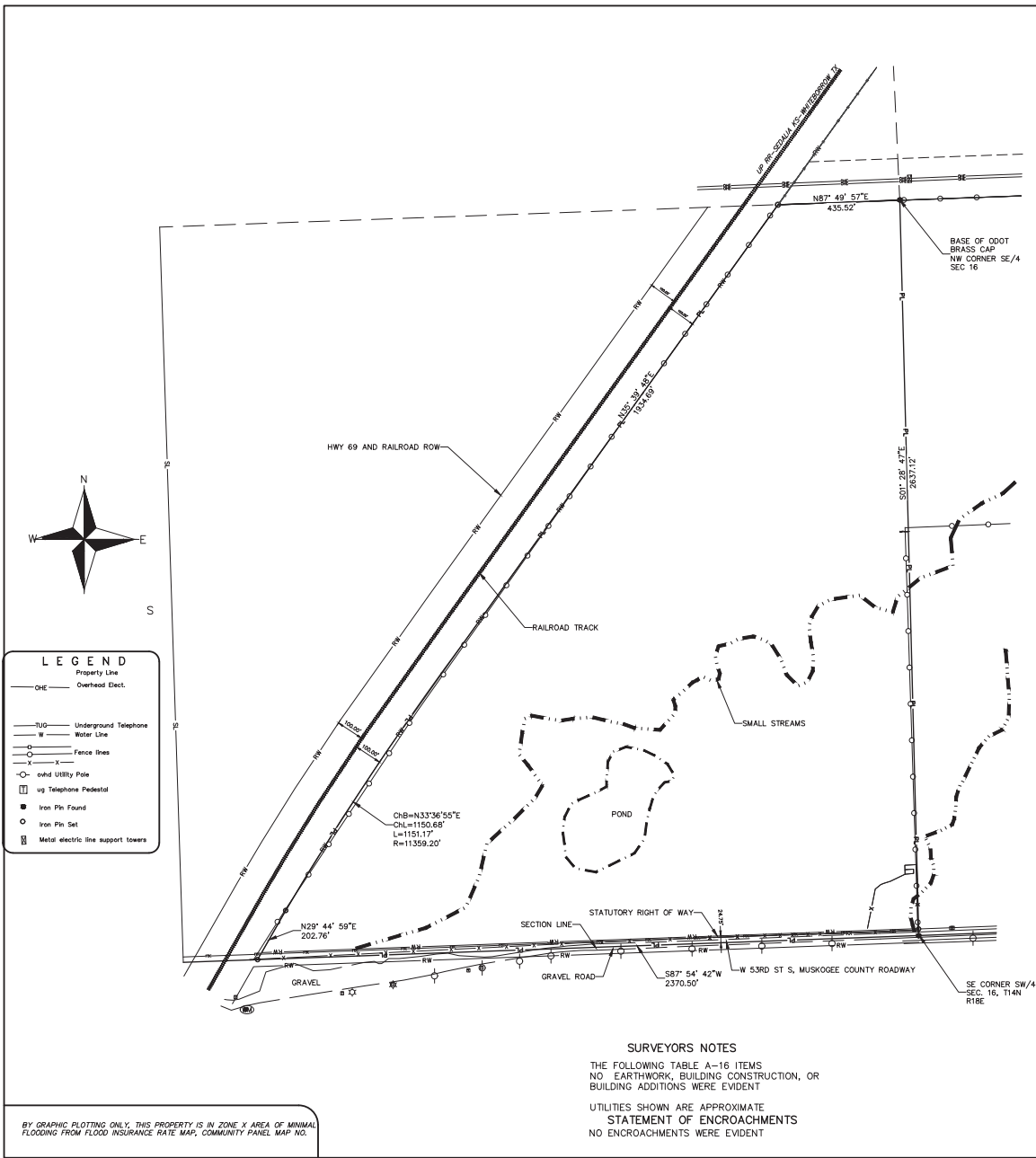
THE FOLLOWING TABLE A-16 ITEMS
NO EARTHWORK, BUILDING CONSTRUCTION, OR
BUILDING ADDITIONS WERE EVIDENT

UTILITIES SHOWN ARE APPROXIMATE
STATEMENT OF ENCROACHMENTS
NO ENCROACHMENTS WERE EVIDENT

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X AREA OF MINIMAL
FLOODING FROM FLOOD INSURANCE RATE MAP, COMMUNITY PANEL MAP NO.

PROPERTY ADDRESS: MUSKOGEE OKLAHOMA
FERDINAND TECHNOLOGIES, LLC

Holloway, Updike and Bellen, Inc.
818 EAST SIDE BOULEVARD MUSKOGEE, OKLAHOMA 918/682-7811



ALTA / NSPS LAND TITLE SURVEY

ITEMS PER SCHEDULE B- PART II
OF COMMITMENT NO.1002-394406-RTT
BY REPUBLIC TITLE OF TEXAS, INC MAY 3, 2024
AT 7:00 AM
("The property" refers to the described land in this survey)

1. Statutory right-of-way along all section lines. Plotted on this Survey.
2. Right of way as set forth in that certain Warranty Deed recorded May 15, 1916 in Book 291, Page 320 and Warranty Deed recorded in Book 291, Page 322. When plotting the right of way description as described across Section 34 and 33 Township 15N, Range 18E, at station 107+50 from the beginning and extending South as described, the lateral plots on the West side of the Railroad right of way that is shown hereon and West of this survey.
3. Right of way in favor of the Missouri, Kansas and Texas Railroad as set forth in that certain certain Allotment Deed recorded August 7, 1918 in Book 207, Page 442. Railroad right of way as shown West of this Survey.
4. Easement in favor of State of Oklahoma, recorded July 15, 1931 in Book 642, Page 416. Easement is West of and adjacent to the West right-of-way line of shown Railroad and West of this survey..
5. Easement in favor of Rural Water District No. 1 Muskogee County, recorded July 30, 1985 in Book 1806, Page 384. Blanket Easement that covers all of Section 16.

CERTIFICATION

SURVEY CERTIFICATION TO FERDINAND TECHNOLOGIES, LLC, REPUBLIC TITLE OF TEXAS, INC. AND FIRST AMERICAN TITLE INSURANCE COMPANY, HEADWATERS SITE DEVELOPMENT, LLC, PIONEERS TRAIL LLC, AND EACH OF THEIR SUCCESSORS AND ASSIGNS. THE FOLLOWING DESCRIBED LAND

All of the Southwest Quarter of Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma, LESS 15.03 acres more or less occupied by Right-of-Way of the Missouri, Kansas and Texas Railroad Company and LESS 8.12 acres more or less occupied by Right-of-Way of U.S. Highway No. 69 and LESS 51 acres more or less lying West of U.S. Highway No. 69. More particularly described by metes and bounds as follows

Beginning at the Southeast corner of the said SW4, thence S87°54'42"W along the south line there-of 2370.50 feet to a point on Easterly Right of Way line of the M&K&T Railroad (now Union Pacific. railway), thence along said right of way N29°44'59"E 202.76 feet to a point of curve, thence on a curve having a chord bearing of N33°36'55"E 1150.68 feet, and a radius of 11359.20 feet, an arc distance of 1151.17 feet, thence N35°39'48"E 1934.69 feet to a point on the North line of said SW/4, thence N87°49'57"E 435.52 feet to the Northeast corner of said SW/4, thence S01°28'47"E 2637.12 feet to the point of Beginning Containing 86.76 acres or 3779174.62 s.f.

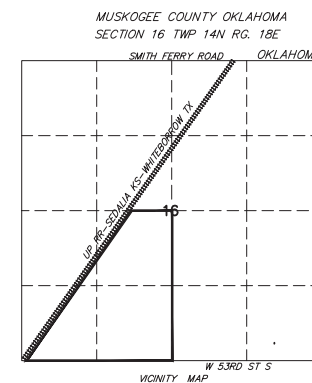
BASIS OF BEARINGS
NAD83 OKLAHOMA STATE PLANE COORDINATE SYSTEM
NORTH ZONE

This is to certify that this map or plot and the Survey on which it is based were made in the accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Table A Items 1,2,4,7,8,9,10,11 and 16.

Field work was completed 07/16/2024

Charles W. Chastain
Signature of Surveyor DATE 12/19/24

Charles W. Chastain
Registered Surveyor No. 1352
in the State of Oklahoma
Date of Survey:
OKLAHOMA C.A. # 219



PROPERTY ADDRESS: MUSKOGEE OKLAHOMA
FERDINAND TECHNOLOGIES, LLC

Holloway, Updike and Bellen, Inc.
818 EAST SIDE BOULEVARD MUSKOGEE, OKLAHOMA 918/682-7811

Applicant: The Harold C. Fewel Trust, LLC

Public Hearing Notice

Notice is hereby given that on **February 19, 2025 at 9:00 A.M.** in the Council Chambers of the Municipal Building, located at 229 W Okmulgee Ave., 3rd floor, Muskogee, Oklahoma 74401, in accordance with city ordinance 3948-A, § 1(Att.), 9-22-2014, a public hearing will be conducted by the City of Muskogee Planning & Zoning Commission by Special Call; and, on **February 24, 2025 at 5:30 P.M.** by the City Council to request a rezone from R-1: Single Family Residential to I-1: Light Industrial located at the NE Section 16, Township 14 North, Range 18 E of the Indian Base and Meridian and NW Section 16, Township 14 North, Range 18E of the Indian Base Meridian, Muskogee County, State of Oklahoma.

(Please note that if you wish to speak at the City Council meeting you must sign up 15 minutes before the meeting starts)

The property is more particularly described as:

All of the Southeast Quarter of Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma. More particularly described by metes and bounds as follows:

Beginning at the Northeast corner of said SE/4, thence S01°43'12" 2635.06 feet to the Southeast corner of said SE/4, thence S87°53'46"W along the South line of said SE/4 2655.90 feet to the Southwest corner of said SE/4, thence N01°28'47"W 2637.12 feet to the Northwest corner of said SE/4, thence N87°56'19"E 2644.84 feet to the point of Beginning.

AND

All of the Southwest Quarter of Section 16, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma, LESS 15.03 acres more or less occupied by Right-of-Way of the Missouri, Kansas and Texas Railroad Company and LESS 8.12 acres more or less occupied by Right-of-Way of U.S. Highway No. 69 and LESS 51 acres more or less lying West of U.S. Highway No. 69. More particularly described by metes and bounds as follows:

Beginning at the Southeast corner of the said SW/4, thence S87°54'42"W along the south line thereof 2370.50 feet to a point on Easterly Right of Way line of the M.K.&T Railroad (now Union Pacific Railroad), thence along said right of way N29°44'59"E 202.76 feet to a point of curve, thence on a curve having a chord bearing of N33°36'55"E 1150.68 feet, and a radius of 11359.20 feet, a arc distance of 1151.17 feet, thence N35°39'48"E 1934.69 feet to a point on the North line of said SW/4, thence N87°49'57"E 435.52 feet to the Northeast corner of said SW/4, thence S01°28'47"E 2637.12 feet to the point of Beginning containing 86.76 acres.

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

If you have questions about this notice or need additional information prior to the public hearing, please contact the Planning Department at (918) 684-6232.

Meeting Date: 02/24/2025

Initiator: Corinne Storey, Admin I

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and consider approval of Ordinance No. 4256-A, rezoning a parcel of land from R-1 Single Family Residential, to I-1 Light Industrial, located in the NW SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST of the INDIAN BASE and MERIDIAN and NE SECTION 16, TOWNSHIP 14 NORTH, RANGE 18 EAST of the INDIAN BASE MERIDIAN, MUSKOGEE COUNTY, STATE of OKLAHOMA, also known as 1801 and 2041 West Smith Ferry Road; providing for repealer, severability, and, if approved, authorize Staff to amend the official zoning map, or take other necessary action. (Sarah Winkle)

LEGAL DESCRIPTION:

All of the Northeast Quarter (NE/4) and all of the Northwest Quarter (NW/4) lying East of the Railroad Right of Way in Section 16, Township 14 North, Range 18 East I.M., Muskogee County, Oklahoma, more particularly described by metes and bounds as follows: Beginning at the NE Corner of said NE/4 Section 16, Thence S01°34'36"E 2644.41 feet to the SE Corner of said NE/4, Thence S87°54'36"W along the South line of the NE/4 and NW/4 of Section 16 3081.54 feet to a point on the Easterly Right of Way line of the Union Pacific Railroad, Thence along said Railroad Right of Way N35°40'11"E 2215.36 feet to a point of curve, Thence on a curve to the left having a chord which bears N30°22'05"E 1055.93 feet and a radius of 5548.99 feet an arc distance of 1057.53 feet to a point on the North line of said NE/4 of Section 16, Thence N87°50'12"E 1181.82 feet to the Point of Beginning, containing 126.46 acres, more or less.

AND

A tract of land being a part of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) and the South 276.45 feet of the West Half of the West Half of the Northeast Quarter of the Northwest Quarter (W/2 W/2 NE/4 NW/4) and the East 208.71 feet of the North 1043.55 feet of the West Half of the West Half of the Northeast Quarter of the Northwest Quarter (W/2 W/2 NE/4 NW/4), all in Section 15, Township 14 North, Range 18 East I.M., Muskogee County, Oklahoma, more particularly described by metes and bounds as follows: Beginning at the NW Corner of the said Section 15, Thence N88°48'27"E along the North line thereof 1444.60 feet, Thence S01°36'24" 462.09 feet, Thence N54°44'39"E 250.80 feet to a point on the East line of said W/2 W/2 NE/4 NW/4, Thence along said line S01°37'08"E 721.97 feet, Thence S88°48'27"W 400.00 feet, Thence S01°37'08"E 277.54 feet to the a point on the South line of said NW/4 NW/4, Thence S88°45'27W along said line 1254.20 feet to a point on the West line of said NW/4 NW/4 Section 15, Thence N01°34'56"W 1322.21 feet to the Point of Beginning and containing 45.74 acres, more or less.

BACKGROUND:

The applicant is requesting a rezone of the property located at West 53rd Street South from R-1 Single Family Residential to I-1 Light Industrial. The proposed use of the property will be for industrial use. The request conforms to the 2013 Muskogee Comprehensive Plan and Future Land use Plan and the Planning Commission recommended approval on February 19, 2025.

Planning Department Analysis

- Current Zoning & Use: R-1 Single Family Residential, Vacant Land
- Section, Township, Range: Northeast Section 16, Township 14 North, Range 18 East
- Street Address: 1801 & 2041 W Smith Ferry Road

Notices have been sent to the property owners within a 300 foot radius, as required, and published in the paper twenty (20) days prior to the Public Hearing.

The Planning Commission recommended approval of the rezoning application on February 19, 2025, and the Public Hearing will be held on Monday, February 24, 2025 at 5:30 P.M.: City Council

RECOMMENDED STAFF ACTION:

Staff recommends approval of Ordinance No. 4256-A

Fiscal Impact

Attachments

Staff Report

Ordinance

Survey

Public Hearing Notice to Paper

Planning & Community Development Staff Report

Agenda Item Title

Hold a public hearing and consider a recommendation to the City Council of the City of Muskogee to approve Ordinance 4249-A, a rezone from R-1 Single Family Residential to I-1 Light Industrial, and annexation of the property located in the NW SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST of the INDIAN BASE and MERIDIAN and NE SECTION 16, TOWNSHIP 14 NORTH, RANGE 18 EAST of the INDIAN BASE MERIDIAN, MUSKOGEE COUNTY, STATE of OKLAHOMA, also known as 1801 & 2041 West Smith Ferry Road, City of Muskogee, Muskogee County, State of Oklahoma and if approved, authorize staff to update the official city map. (Sarah Winkle)

Meeting Information:

Meetings will be held at the Muskogee City Hall, 3rd Floor Council Chambers, at 229 W Okmulgee, Muskogee, OK 74401 at the following meetings and times:

- 1. City of Muskogee Special Call Planning & Zoning Commission on February 19, 2025 at 9:00 A.M.**
- 2. City of Muskogee City Council on, February 24, 2025 at 5:30 P.M.**

A public hearing will be conducted at the Planning & Zoning Commission meeting. The notice was published in the Muskogee Daily Phoenix no later than February 4, 2025 for a circulation period of 20 days, and all property owners within a 300 foot radius of the property were noticed.

Legal Description:

All of the Northeast Quarter (NE/4) and all of the Northwest Quarter (NW/4) lying East of the Railroad Right of Way in Section 16, Township 14 North, Range 18 East I.M., Muskogee County, Oklahoma, more particularly described by metes and bounds as follows: Beginning at the NE Corner of said NE/4 Section 16, Thence S01°34'36"E 2644.41 feet to the SE Corner of said NE/4, Thence S87°54'36"W along the South line of the NE/4 and NW/4 of Section 16 3081.54 feet to a point on the Easterly Right of Way line of the Union Pacific Railroad, Thence along said Railroad Right of Way N35°40'11"E 2215.36 feet to a point of curve, Thence on a curve to the left having a chord which bears N30°22'05"E 1055.93 feet and a radius of 5548.99 feet an arc distance of 1057.53 feet to a

point on the North line of said NE/4 of Section 16, Thence N87°50'12"E 1181.82 feet to the Point of Beginning, containing 126.46 acres, more or less.

AND

A tract of land being a part of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) and the South 276.45 feet of the West Half of the West Half of the Northeast Quarter of the Northwest Quarter (W/2 W/2 NE/4 NW/4) and the East 208.71 feet of the North 1043.55 feet of the West Half of the West Half of the Northeast Quarter of the Northwest Quarter (W/2 W/2 NE/4 NW/4), all in Section 15, Township 14 North, Range 18 East I.M., Muskogee County, Oklahoma, more particularly described by metes and bounds as follows: Beginning at the NW Corner of the said Section 15, Thence N88°48'27"E along the North line thereof 1444.60 feet, Thence S01°36'24" 462.09 feet, Thence N54°44'39"E 250.80 feet to a point on the East line of said W/2 W/2 NE/4 NW/4, Thence along said line S01°37'08"E 721.97 feet, Thence S88°48'27"W 400.00 feet, Thence S01°37'08"E 277.54 feet to the a point on the South line of said NW/4 NW/4, Thence S88°45'27"W along said line 1254.20 feet to a point on the West line of said NW/4 NW/4 Section 15, Thence N01°34'56"W 1322.21 feet to the Point of Beginning and containing 45.74 acres, more or less.

Background:

The applicant is requesting the annexed parcels to be rezoned to I-1 Light Industrial. The I-1, Light Industrial district is intended to accommodate most types of industrial development as well as business parks. This district is designed to protect residential and less intensive commercial uses by locating general industrial uses in locations removed from such residential or commercial development. The annexation will take in **seven (7)** parcels equaling _____ square feet more or less. . This annexation has been requested by the applicant as an effort to continue the industrial growth of the community to provide high quality and high paying jobs. We will not annex any other property than the property requested.

Planning Department Analysis

- Current Zoning & Use: R-1 Single Family Residential, Vacant Land
- Section, Township, Range: Northeast Section 16, Township 14 North, Range 18 East
- Street Address: 1801 & 2041 W Smith Ferry Road

RECOMMENDATION: Approve the Rezone Request

ORDINANCE NO. 4256-A

AN ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MUSKOGEE, AS PROVIDED BY CHAPTER 90 OF THE CITY OF MUSKOGEE CITY CODE, RE-ZONING PROPERTY LOCATED IN THE NW SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN AND NE SECTION 16, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE MERIDIAN, MUSKOGEE COUNTY, OKLAHOMA, AS FURTHER HEREIN DESCRIBED; PROVIDING FOR REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

(Ferdinand Technologies LLC, Applicant)

FROM R-1 SINGLE FAMILY RESIDENTIAL

TO

I-1 LIGHT INDUSTRIAL

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held February 19, 2025, did recommend the approval of the rezoning of the property set out above in the title of the Ordinance, and did authorize the director of the Commission to advise the Council of the City of Muskogee of this recommendation, NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA,

Section 1. THAT, the official zoning map of the City of Muskogee as provided by Chapter 90, Section 01-03, of the Muskogee City Code, September 2014, is hereby amended by changing the District Classification by rezoning;

All of the Northeast Quarter (NE/4) and all of the Northwest Quarter (NW/4) lying East of the Railroad Right of Way in Section 16, Township 14 North, Range 18 East I.M., Muskogee County, Oklahoma, more particularly described by metes and bounds as follows: Beginning at the NE Corner of said NE/4 Section 16, Thence S01°34'36"E 2644.41 feet to the SE Corner of said NE/4, Thence S87°54'36"W along the South line of the NE/4 and NW/4 of Section 16 3081.54 feet to a point on the Easterly Right of Way line of the Union Pacific Railroad, Thence along said Railroad Right of Way N35°40'11"E 2215.36 feet to a point of curve, Thence on a curve to the left having a chord which bears N30°22'05"E 1055.93 feet and a radius of 5548.99 feet an arc distance of 1057.53 feet to a point on the North line of said NE/4 of Section 16, Thence N87°50'12"E 1181.82 feet to the Point of Beginning, containing 126.46 acres, more or less.

AND

A tract of land being a part of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) and the South 276.45 feet of the West Half of the West Half of the Northeast Quarter of the Northwest Quarter (W/2 W/2 NE/4 NW/4) and the East 208.71 feet of the North 1043.55 feet of the West Half of the West Half of the Northeast Quarter of the Northwest Quarter (W/2 W/2 NE/4 NW/4), all in Section 15, Township 14 North, Range 18 East I.M., Muskogee County, Oklahoma, more particularly described by metes and bounds as follows: Beginning at the NW Corner of the said Section 15, Thence N88°48'27"E along the North line thereof 1444.60 feet, Thence S01°36'24" 462.09 feet, Thence N54°44'39"E 250.80 feet to a point on the East line of said W/2 W/2 NE/4 NW/4, Thence along said line S01°37'08"E 721.97 feet, Thence S88°48'27"W 400.00 feet, Thence S01°37'08"E 277.54 feet to the a point on the South line of said NW/4 NW/4, Thence S88°45'27W along said line 1254.20 feet to a point on the West line of said NW/4 NW/4 Section 15, Thence N01°34'56"W 1322.21 feet to the Point of Beginning and containing 45.74 acres, more or less.

FROM R-1 SINGLE FAMILY RESIDENTIAL

TO

I-1 LIGHT INDUSTRIAL

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

Section 2. THAT, the City Clerk is authorized and directed to show such change on the zoning map record.

Section 3. REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 4. SEVERABILITY. Should any part, section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS _____ DAY OF FEBRUARY 2025.

W. PATRICK CALE, MAYOR

ATTEST:

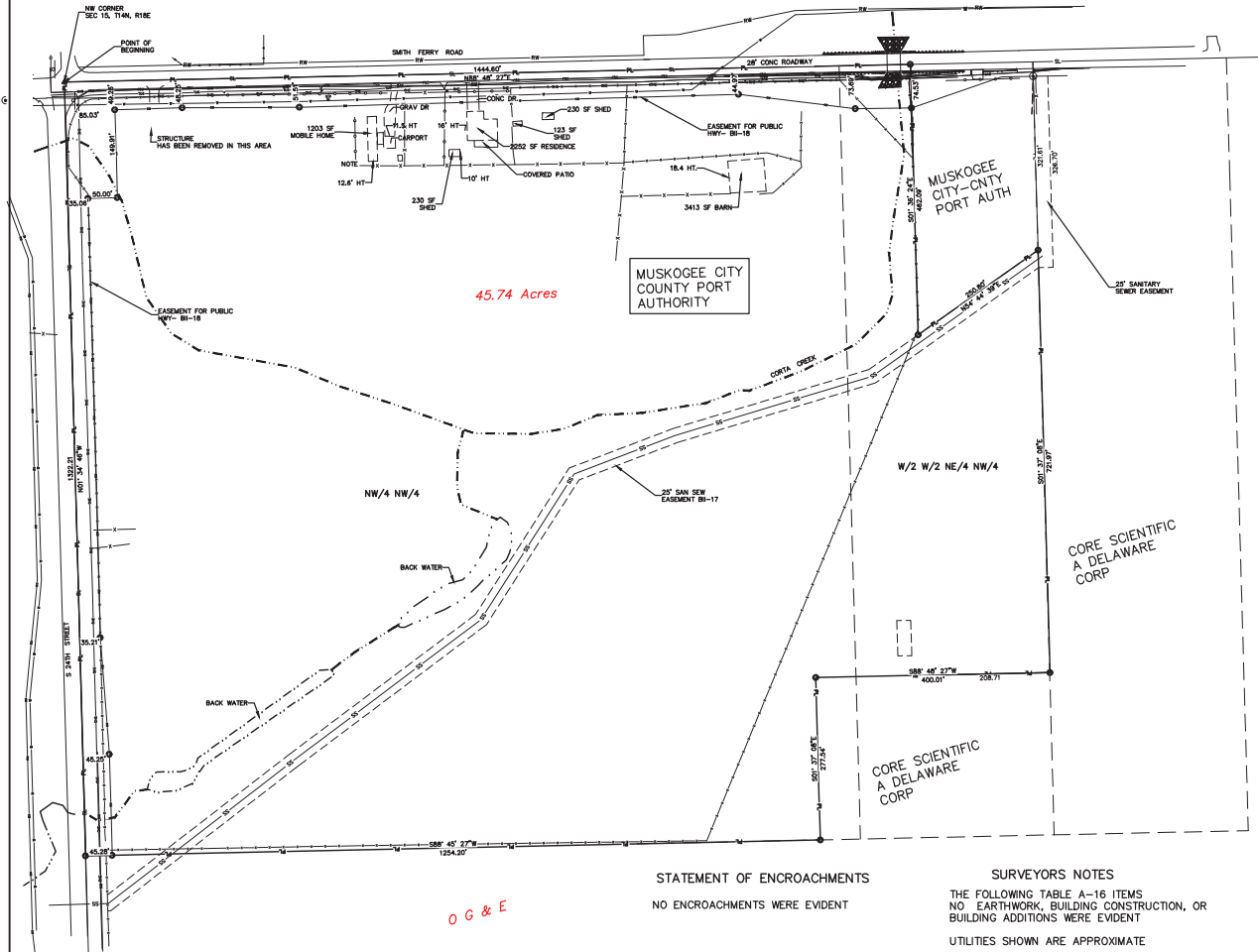
TAMMY L. TRACY, CITY CLERK

(SEAL)

APPROVED as to form and legality this ____ day of _____, 20____.

KATRINA BODENHAMER, CITY ATTORNEY

ALTA / NSPS LAND TITLE SURVEY



ITEMS PER SCHEDULE B- PART II
OF COMMITMENT NO.1002-391209-RTT
BY REPUBLIC TITLE OF TEXAS, INC NOVEMBER 14,
2023 AT 8:AM
("The property" refers to the described land in
this survey)

- Resolution by the Muskogee Metropolitan Area Planning Commission, recorded in Book 10, Page 1. (The resolution affects the property.)
- We are unable to determine from the available records what type of entity Muskogee City-County Port Authority is. Please investigate said matter and advise. This report will then be subject to such further requirements as may be deemed necessary.
- Resolution by the Muskogee Metropolitan Area Planning Commission, recorded in Book 10, Page 13 (The resolution affects the property.)
- Order Annexing Into Rural Water, Sewer, and Solid Waste Management District No. 1, Muskogee County, Oklahoma, recorded in Book 1384, Page 360. (The order affects the property)
- Right of Way Easement in favor of Rural Water District No. 1, recorded in Book 1641, Page 537.(The easement does not affect the property due to roadway right of way changes)
- Right of Way in favor of the Missouri, Kansas, and Texas Railroad as evidenced in the Patent recorded in Book 2494, Page 220; and the Patent, recorded in Book 3607, Page 84. (Does not affect the property)
- 4 Inch Pipe Line as evidenced in the Warranty Deed in favor of Muskogee Refining Company, recorded in Book 291, Page 322; Deed in favor of Oklahoma Producing and Refining Corporation of America, recorded in Book 334, Page 449. (does not affect the property)
- Easement in favor of the State of Oklahoma, recorded in Book 638, Page 380.(does not affect the property)
- Easement in favor of the State of Oklahoma, recorded in Book 638, Page 332.(Does not affect the property)
- Line Injection Well Agreement by and between CRA, Inc., a Kansas Corporation, and Wachob Brothers, Benco Oil & Gas and C.M. Harris, recorded in Book 1212, Page 364. (Does not affect the property)
- Right of Way Easement in favor of Rural Water District No. 1, Muskogee County Oklahoma, recorded in Book 1228, Page 83.(Does not affect the property)
- Warranty Deed in favor of the State of Oklahoma, recorded in Book 1331, Page 262.(Does not affect the property)
- Easement in favor of Oklahoma Gas and Electric Company, recorded in Book 1373, Page 340. (does not affect the property)
- Right of Way Easement in favor of Rural Water District No. 1, recorded in Book 1806, Page 384.(Does not affect the property)
- Right of Way Easement in favor of American Telephone and Telegraph Company recorded in Book 1990, Page 315. (Does not affect the property)
- Easement for Public Highway in favor of the County of Muskogee, recorded in Book 4885, Page 466 (Does not affect the property)
- Utility Easement in favor of the City of Muskogee, recorded in Book 4885, Page 434. (Affects the property as shown)
- Easement for Public Highway in the favor of the County of Muskogee, recorded in Book 4885, Page 439.(Affects the property as shown)

CERTIFICATION

SURVEY CERTIFICATION TO STREAM U.S. DATA CENTERS, L.L.C., ITS SUCCESSORS AND ASSIGNS, REPUBLIC TITLE OF TEXAS, INC. AND FIRST AMERICAN TITLE INSURANCE COMPANY THE FOLLOWING DESCRIBED LAND:

A TRACT OF LAND BEING A PART OF THE NW/4 NW/4 AND THE SOUTH 276.45 FEET OF THE WEST HALF OF THE WEST HALF OF THE NE/4 OF THE NW/4 AND THE WEST 121.29 FEET OF THE NORTH 1043.55 FEET OF THE WEST HALF OF THE NE/4 OF THE NW/4 AND THE EAST 208.71 FEET OF THE NORTH 1043.55 FEET OF THE WEST HALF OF THE WEST HALF OF THE NE/4 OF THE NW/4, ALL IN SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE MERIDIAN, MUSKOGEE COUNTY OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID SECTION 15, THENCE N88°48'27"E ALONG THE NORTH LINE THEREOF 1444.60 FEET, THENCE S01°36'24"E 462.09 FEET, THENCE N54°44'39"E 250.80 FEET TO A POINT ON THE EAST LINE OF SAID W/2 W/2 NE/4 NW/4, THENCE ALONG SAID LINE S01°37'08"E 721.97 FEET, THENCE S88°48'27"W 400.00 FEET, THENCE S01°37'08"E 277.54 FEET TO A POINT ON THE SOUTH LINE OF SAID NW/4 NW/4, THENCE S88°45'27"W ALONG SAID LINE 1254.20 FEET TO A POINT ON THE WEST LINE OF SAID NW/4 NW/4 SECTION 15, THENCE N01°34'56"W 1322.21 FEET TO THE POINT OF BEGINNING.

GROSS LAND AREA = 1992628.89 SF
OR 45.74 ACRES

BASIS OF BEARING IS THE NAD83 OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE

This is to certify that this map or plat and the Survey on which it is based were made in the accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys. Jointly established and adopted by ALTA and NSPS, and includes Table A Items 1,2,4,7,8,9,10,11,16.

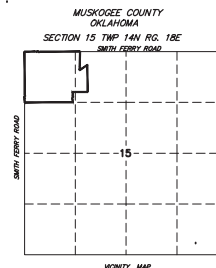
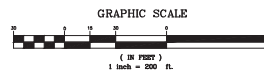
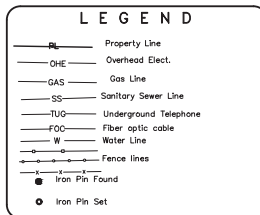
Field work was completed 11/2023

Charles W. Chastain
Signature of Surveyor Date 2/15/2024

Charles W. Chastain
Registered Surveyor No. 1352
in the State of Oklahoma
Date of Survey:
OKLAHOMA C.A. # 219

STATEMENT OF ENCROACHMENTS
NO ENCROACHMENTS WERE EVIDENT

SURVEYORS NOTES
THE FOLLOWING TABLE A-16 ITEMS
NO EARTHWORK, BUILDING CONSTRUCTION, OR
BUILDING ADDITIONS WERE EVIDENT
UTILITIES SHOWN ARE APPROXIMATE

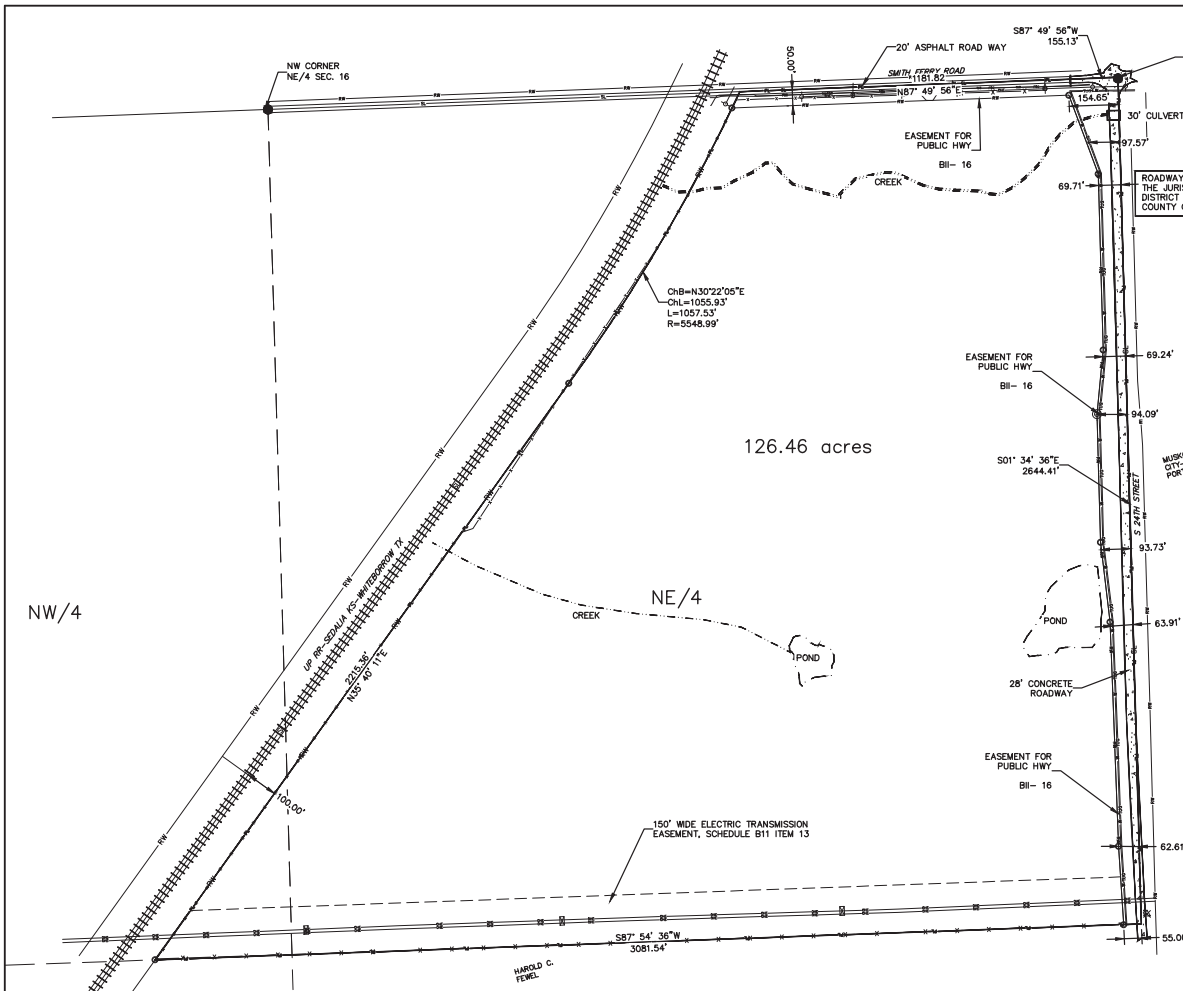


BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X AREA OF MINIMAL FLOODING FROM FLOOD INSURANCE RATE MAP, COMMUNITY PANEL MAP NO. 40100235F EFFECTIVE DATED FEBRUARY 4, 2011

PROPERTY ADDRESS: 1801 WEST SMITH FERRY ROAD, MUSKOGEE OKLAHOMA
STREAM US DATA CENTERS LLC

Holloway, Updike and Bollen, Inc.
818 EAST 502 BULEVARD MUSKOGEE, OKLAHOMA 918/562-7811

ALTA / NSPS LAND TITLE SURVEY



STATEMENT OF ENCROACHMENTS

NO ENCROACHMENTS WERE EVIDENT

LEGEND

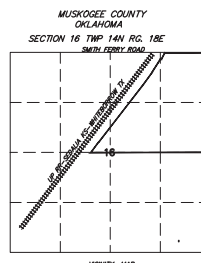
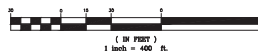
- Property Line
- Overhead Elect.
- GAS Line
- Sanitary Sewer Line
- TUG— Underground Telephone
- Water Line
- Fence Lines
- ovoid Utility Pole
- up Telephone Pedestal
- Iron Pin Found
- Iron Pin Set
- Metal electric line support towers

SURVEYORS NOTES

THE FOLLOWING TABLE A-16 ITEMS NO "EARTHWORK", BUILDING CONSTRUCTION, OR BUILDING ADDITIONS WERE EVIDENT

UTILITIES SHOWN ARE APPROXIMATE

GRAPHIC SCALE



ITEMS PER SCHEDULE B- PART II

OF COMMITMENT NO.1002-391209-RTT
BY REPUBLIC TITLE OF TEXAS, INC JANUARY 10,
2024 AT 7:59 AM
("The property" refers to the described land in
this survey)

- Resolution by the Muskogee Metropolitan Area Planning Commission, recorded in Book 10, Page 1. (The resolution affects the property.)
- We are unable to determine from the available records what type of entity Muskogee City-County Part Authority is. Please investigate said matter and advise. This report will then be subject to such further requirements as may be deemed necessary.
- Resolution by the Muskogee Metropolitan Area Planning Commission, recorded in Book 10, Page 13 (The resolution affects the property.)
- Order Annexing Into Rural Water, Sewer, and Solid Waste Management District No. 1, Muskogee County, Oklahoma, recorded in Book 1384, Page 360. (The order affects the property)
- Right of Way Easement in favor of Rural Water District No. 1, recorded in Book 1641, Page 537. (The easement does not affect the property due to roadway right of way changes)
- Right of Way in favor of the Missouri, Kansas, and Texas Railroad as evidenced in the Patent recorded in Book 2494, Page 220; and the Patent, recorded in Book 3607, Page 84. (Does not affect the property)
- 4 Inch Pipe Line as evidenced in the Warranty Deed in recorded of Muskogee Refining Company, recorded in Book 291, Page 380; Warranty Deed in favor of Crown Pipe Line company, recorded in Book 291, Page 322; Deed in favor of Oklahoma Producing and Refining Corporation of America, recorded in Book 334, Page 449. (does not affect the property)
- Easement in favor of the State of Oklahoma, recorded in Book 638, Page 380.(does not affect the property)
- Easement in favor of the State of Oklahoma, recorded in Book 638, Page 332.(Does not affect the property)
- Line Injection Well Agreement by and between CRA, Inc., a Kansas Corporation, and Wachob Brothers, Benco Oil & Gas and C.M. Harris, recorded in Book 1212, Page 364. (Does not affect the property)
- Right of Way Easement in favor of Rural Water District No. 1, Muskogee County Oklahoma, recorded in Book 1228, Page 83.(Does not affect the property)
- Warranty Deed in favor of the State of Oklahoma, recorded in Book 1331, Page 262.(Does not affect the property)
- Easement in favor of Oklahoma Gas and Electric Company, recorded in Book 1373, Page 340. (Does affect the property as shown)
- Right of Way Easement in favor of Rural Water District No. 1, recorded in Book 1806, Page 384.(Does affect the property, the easement is not plottable as described and is blanket in nature)
- Right of Way Easement in favor of American Telephone and Telegraph Company recorded in Book 1990, Page 315. (Does affect the property , the 10' easement is not plottable and is blanket in nature)
- Easement for Public Highway in favor of the County of Muskogee, recorded in Book 4885, Page 466 (Affects the property as shown)
- Utility Easement in favor of the City of Muskogee, recorded in Book 4885, Page 434. (Does not affect the property)
- Easement for Public Highway in the favor of the County of Muskogee, recorded in Book 4885, Page 439.(Does not affect the property)

CERTIFICATION

SURVEY CERTIFICATION TO STREAM U.S. DATA CENTERS, L.L.C., ITS SUCCESSORS AND ASSIGNS, REPUBLIC TITLE OF TEXAS, INC. AND FIRST AMERICAN TITLE INSURANCE COMPANY THE FOLLOWING DESCRIBED LAND:

ALL OF THE NORTHEAST QUARTER (NE/4) AND THE NORTHWEST QUARTER (NW/4) LYING EAST OF THE RAILROAD RIGHT OF WAY IN SECTION 6, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE 1.B&M.MUSKOGEE COUNTY, OKLAHOMA MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, BEGINNING AT THE NE CORNER OF SAID NE/4 SECTION 16, THENCE S01°3'4'36"E 2644.41 FEET TO THE SE CORNER OF SAID NE/4, THENCE S87°54'36"W ALONG THE SOUTH LINE OF THE NE/4 AND NW/4 OF SECTION 16 3081.54 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, THENCE ALONG SAID RAILROAD RIGHT OF WAY N35°40'11"E 2215.36 FEET TO A POINT OF CURVE, THENCE ON A CURVE TO THE LEFT HAVING A CHORD WHICH BEARS N30°22'05"E 1055.93 FEET AND A RADIUS OF 5548.99 FEET AN ARC DISTANCE OF 1057.53 FEET TO A POINT ON THE NORTH LINE OF SAID NE/4 OF SECTION 16, THENCE N87°50'12"E 1181.82 FEET TO THE POINT OF BEGINNING.

GROSS LAND AREA - 5508380.32 S. F.
126.46 ACRES

BASIS OF BEARINGS
NAD83 OKLAHOMA STATE PLANE COORDINATE SYSTEM
NORTH ZONE

This is to certify that this map or plat and the Survey on which it is based were made in the accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Table A items 1,2,4,7,8,9,10,11,16.

Field work was completed 02/2024

Charles W. Chastain

Signature of Surveyor Date 02/09/2024

Charles W. Chastain
Registered Surveyor No. 1352
In the State of Oklahoma
Date of Survey:
OKLAHOMA C.A. # 219

PROPERTY ADDRESS: 2041 WEST SMITH FERRY ROAD, MUSKOGEE, OKLAHOMA

STREAM US DATA CENTERS LLC



Holloway, Updike and Bollen, Inc.
818 EAST SIDE BOULEVARD MUSKOGEE, OKLAHOMA 918/682-7811

Applicant: Ferdinand Technologies LLC

Public Hearing Notice

Notice is hereby given that on **February 19, 2025 at 9:00 A.M.** in the Council Chambers of the Municipal Building, located at 229 W Okmulgee Ave., 3rd floor, Muskogee, Oklahoma 74401, in accordance with city ordinance 3948-A, § 1(Att.), 9-22-2014, a public hearing will be conducted by the City of Muskogee Planning & Zoning Commission by Special Call; and, on **February 24, 2025 at 5:30 P.M.** by the City Council to request a rezone from R-1: Single Family Residential to I-1: Light Industrial located at the NW Section 15, Township 14 North, Range 18E of the Indian Base Meridian and NE Section 16, Township 14 North, Range 18E of the Indian Base Meridian, Muskogee County, State of Oklahoma.

(Please note that if you wish to speak at the City Council meeting you must sign up 15 minutes before the meeting starts)

The property is more particularly described as:

All of the Northeast Quarter (NE/4) and all of the Northwest Quarter (NW/4) lying East of the Railroad Right of Way in Section 16, Township 14 North, Range 18 East I.M., Muskogee County, Oklahoma, more particularly described by metes and bounds as follows: Beginning at the NE Corner of said NE/4 Section 16, Thence S01°34'36"E 2644.41 feet to the SE Corner of said NE/4, Thence S87°54'36"W along the South line of the NE/4 and NW/4 of Section 16 3081.54 feet to a point on the Easterly Right of Way line of the Union Pacific Railroad, Thence along said Railroad Right of Way N35°40'11"E 2215.36 feet to a point of curve, Thence on a curve to the left having a chord which bears N30°22'05"E 1055.93 feet and a radius of 5548.99 feet an arc distance of 1057.53 feet to a point on the North line of said NE/4 of Section 16, Thence N87°50'12"E 1181.82 feet to the Point of Beginning, containing 126.46 acres, more or less.

AND

A tract of land being a part of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) and the South 276.45 feet of the West Half of the West Half of the Northeast Quarter of the Northwest Quarter (W/2 W/2 NE/4 NW/4) and the East 208.71 feet of the North 1043.55 feet of the West Half of the West Half of the Northeast Quarter of the Northwest Quarter (W/2 W/2 NE/4 NW/4), all in Section 15, Township 14 North, Range 18 East I.M., Muskogee County, Oklahoma, more particularly described by metes and bounds as follows: Beginning at the NW Corner of the said Section 15, Thence N88°48'27"E along the North line thereof 1444.60 feet, Thence S01°36'24" 462.09 feet, Thence N54°44'39"E 250.80 feet to a point on the East line of said W/2 W/2 NE/4 NW/4, Thence along said line S01°37'08"E 721.97 feet, Thence S88°48'27"W 400.00 feet, Thence S01°37'08"E 277.54 feet to the a

point on the South line of said NW/4 NW/4, Thence S88°45'27W along said line 1254.20 feet to a point on the West line of said NW/4 NW/4 Section 15, Thence N01°34'56"W 1322.21 feet to the Point of Beginning and containing 45.74 acres, more or less.

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

If you have questions about this notice or need additional information prior to the public hearing, please contact the Planning Department at (918) 684-6232.

Meeting Date: 02/24/2025

Initiator: Corinne Storey, Admin I

Information

AGENDA ITEM TITLE:

Hold a Public Hearing and consider approval of Ordinance No. 4255-A, rezoning a parcel of land from R-1 Single Family Residential, to I-1 Light Industrial, located in the NW SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST of the INDIAN BASE and MERIDIAN, MUSKOGEE COUNTY, STATE OF OKLAHOMA; providing for repealer, severability, and, if approved, authorize Staff to amend the official zoning map, or take other necessary action. (Sarah Winkle)

LEGAL DESCRIPTION:

A TRACT OF LAND BEING A PART OF THE EAST 208.71 FEET OF THE NORTH 1043.55 FEET OF THE WEST HALF OF THE WEST HALF OF THE NE/4 OF THE NW/4, ALL IN SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE MERIDIAN, MUSKOGEE COUNTY OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SECTION 15, THENCE N88°48'27"E ALONG THE NORTH LINE THEREOF 1444.60 FEET TO THE POINT OF BEGINNING; THENCE S01°36'24"E 462.09 FEET, THENCE N54°44'39"E 250.80 FEET TO A POINT ON THE EAST LINE OF SAID W/2 W/2 NE/4 NW/4, THENCE N01°37'08"W ALONG SAID EAST LINE 321.61 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 15, THENCE S88°48'27"W 208.71 FEET TO THE POINT OF BEGINNING. CONTAINING 1.88 ACRES.

BACKGROUND:

The applicant is requesting a rezone of the property located at West 53rd Street South from R-1 Single Family Residential to I-1 Light Industrial. The proposed use of the property will be for industrial use. The request conforms to the 2013 Muskogee Comprehensive Plan and Future Land use Plan and the Planning Commission recommended approval on February 19, 2025.

Planning Department Analysis

- Current Zoning & Use: R-1 Single Family Residential, Vacant Land
- Section, Township, Range: Northeast Section 16, Township 14 North, Range 18 East
- Street Address: West 53rd Street South
- Notices have been sent to the property owners within a 300 foot radius, as required, and published in the paper twenty (20) days prior to the Public Hearing.

- The Planning Commission recommended approval of the rezoning application on February 19, 2025, and the Public Hearing will be held on Monday, February 24, 2025 at 5:30 P.M.: City Council

RECOMMENDED STAFF ACTION:

Staff recommends adoption of Ordinance 4255-A.

Fiscal Impact

Attachments

Staff Report

Ordinance

Survey

Public Hearing Notice to Paper

Planning & Community Development Staff Report

Agenda Item Title

Hold a public hearing and consider a recommendation to the City Council of the City of Muskogee to approve Ordinance 4248-A, a rezone from R-1 Single Family Residential to I-1 Light Industrial, and annexation of the property located in the NW SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST of the INDIAN BASE and MERIDIAN, MUSKOGEE COUNTY, STATE of OKLAHOMA and if approved, authorize staff to update the official city map. (Sarah Winkle)

Meeting Information:

Meetings will be held at the Muskogee City Hall, 3rd Floor Council Chambers, at 229 W Okmulgee, Muskogee, OK 74401 at the following meetings and times:

- 1. City of Muskogee Special Call Planning & Zoning Commission on February 19, 2025 at 9:00 A.M.**
- 2. City of Muskogee City Council on, February 24, 2025 at 5:30 P.M.**

A public hearing will be conducted at the Planning & Zoning Commission meeting. The notice was published in the Muskogee Daily Phoenix no later than February 4, 2025 for a circulation period of 20 days, and all property owners within a 300 foot radius of the property were noticed.

Legal Description:

A TRACT OF LAND BEING A PART OF THE EAST 208.71 FEET OF THE NORTH 1043.55 FEET OF THE WEST HALF OF THE WEST HALF OF THE NE/4 OF THE NW/4, ALL IN SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE MERIDIAN, MUSKOGEE COUNTY OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SECTION 15, THENCE N88°48'27"E ALONG THE NORTH LINE THEREOF 1444.60 FEET TO THE POINT OF BEGINNING; THENCE S01°36'24"E 462.09 FEET, THENCE N54°44'39"E 250.80 FEET TO A POINT ON THE EAST LINE OF SAID W/2 W/2 NE/4 NW/4, THENCE N01°37'08"W ALONG SAID EAST LINE 321.61 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 15, THENCE S88°48'27"W 208.71 FEET TO THE POINT OF BEGINNING. CONTAINING 1.88 ACRES.

Background: The applicant is requesting a rezone of the property located at West 53rd Street South from R-1 Single Family Residential to I-1 Light Industrial. The proposed use of the property will be for industrial use. The request conforms to the 2013 Muskogee Comprehensive Plan and Future Land use Plan.

Planning Department Analysis

- Current Zoning & Use: R-1 Single Family Residential, Vacant Land
 - Section, Township, Range: Northeast Section 16, Township 14 North, Range 18 East
 - Street Address: West 53rd Street South

RECOMMENDATION: Approve the Rezone Request

ORDINANCE NO. 4255-A

AN ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MUSKOGEE, AS PROVIDED BY CHAPTER 90 OF THE CITY OF MUSKOGEE CITY CODE, RE-ZONING PROPERTY LOCATED AT W. 53RD ST S., IN THE NW SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE AND MERIDIAN, MUSKOGEE COUNTY, OKLAHOMA, AS FURTHER HEREIN DESCRIBED; PROVIDING FOR REPEALER, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

(City-county Port, Applicant)

FROM R-1 SINGLE FAMILY RESIDENTIAL

TO

I-1 LIGHT INDUSTRIAL

WHEREAS, the City of Muskogee Planning and Zoning Commission, in a meeting held February 19, 2025, did recommend the approval of the rezoning of the property set out above in the title of the Ordinance, and did authorize the director of the Commission to advise the Council of the City of Muskogee of this recommendation, NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA,

Section 1. THAT, the official zoning map of the City of Muskogee as provided by Chapter 90, Section 01-03, of the Muskogee City Code, September 2014, is hereby amended by changing the District Classification by rezoning;

A TRACT OF LAND BEING A PART OF THE EAST 208.71 FEET OF THE NORTH 1043.55 FEET OF THE WEST HALF OF THE WEST HALF OF THE NE/4 OF THE NW/4, ALL IN SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE MERIDIAN, MUSKOGEE COUNTY OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SECTION 15, THENCE N88°48'27"E ALONG THE NORTH LINE THEREOF 1444.60 FEET TO THE POINT OF BEGINNING; THENCE S01°36'24"E 462.09 FEET, THENCE N54°44'39"E 250.80 FEET TO A POINT ON THE EAST LINE OF SAID W/2 W/2 NE/4 NW/4, THENCE N01°37'08"W ALONG SAID EAST LINE 321.61 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 15, THENCE S88°48'27"W 208.71 FEET TO THE POINT OF BEGINNING. CONTAINING 1.88 ACRES.

FROM R-1 SINGLE FAMILY RESIDENTIAL

TO

I-1 LIGHT INDUSTRIAL

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

Section 2. THAT, the City Clerk is authorized and directed to show such change on the zoning map record.

Section 3. REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 4. SEVERABILITY. Should any part, section, subsection, sentence, provision, clause, or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this Ordinance, and the same are deemed severable for this purpose.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS _____ DAY OF FEBRUARY 2025.

W. PATRICK CALE, MAYOR

ATTEST:

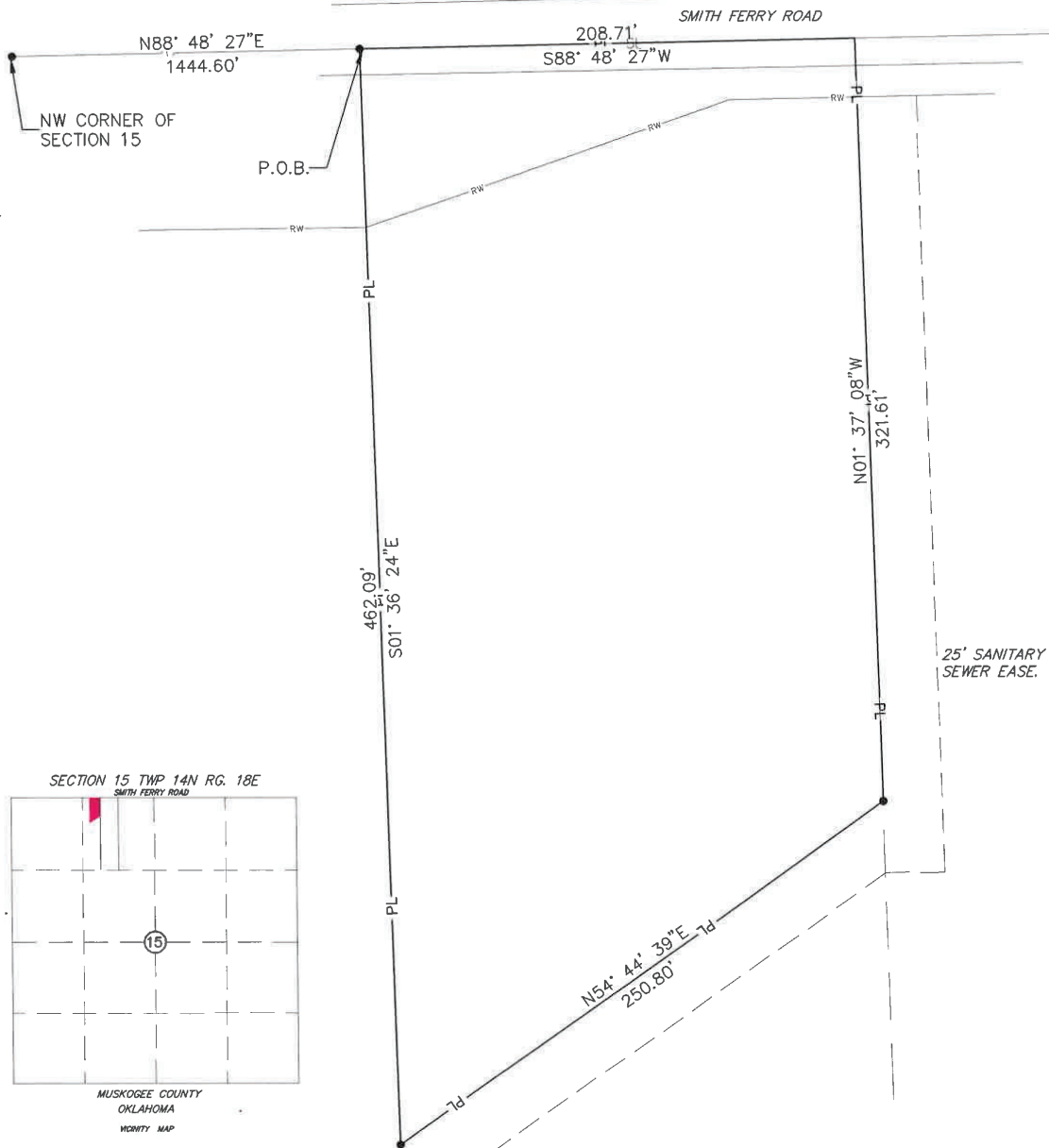
TAMMY L. TRACY, CITY CLERK

(SEAL)

APPROVED as to form and legality this ____ day of _____, 20____.

KATRINA BODENHAMER, CITY ATTORNEY

PLAT OF SURVEY



A TRACT OF LAND BEING A PART OF THE EAST 208.71 FEET OF THE NORTH 1043.55 FEET OF THE WEST HALF OF THE WEST HALF OF THE NE/4 OF THE NW/4, ALL IN SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE MERIDIAN, MUSKOGEE COUNTY OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SECTION 15, THENCE N88°48'27"E ALONG THE NORTH LINE THEREOF 1444.60 FEET TO THE POINT OF BEGINNING; THENCE S01°36'24"E 462.09 FEET, THENCE N54°44'39"E 250.80 FEET TO A POINT ON THE EAST LINE OF SAID W/2 W/2 NE/4 NW/4, THENCE N01°37'08"W ALONG SAID EAST LINE 321.61 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 15, THENCE S88°48'27"W 208.71 FEET TO THE POINT OF BEGINNING. CONTAINING 1.88 ACRES.

BASIS OF BEARING IS THE NAD83 OKLAHOMA STATE PLANE COORDINATE SYSTEM NORTH ZONE

I, CHARLES WARREN CHASTAIN, CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING, AND THAT THE ABOVE DESCRIBED TRACT WAS SURVEYED UNDER MY DIRECT SUPERVISION

CHARLES W. CHASTAIN (PLS 1352) DATE 2/19/24

LEGEND	
	PROPERTY LINE
	ROAD RIGHT OF WAY LINE
	BARBED WIRE FENCE
	WOOD FENCE
	CHAINLINK FENCE
	EXISTING CORNER PIN FOUND
	IRON PIN W/CAP SET



THIS SURVEY MEETS OKLAHOMA MINIMUM SURVEY STANDARDS

SURVEY FOR STREAM DATA CENTERS

DATE OF FIELD SURVEY 2/19/2024



HOLLOWAY UPDIKE AND BELLEN
MUSKOGEE OKLAHOMA

ENGINEERS OKLAHOMA C.A. NO. 219 PH 918 682 7811

Applicant: City-county Port Authority

Public Hearing Notice

Notice is hereby given that on **February 19, 2025 at 9:00 A.M.** in the Council Chambers of the Municipal Building, located at 229 W Okmulgee Ave., 3rd floor, Muskogee, Oklahoma 74401, in accordance with city ordinance 3948-A, § 1(Att.), 9-22-2014, a public hearing will be conducted by the City of Muskogee Planning & Zoning Commission by Special Call; and, on **February 24, 2025 at 5:30 P.M.** by the City Council to request a rezone from R-1: Single Family Residential to I-1: Light Industrial located at the NW Section 15, Township 14 North, Range 18 E of the Indian Base Meridian, Muskogee County, State of Oklahoma.

(Please note that if you wish to speak at the City Council meeting you must sign up 15 minutes before the meeting starts)

The property is more particularly described as:

A TRACT OF LAND BEING A PART OF THE EAST 208.71 FEET OF THE NORTH 1043.55 FEET OF THE WEST HALF OF THE WEST HALF OF THE NE/4 OF THE NW/4, ALL IN SECTION 15, TOWNSHIP 14 NORTH, RANGE 18 EAST OF THE INDIAN BASE MERIDIAN, MUSKOGEE COUNTY OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SECTION 15, THENCE N88°48'27"E ALONG THE NORTH LINE THEREOF 1444.60 FEET TO THE POINT OF BEGINNING; THENCE S01°36'24"E 462.09 FEET, THENCE N54°44'39"E 250.80 FEET TO A POINT ON THE EAST LINE OF SAID W/2 W/2 NE/4 NW/4, THENCE N01°37'08"W ALONG SAID EAST LINE 321.61 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 15, THENCE S88°48'27"W 208.71 FEET TO THE POINT OF BEGINNING. CONTAINING 1.88 ACRES.

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

If you have questions about this notice or need additional information prior to the public hearing, please contact the Planning Department at (918) 684-6232.

Regular City Council

19.

Meeting Date: 02/24/2025
Submitted For: Roger Kolman, Assistant City Manager
Initiator: Roger Kolman, Assistant City Manager
Department: Assistant City Manager
Staff Information Source:

Information

AGENDA ITEM TITLE:

Discussion and possible approval of a revised ground lease for the Hangar Park Addition of the Muskogee-Davis Regional Airport between the City of Muskogee and Ronald and Kymber Thomas, or take other necessary action. (Roger Kolman)

BACKGROUND:

The Thomas's have entered into an agreement to acquire an existing private hangar at the Muskogee-Davis Regional Airport from another party. The proposed ground lease is for 20 years and provides the Lessee the right of first refusal to negotiate a new a lease at the end of the term. The initial lease rate will be \$.25/sqft/year and will increase annually based upon the change in the CPI.

The land subject to this proposed lease in generally described as: Lots 21, 22, and 23 and the North 10 feet of Lot 20, all in Block 1 of the Hangar Park Addition of Davis Field Airport.

RECOMMENDED ACTION:

Staff recommends approval.

Fiscal Impact

Attachments

Thomas Lease

GROUND LEASE

THIS GROUND LEASE is made on the 24th day of February, 2025, between the Muskogee Davis Field Airport, hereinafter called "**LESSOR**", and Ronald & Kymber Thomas hereinafter called "**LESSEE**".

LESSOR leases to **LESSEE** hires from **LESSOR**, the premises hereinafter described.

DEFINITION

1.1 Except as expressly provided to the contrary in the Lease, reference to "premises" is to the described land plus any described appurtenances, exclusive of any improvements now or hereafter located on the premises, notwithstanding that any such improvement may or shall be construed as affixed to and as constituting part of the real property, and without regard to whether ownership of the improvements is in the **LESSOR** or the **LESSEE**.

DESCRIPTION OF PREMISES

2.1 A general description of the premises is as follows, to wit: Lots 21, 22, and 23 and the North 10 feet of Lot 20, all in Block 1 of the Hangar Park Addition of Davis Field Airport.

2.2 All oil, gas, and mineral rights are expressly reserved from this Lease.

TERM

3.1 The term of this Lease is Twenty (20) years beginning the date above first signed, and ending at midnight on February 24th, 2025 unless sooner terminated as provided for in this Lease. **LESSEE** shall also have the right of first refusal to negotiate a new Lease at the Termination of the initial twenty (20) year lease.

USE

4.1 The premises shall be used for the purpose of constructing, operating and maintaining an airplane hangar. Final design and layout is subject to **LESSOR'S** approval. Construction shall include all that is necessary to utilize the premises as an airplane hangar.

4.2 **LESSOR** has prepared a Declaration of Covenants, Conditions and Restrictions to run with the land, satisfactory for filing, if necessary, which will impose limitations on the usage of the premises and **LESSEE** agrees to comply at all times during this Lease with such provisions. Such Covenants, Conditions, and Restrictions are a part of this Lease, the same as written out in full, herein.

CONSTRUCTION OF AN AIRPLANE HANGAR

5.1 Intentionally Omitted.

RENTALS AND CHARGES

6.1 **LESSEE** agrees to pay **LESSOR** for the use of premises, facilities, rights, and privileges granted herein, rental charges in the amount of \$0.25 per square foot per year due on or before the anniversary date of each lease year. The first year is to be paid in advance. **LESSEE** will be charged a 10% penalty on all payments made (10) ten days after the scheduled due date. **LESSOR** has the right to increase rental charges as deemed necessary and appropriate during the term of this lease or any renewal thereof. **LESSOR**, each year, shall increase the lease price by 100% of the cost of living as measured by the Consumer Price Index for All Urban Consumers (CPI-U) for Region VI, Dallas Fort Worth, with an index base period of 1982-84 = 100. The period of increase measurement shall be the annual average of the preceding fiscal year and the resulting net increases shall be applied to the base rate per square foot per year existing at the anniversary date. If the CPI-U represents an average decrease, then there shall be no change in the rate for that year.

RIGHT OF FIRST REFUSAL FOR NEW LEASE

7.1 **LESSOR** grants **LESSEE** the right of first refusal to negotiate and continue in a new Lease agreement at the termination of the initial term every five years. The base renewal fee at the time of the negotiation shall be \$0.25 rate plus the CPI for the previous 20 years. If the CPI-U represents an average decrease from the last rate charged under this lease, then there shall be no decrease in the rate charged for the renewal period. This right shall be offered and either accepted or refused prior to being offered to any other party or parties. **LESSEE** shall exercise this option in writing within thirty (30) days of being offered.

PAYMENT OF TAXES

8.1 **LESSEE** shall be obligated to pay all taxes levied or charged by any or all taxing authorities as a result of the development and usage of the premises. Said taxes shall be paid directly to the appropriate taxing entity by **LESSEE**.

IMPROVEMENTS

9.1 Before any work or construction, alteration or repair is commenced on the premises, and before building materials have been delivered to the premises, **LESSEE** shall comply with all of the following conditions:

- (a) Present to **LESSOR** at **LESSEE'S** expense, evidence of compliance with all applicable building codes, fire safety codes and water drainage rules and regulations of state, federal and Muskogee County, Oklahoma. Also evidence

that all utility charges, including, but not restricted to, tap charges and sewer charges have been paid in accordance with rules and regulations of the City of Muskogee.

- (b) Deliver to **LESSOR** for **LESSOR'S** approval one (1) set of Preliminary Construction Plans and Specifications to enable **LESSOR** to make an informed judgement about the quality of construction. **LESSOR'S** approval or disapproval will be provided in writing to **LESSEE** with the reason for disapproval if appropriate. **LESSOR** shall not unreasonably disapprove preliminary plans and specifications.
- (c) **LESSEE** shall prepare final working plans and specifications substantially conforming to preliminary plans previously approved by **LESSOR**. Changes from the preliminary plans shall be considered to be within the scope of the preliminary plans if they are not substantial or if they are made to comply with the suggestions, requests, requirements of the **LESSOR**.
- (d) **LESSEE** shall install a two inch ("2") PVC schedule 40 conduit under any driveway or taxiway to said hangar, at **LESSEE'S** expense.
- (e) **LESSEE** shall be responsible for keeping the construction site clean of all material and debris and shall prevent such matters from being blown about the airport, and shall be responsible for all final clean-up of the premises.
- (f) **LESSOR** shall have Architecture control. See Exhibit "A".

EXECUTION OF ADDITIONAL DOCUMENTS

10.1 **LESSOR** shall execute all documents reasonably and customarily required by **LESSEE'S** lending institution in obtaining long term financing.

ONE MORTGAGE, ONE DEBT

11.1 No permitted mortgage shall cover any interest in any real property that is the subject of this lease. No mortgage permitted by this Lease shall cover more than one indebtedness.

BUILDER'S RISK COVERAGE

12.1 Before commencement of any demolition, alteration or construction, **LESSEE** shall procure, and shall maintain in force until completion and acceptance of the work by it, "all risks" builders risk insurance including vandalism and malicious mischief, in form and with a company reasonably acceptable to **LESSOR**, covering improvements in place and all material and equipment at the job site furnished under contract, but excluding contractor's, sub-contractor's and construction manager's tools and equipment and property owned by contractor's or sub-contractor's employees, with limits as specified by **LESSOR** for all work at the job site not to exceed, however, the actual cost of construction. Proof of coverage will be provided to **LESSOR**.

12.2 **LESSEE** will provide **LESSOR** with evidence of workers compensation and general liability insurance prior to commencement of any demolition, alteration or construction on the job site. Such evidence will be a certificate of insurance from **LESSEE'S** general construction insurance company.

SOIL CONDITIONS

13.1 **LESSOR** makes no covenants or warranty respecting the conditions of the soil or sub-soil or any other condition of the premises. **LESSEE** may, however, enter onto the land before commencement of the term to make soil and structural engineering tests that **LESSEE** deems necessary. All such tests made by, or on behalf of **LESSEE** shall be at **LESSEE'S** sole expense. A copy of such report shall be delivered to **LESSOR** on commencement of the term.

NOTICE OF CHANGE IN PLANS

14.1 On completion of any work or improvements, **LESSEE** shall give **LESSOR** notice of all changes in plans or specifications made during the course of the work and shall at the same time, and in the same manner, supply **LESSOR** with all drawings accurately reflecting all such changes. Changes that do not substantially alter plans and specifications previously approved by **LESSOR** do not constitute a breach of **LESSEE'S** obligations. However, a substantial change not approved in advance by **LESSEE** shall constitute a breach of **LESSEE'S** obligation and at **LESSOR'S** option shall be restored to the original approved plans and specifications.

MAJOR AND MINOR REPAIRS, RECONSTRUCTIONS AND ALTERATIONS DISTINGUISHED

15.1 **LESSOR'S** approval is not required for **LESSEE'S** minor repairs, alterations or additions. Minor means a construction cost not exceeding Five Thousand Dollars (\$5,000.00). Construction costs include the cost of labor, materials, and reasonable profit to general contractor and sub-contractors, and all cost that would constitute the basis of a valid claim or claims under the mechanic's lien laws in effect at the time the work is commenced, for any demolition and any removal of existing improvements or parts or improvements, as well as for preparation, construction and completion of all new improvements or parts of improvements. Major repairs, alterations or additions are those not defined as minor above. For major repairs, alterations or additions, **LESSEE** shall comply with all conditions of major construction stated elsewhere in this Lease. All changes in the exterior of the hangar will be submitted to **LESSOR** for approval.

COMPLIANCE WITH LAWS

16.1 Throughout the term of the Lease, **LESSEE** shall, at **LESSEE'S** sole cost and expense, except as otherwise herein specifically provided, maintain the premises and all improvements in first-class condition and repair, ordinary wear and tear excepted, and

in accordance with all applicable laws, rules, ordinances, orders and regulations of federal, state, county and other government agencies and bodies having jurisdiction.

OWNERSHIP OF IMPROVEMENTS

17.1 Title to and ownership of all improvements affixed to the premises shall be vested in **LESSEE** during the life of the Lease. **LESSEE** shall not however, remove any improvements from the premises, nor waste, destroy or modify any improvements on the premises except as permitted by this Lease.

DISPOSITION OF INSURANCE PROCEEDS

18.1 The mortgage documents shall provide that any proceeds from fire extended coverage insurance shall be used to the extent necessary, to restore the damaged improvements to the condition that existed immediately prior to such damage unless otherwise approved by **LESSOR**.

LESSEE'S RIGHT TO ASSIGN

19.1 **LESSEE** shall have the right to assign or otherwise transfer **LESSEE'S** interest in this Lease and the estate created by this Lease subject to **LESSOR'S** written consent, which shall not be unreasonably withheld. **LESSEE** shall give **LESSOR** reasonable notice of the proposed assignment with appropriate documentation as evidence that the proposed assignee qualified as a permitted assignee. The proposed assignee shall, in recordable form expressly assume all the covenants and conditions of this Lease.

RIGHT TO SUBLET

20.1 **LESSEE** shall have the right to sublet all or any part of the premises or the improvements or both, and to assign, encumber, extend, or renew any obligations of the Lease hereunder.

LESSEE'S DUTY TO KEEP IMPROVEMENTS INSURED

21.1 Throughout the term at **LESSEE'S** sole cost and expense, **LESSEE** shall keep or cause to be kept insured, all improvements located on or appurtenant to the premises against loss or damage by fire and such other risks as are now or hereafter included in an extended coverage endorsement in common use for commercial structures, including vandalism and malicious mischief and provide **LESSOR** at all times with a certificate of insurance verifying such coverage. The amount of insurance shall be sufficient to be not less than ninety percent (90%) of the then actual replacement costs excluding costs of replacing excavations and foundations but without deduction for depreciation. **LESSOR** shall not carry any insurance the effect of which would be to reduce the protection or payment of **LESSEE** under any insurance that this Lease obligates **LESSEE** to carry. **LESSEE** may include the holder of any mortgage on the fee as a loss payee to the extent of that mortgage interest.

PUBLIC LIABILITY INSURANCE

22.1 Throughout the term, at **LESSEE'S** sole cost and expense, **LESSEE** shall keep or cause to be kept in force, for the mutual benefit of **LESSOR** and **LESSEE**, comprehensive broad form general public liability insurance against claims and liability for personal injury, death, or property damage arising from the use, occupancy, disuse, or condition of the premises, improvements, adjoining areas or ways, providing protection of at least Five Hundred Thousand Dollars (\$500,000.00) for bodily injury to death to any one person, at least One Million Dollars (\$1,000,000.00) for any one accident or occurrence, at least One Hundred Thousand Dollars (\$100,000.00) for property damages. **LESSOR** shall be provided at all times with a certificate of insurance verifying such coverage or such additional amounts as may be determined by **LESSOR** upon 90 days notice to **LESSEE**.

LESSOR'S NONLIABILITY

23.1 **LESSOR** shall not be liable, and **LESSEE** shall defend and indemnify **LESSOR** against all liability and claims of liability, for damage or injury to person or property on or about the premises from any cause except for the **LESSOR'S** sole negligence or its intentional tortious acts.

CAPTIONS, TABLE OF CONTENTS

24.1 The table of contents of the Lease and captions of the various articles and paragraphs of this Lease are for convenience and ease of reference only and do not define, limit, augment, or describe the scope, content, or intent of this Lease or of any part or parts of this Lease.

LESSOR'S RIGHT TO CURE DEFAULTS

25.1 The mortgage document shall contain provisions that all notices of default under the note and mortgage must be sent to **LESSOR** and that **LESSOR** shall have the right to cure any default if **LESSEE** fails to do so. **LESSOR** shall have thirty (30) days before the end of the default period in which to cure any default after the time for **LESSEE** to cure it has expired. Neither **LESSOR'S** right to cure any default nor any exercise of such right shall constitute an assumption of liability under the note of mortgage. If any default is noncurable, it shall not be grounds for foreclosure of the mortgage if **LESSOR**, or **LESSEE** in possession of the premises, promptly performs all other provisions of the note and mortgage.

ENTIRE AGREEMENT

26.1 This Lease contains the entire agreement between the parties. No promise, representation, warranty, or covenant not included in this Lease has been or is relied on by either party.

SUCCESSORS

27.1 Subject to the provisions of this Lease on assignment and subletting, each and all of the covenants and conditions of this Lease shall be binding on and shall inure to the benefit of the heirs, successors, executors, administrators, assigns, and personal representatives of the respective parties.

LESSEE'S DUTY TO SURRENDER

28.1 Subject to the provisions in Section 7.1, at the expiration of the term of this Lease, **LESSEE** shall surrender to **LESSOR** the possession of the premises. Any improvements erected by **LESSEE** during the term of this Lease shall be removed by **LESSEE** prior to the expiration date of the Lease. Provided, however, **LESSEE** may transfer to a third party all of **LESSEE'S** interest in said improvements if, and only if, said third party has obtained a written Private Hangar Lease Agreement with **LESSOR**. In the event **LESSEE** does not remove or sell said improvements within thirty (30) days after the expiration of the term of this Lease and does abandon possession thereof within or before said period, then said improvements shall become the property of the **LESSOR** without further consideration from **LESSOR**. All personal property of **LESSEE** shall be removed from the premises at the expiration of the term of the Lease and any such personal property remaining after thirty (30) days after the expiration of the term of the Lease shall also become the property of **LESSOR**.

PROVISIONS RELATED TO FEDERAL AVIATION ADMINISTRATION

29.1 **LESSOR** reserves unto itself, its successors and assigns, for the use and benefit of the **LESSOR** and the public, a continuing right and easement over the premises to take such action as may be necessary to restrict the height of structure, objects of natural growth, and other obstructions to air navigation. Building height on premises is restricted in accordance with Federal Aviation Regulations Part 77.

29.2 **LESSOR** reserves for itself, its successors and assigns the right to prevent any use of the premises which would interfere with aircraft landing on or taking off from Muskogee Davis Field and the right to prevent any other use of said land which would constitute an airport hazard.

RULES, REGULATIONS AND OTHER LAWS

30.1 Notwithstanding any other provisions contained herein, **LESSEE** shall comply with federal, state and county laws, rules and regulations governing the operation of Muskogee Davis Field and that such laws, rules and regulations shall be deemed to be included in this Lease agreement the same as though written out in full. **LESSEE** further agrees that it shall comply with the rules and regulations for the use and operation of Muskogee Davis Field as issued by **LESSOR** from time to time and **LESSEE** further

acknowledges and agrees that it shall be subject to the provisions of all existing or future agreements entered into between **LESSOR** and the State of Oklahoma or the United States to obtain state or federal aid for the improvement, or operations and maintenance of Muskogee Davis Field.

NON-DISCRIMINATION CLAUSE OF LESSEE

31.1 The **LESSEE** assumes the responsibilities set forth below in addition to those established by other provisions of this Agreement. The **LESSEE** for himself, his personal representatives, successors interest, and assigns, does hereby agree that:

- (a) No person(s) shall be excluded on the grounds of race, color, or national origin from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- (b) In the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person(s) shall be excluded on the grounds of race, color, or national origin from participation in, denied the benefits of, or otherwise be subjected to discrimination.
- (c) The **LESSEE** shall use the premises in compliance with all other requirements imposed by or pursuant to Nondiscrimination in Federally assisted Programs of the Department of Transportation and the FAA, and as said Regulations may be amended.
- (d) **LESSEE** shall maintain accurate and acceptable records which shall be made available for examination to insure compliance with laws, covenants and contracts.

RIGHTS AND PRIVILEGES OF LESSOR

32.1 In addition to all rights and privileges of the **LESSOR** set forth in other provisions of this Agreement, the **LESSOR** retains all rights and privileges not specifically granted to the **LESSEE** including without limitation the following:

- (a) The right to further develop or improve the landing area of the airport as it sees fit.
- (b) The right to maintain and keep in repair the landing area of the airport and all publicly owned facilities of the airport.
- (c) The right to take any action it considers necessary to protect the aerial approaches of the airport against obstructions, together with the right to prevent **LESSEE** from erecting or permitting to be erected, a building or other structure on the airport which, in the opinion of the **LESSOR** would limit the usefulness of the airport or constitute a hazard to aircraft.
- (d) The right to temporarily close the airport or any of the facilities thereon for maintenance, improvement or for the safety of the public.

**LESSOR
CITY OF MUSKOGEE, OKLAHOMA**

By: _____
Mayor

Attest:

By: _____
City Clerk

Approved as to form and legality this ____ day of _____, 2012.

By: _____
City Attorney

LESSEE

By: _____

**ACKNOWLEDGMENT
(Individual form)**

STATE OF OKLAHOMA)
) SS.
COUNTY OF _____)

On this _____ day of _____, 20__, before me the undersigned, a Notary Public in and for the county and state aforesaid personally appeared _____, to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that she executed the same as her free and voluntary act and deed, for the uses and purposes therein set forth.

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

Notary Public

My Commission Expires:

STATE OF OKLAHOMA (corporate form)
)
) SS:
COUNTY OF _____)

Before me, the undersigned, a Notary Public in and for said County and State on this _____ day of _____, 20____, personally appeared _____, to me known to be the identical person who executed the within and foregoing instrument as its President and acknowledged to me that _he executed the same as his/her free and voluntary act and deed and as the free and voluntary act and deed of such corporation, for the uses and purposes therein set forth.

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

Notary Public

My Commission expires:

Regular City Council**20.**

Meeting Date: 02/24/2025
Submitted For: Avery Rigney, Public Works
Initiator: Avery Rigney, Asst. Public Works Director
Department: Public Works
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Consider approval to award Blessed Lawn the following: a) Base Bid 1 in the amount of \$15,800.00 per month; b) Base Bid 3 in the amount of \$7,700.00 per month; c) Base Bid 4 in the amount of \$4,900.00 per month; d) Health Department Ditch in the amount of \$600.00 per cut; e) East Broadway Parking Lot in the amount of \$200.00 per cut; f) Haskell Boulevard Medians in the amount of \$175.00 per cut; and g) Kendall District Medians in the amount of \$150.00 per cut, or take other necessary action. (Mike Stewart)

BACKGROUND:

Base Bid 1 is made up of numerous parcels around town, these are drainage ditches that are usually weed eaten. For the last bid cycle, the price was \$11,096.00 which was a very good price. This year's price of \$15,800.00 is still in line with what we believe to be appropriate. This was the lowest and best bid.

Bid Tab

Blessed Lawn - \$15,800

Lawn Busters- \$51,370

Lawn Stars protested this bid due to their bid not being opened. Their bid was not valid, they did not meet the requirements of the bid since they did not attend the mandatory pre-bid conference.

RECOMMENDED ACTION:

Approve

Fiscal Impact**FUNDING SOURCE:**

504-6010-430.39-90

Attachments

bid tab



Tabulation Sheet
City of Muskogee

Bid Item: Drainage Easement Maintenance Service Agreement
Date: 1/30/2025 3:00 p.m.
Department: Public Works

Approved by Purchasing: _____

Approved by City Council: _____

Vendors:	Citywide Property Maintenance Service	Muskogee Lawn and Landscape Service	Avery & Lawn & Landscape	Blessed Ground Maintenance	Lawnbustas Lawn & Landscape
Base Bid No. 1					
Parcel A - Belmont/Haskell Drainage Easement	No bid	No bid	No bid	900	2094
Parcel B - Haskell/Fredonia Drainage Easement	—	—	—	900	2706
Parcel C - Kimberlea Drive Drainage Easement	—	—	—	500	550
Parcel D - Grant Foreman Drainage from Hilltop Ave to Hancock	—	—	—	1500	5642
Parcel E - 32nd & Estelle	—	—	—	800	1942.50
Parcel F - Southgate Drainage	—	—	—	600	550
Parcel G - Grant Foreman Drainage from East Monta Place to Hilltop Ave	—	—	—	800	2500
Parcel H - A.R. Storm Drain from Monta Pl to Hancock	—	—	—	1600	11826.50
Parcel I - 31st St & Border Drainage Easement	—	—	—	600	680
Parcel J - Bill Pool Park Drainage Easement	—	—	—	1000	2920
Parcel K - Bacone St Drainage Easement	—	—	—	500	960
Parcel L - Albertson's Drainage Easement	—	—	—	500	2484
Parcel M - Triad Eye Center Drainage Easement	—	—	—	700	1474
Parcel N - Robison Park Drainage Easement	—	—	—	800	3285
Parcel P - Tollett Road Drainage Easement	—	—	—	800	2817
Parcel Q - Queens and Peak Blvd. Drainage Easement	—	—	—	400	550
Parcel R - Anthony Street Drainage Easement	—	—	—	700	1530
Parcel S - Auto Zone Drainage Easement	—	—	—	1000	2456
Parcel T - Douglas and Main St Drainage Easement	—	—	—	500	626
Parcel U - Cromwell St Drainage Easement	—	—	—	800	2724
Parcel V - Fredonia St and Belmonth Drainage Easement	—	—	—	500	1053
Base Bid No. 2					
Parcel A - Elliott St Detention Pond	450	No bid	No bid	400	1000
Parcel B - Chandler Detention Pond	600	—	—	500	1800
Base Bid No. 3					
Parcel A - Shawnee Drainage	No bid	No bid	No bid	800	800
Parcel B - Military Blvd and 32nd St Ditch	—	—	—	700	1390
Parcel C - Shawnee Drainage	—	—	—	1000	2348
Parcel D - Shawnee Drainage	—	—	—	400	550
Parcel E - Shawnee Drainage	—	—	—	500	728
Parcel F - Shawnee Drainage	—	—	—	700	1800
Parcel G - Shawnee Drainage	—	—	—	800	2326
Parcel H - Shawnee Drainage	—	—	—	500	1256
Parcel I - Shawnee Drainage	—	—	—	300	550
Parcel J - Shawnee Drainage	—	—	—	1200	1882
Parcel K - Shawnee Drainage	—	—	—	200	550
Parcel L - Shawnee Drainage	—	—	—	600	964
Base Bid No. 4					
Parcel A - Muskogee Turnpike Ditches	No bid	No bid	No bid	300	2100
Parcel B - Muskogee Turnpike Ditches	—	—	—	600	1750

Regular City Council**21.**

Meeting Date: 02/24/2025
Submitted For: Avery Rigney, Public Works
Initiator: Avery Rigney, Asst. Public Works Director
Department: Public Works
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Consider approval to award City Wide Maintenance Base Bid 2, the Elliot and Morningside Detention Mowing Bid, in the amount \$1,050.00 per cut, or take other necessary action. (Mike Stewart)

BACKGROUND:

The detention ponds are located at Elliot and David Ln and behind the McDonald's on Chandler respectively. City Wide mowed these last cycle and did an excellent job. They were deemed the best bid. The lowest bidder was Blessed Lawn but we have discussed the volume of work and he is willing to forgo this bid so that he can adequately complete his other assignments. The price difference was a total of \$150 between Blessed and City Wide.

Blessed Lawn- \$900
City Wide- \$1050
Lawn Busters- \$2800

Lawn Stars protested this bid due to their bid not being opened. Their bid was not valid, they did not meet the requirements of the bid since they did not attend the mandatory pre-bid conference.

RECOMMENDED ACTION:

Approve

Fiscal Impact**FUNDING SOURCE:**

504-6010-430-39-90

Attachments

Bid Tab



Tabulation Sheet
City of Muskogee

Bid Item: Drainage Easement Maintenance Service Agreement
Date: 1/30/2025 3:00 p.m.
Department: Public Works

Approved by Purchasing: _____

Approved by City Council: _____

Vendors:	Citywide Property Maintenance Service	Muskogee Lawn and Landscape Service	Avery & Lawn & Landscape	Blessed Ground Maintenance	Lawnbustas Lawn & Landscape
Base Bid No. 1					
Parcel A - Belmont/Haskell Drainage Easement	No bid	No bid	No bid	900	2094
Parcel B - Haskell/Fredonia Drainage Easement	—	—	—	900	2706
Parcel C - Kimberlea Drive Drainage Easement	—	—	—	500	550
Parcel D - Grant Foreman Drainage from Hilltop Ave to Hancock	—	—	—	1500	5642
Parcel E - 32nd & Estelle	—	—	—	800	1942.50
Parcel F - Southgate Drainage	—	—	—	600	550
Parcel G - Grant Foreman Drainage from East Monta Place to Hilltop Ave	—	—	—	800	2500
Parcel H - A.R. Storm Drain from Monta Pl to Hancock	—	—	—	1600	11826.50
Parcel I - 31st St & Border Drainage Easement	—	—	—	600	680
Parcel J - Bill Pool Park Drainage Easement	—	—	—	1000	2920
Parcel K - Bacone St Drainage Easement	—	—	—	500	960
Parcel L - Albertson's Drainage Easement	—	—	—	500	2484
Parcel M - Triad Eye Center Drainage Easement	—	—	—	700	1474
Parcel N - Robison Park Drainage Easement	—	—	—	800	3285
Parcel P - Tollett Road Drainage Easement	—	—	—	800	2817
Parcel Q - Queens and Peak Blvd. Drainage Easement	—	—	—	400	550
Parcel R - Anthony Street Drainage Easement	—	—	—	700	1530
Parcel S - Auto Zone Drainage Easement	—	—	—	1000	2456
Parcel T - Douglas and Main St Drainage Easement	—	—	—	500	626
Parcel U - Cromwell St Drainage Easement	—	—	—	800	2724
Parcel V - Fredonia St and Belmonth Drainage Easement	—	—	—	500	1053
Base Bid No. 2					
Parcel A - Elliott St Detention Pond	450	No bid	No bid	400	1000
Parcel B - Chandler Detention Pond	600	—	—	500	1800
Base Bid No. 3					
Parcel A - Shawnee Drainage	No bid	No bid	No bid	800	800
Parcel B - Military Blvd and 32nd St Ditch	—	—	—	700	1390
Parcel C - Shawnee Drainage	—	—	—	1000	2348
Parcel D - Shawnee Drainage	—	—	—	400	550
Parcel E - Shawnee Drainage	—	—	—	500	728
Parcel F - Shawnee Drainage	—	—	—	700	1800
Parcel G - Shawnee Drainage	—	—	—	800	2326
Parcel H - Shawnee Drainage	—	—	—	500	1256
Parcel I - Shawnee Drainage	—	—	—	300	550
Parcel J - Shawnee Drainage	—	—	—	1200	1882
Parcel K - Shawnee Drainage	—	—	—	200	550
Parcel L - Shawnee Drainage	—	—	—	600	964
Base Bid No. 4					
Parcel A - Muskogee Turnpike Ditches	No bid	No bid	No bid	300	2100
Parcel B - Muskogee Turnpike Ditches	—	—	—	600	1750

Regular City Council**22.**

Meeting Date: 02/24/2025
Initiator: Avery Rigney, Asst. Public Works Director
Department: Public Works
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Consider approval to award Lawn Busters the Turnpike Mowing Bid, in the amount \$13,000.00 per cut, the Peak Boulevard Right-of-Way Mowing Bid, in the amount of \$4,250.00 per cut, and the South Main Street Mowing Bid, in the amount of \$4,250.00 per cut, or take other necessary action. (Mike Stewart)

BACKGROUND:

The Turnpike is mowed 5 times per mowing season, Peak ROW is mowed once per month, and South Main St is mowed once per month. These prices are slightly higher than last bid cycle but still in line with what is appropriate. They were the only bidder for all three of these jobs, but that is not alarming due to the fact this type of work takes specialized equipment which is expensive to own and maintain. The bidder that previously held the contract is no longer doing this type work, he awarded it to a subcontractor last year and they did not bid on the job either. We have not worked with Lawn Busters in the past but after reviewing of his equipment list we believe he can complete the scope of work.

Lawn Stars is protesting this bid due to their bid not being opened. Their bid was not valid, they did not meet the requirements of the bid since they did not attend the mandatory pre-bid conference.

RECOMMENDED ACTION:

Approve

Fiscal Impact**FUNDING SOURCE:**

211-6030-431.39-90

Attachments

Bid Tab



Tabulation Sheet

City of Muskogee

Bid Item: Drainage Easement Maintenance Service Agreement
Date: 1/30/2025 3:00 p.m.
Department: Public Works

Approved by Purchasing: _____

Approved by City Council: _____

Vendors:	Citywide Property Maintenance Service	Muskogee Lawn and Landscape Service	Avery & Lawn & Landscape	Blessed Ground Maintenance	Lawnbustas Lawn & Landscape
Base Bid No. 1					
Parcel A - Belmont/Haskell Drainage Easement	No bid	No bid	No bid	900	2094
Parcel B - Haskell/Fredonia Drainage Easement	—	—	—	900	2706
Parcel C - Kimberlea Drive Drainage Easement	—	—	—	500	550
Parcel D - Grant Foreman Drainage from Hilltop Ave to Hancock	—	—	—	1500	5642
Parcel E - 32nd & Estelle	—	—	—	800	1942.50
Parcel F - Southgate Drainage	—	—	—	600	550
Parcel G - Grant Foreman Drainage from East Monta Place to Hilltop Ave	—	—	—	800	2500
Parcel H - A.R. Storm Drain from Monta Pl to Hancock	—	—	—	1000	11826.50
Parcel I - 31st St & Border Drainage Easement	—	—	—	600	680
Parcel J - Bill Pool Park Drainage Easement	—	—	—	1000	2920
Parcel K - Bacone St Drainage Easement	—	—	—	500	960
Parcel L - Albertson's Drainage Easement	—	—	—	500	2484
Parcel M - Triad Eye Center Drainage Easement	—	—	—	700	1474
Parcel N - Robison Park Drainage Easement	—	—	—	800	3285
Parcel P - Tollett Road Drainage Easement	—	—	—	800	2817
Parcel Q - Queens and Peak Blvd. Drainage Easement	—	—	—	400	550
Parcel R - Anthony Street Drainage Easement	—	—	—	700	1530
Parcel S - Auto Zone Drainage Easement	—	—	—	1000	2450
Parcel T - Douglas and Main St Drainage Easement	—	—	—	500	624
Parcel U - Cromwell St Drainage Easement	—	—	—	800	2724
Parcel V - Fredonia St and Belmonth Drainage Easement	—	—	—	500	1053
Base Bid No. 2					
Parcel A - Elliott St Detention Pond	450	No bid	No bid	400	1000
Parcel B - Chandler Detention Pond	600	—	—	500	1800
Base Bid No. 3					
Parcel A - Shawnee Drainage	No bid	No bid	No bid	800	800
Parcel B - Military Blvd and 32nd St Ditch	—	—	—	700	1390
Parcel C - Shawnee Drainage	—	—	—	1000	2348
Parcel D - Shawnee Drainage	—	—	—	400	550
Parcel E - Shawnee Drainage	—	—	—	500	728
Parcel F - Shawnee Drainage	—	—	—	700	1800
Parcel G - Shawnee Drainage	—	—	—	800	2326
Parcel H - Shawnee Drainage	—	—	—	500	1256
Parcel I - Shawnee Drainage	—	—	—	300	550
Parcel J - Shawnee Drainage	—	—	—	1200	1882
Parcel K - Shawnee Drainage	—	—	—	200	550
Parcel L - Shawnee Drainage	—	—	—	600	964
Base Bid No. 4					
Parcel A - Muskogee Turnpike Ditches	No bid	No bid	No bid	300	2100
Parcel B - Muskogee Turnpike Ditches	—	—	—	600	1750

Regular City Council

23.

Meeting Date: 02/24/2025
Submitted For: Avery Rigney, Public Works
Initiator: Avery Rigney, Asst. Public Works Director
Department: Public Works
Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval to award Avery Lawn Care the Highway 69 Medians Mowing Bid in the amount of \$800.00 per week; and North Main Street Medians Mowing Bid in the amount of \$300.00 per week, or take other necessary action. (Mike Stewart)

BACKGROUND:

69 highway medians and N Main St are mowed every 7 days. Avery Lawn Care has been mowing these the last 3 years and has not had any complaints. These jobs specifically factor in the traffic of the area and the traffic safety of the contractor. They were not the lowest bid, but they were deemed the best bid based off of experience with the jobs and their appropriate pricing. Blessed Lawn was the low bid but based off of the volume of work we intend to award them they have forgone this bids and will not contest.

69 hwy

Muskogee Lawn and Tree- \$1350

Blessed Lawn- \$300

Avery Lawn Care- \$800

Lawn Busters- \$650

Lawn Stars protested this bid due to their bid not being opened. Their bid was not valid, they did not meet the requirements of the bid since they did not attend the mandatory pre-bid conference.

N Main St Medians

Muskogee Lawn and Tree- \$485

Blessed Lawn- \$300

Avery Lawn Care- \$300

Lawn Busters- \$550

Lawn Stars protested this bid due to their bid not being opened. Their bid was not valid, they did not meet the requirements of the bid since they did not attend the mandatory pre-bid conference.

During a previous Council Meeting a citizen complained about the quality of Avery Lawn Care's work. This complaint was about their work for an entity that was NOT the City of Muskogee. We are basing their quality of work based off of what they have done for us in the past. We do value feedback from the citizens but we believe this complaint to be unfounded as it pertains to the work that we have this contractor do. With that being said, we understand there may be extra eyes on this work because of the former complaint and we will make the contractor aware of that as well as checking this ourselves.

RECOMMENDED ACTION:

approve

Fiscal Impact

FUNDING SOURCE:

211-6030-431.39-90

Attachments

Bid Tab



Tabulation Sheet

City of Muskogee

Bid Item: Drainage Easement Maintenance Service Agreement
Date: 1/30/2025 3:00 p.m.
Department: Public Works

Approved by Purchasing: _____

Approved by City Council: _____

Vendors:	Citywide Property Maintenance Service	Muskogee Lawn and Landscape Service	Avery & Lawn & Landscape	Blessed Ground Maintenance	Lawnbustas Lawn & Landscape
Base Bid No. 1					
Parcel A - Belmont/Haskell Drainage Easement	No bid	No bid	No bid	900	2094
Parcel B - Haskell/Fredonia Drainage Easement	—	—	—	900	2706
Parcel C - Kimberlea Drive Drainage Easement	—	—	—	500	550
Parcel D - Grant Foreman Drainage from Hilltop Ave to Hancock	—	—	—	1500	5642
Parcel E - 32nd & Estelle	—	—	—	800	1942.50
Parcel F - Southgate Drainage	—	—	—	600	550
Parcel G - Grant Foreman Drainage from East Monta Place to Hilltop Ave	—	—	—	800	2500
Parcel H - A.R. Storm Drain from Monta Pl to Hancock	—	—	—	1000	11826.50
Parcel I - 31st St & Border Drainage Easement	—	—	—	600	680
Parcel J - Bill Pool Park Drainage Easement	—	—	—	1000	2920
Parcel K - Bacone St Drainage Easement	—	—	—	500	960
Parcel L - Albertson's Drainage Easement	—	—	—	500	2484
Parcel M - Triad Eye Center Drainage Easement	—	—	—	700	1474
Parcel N - Robison Park Drainage Easement	—	—	—	800	3285
Parcel P - Tollett Road Drainage Easement	—	—	—	800	2817
Parcel Q - Queens and Peak Blvd. Drainage Easement	—	—	—	400	550
Parcel R - Anthony Street Drainage Easement	—	—	—	700	1530
Parcel S - Auto Zone Drainage Easement	—	—	—	1000	2450
Parcel T - Douglas and Main St Drainage Easement	—	—	—	500	624
Parcel U - Cromwell St Drainage Easement	—	—	—	800	2724
Parcel V - Fredonia St and Belmonth Drainage Easement	—	—	—	500	1053
Base Bid No. 2					
Parcel A - Elliott St Detention Pond	450	No bid	No bid	400	1000
Parcel B - Chandler Detention Pond	600	—	—	500	1800
Base Bid No. 3					
Parcel A - Shawnee Drainage	No bid	No bid	No bid	800	800
Parcel B - Military Blvd and 32nd St Ditch	—	—	—	700	1390
Parcel C - Shawnee Drainage	—	—	—	1000	2348
Parcel D - Shawnee Drainage	—	—	—	400	550
Parcel E - Shawnee Drainage	—	—	—	500	728
Parcel F - Shawnee Drainage	—	—	—	700	1800
Parcel G - Shawnee Drainage	—	—	—	800	2324
Parcel H - Shawnee Drainage	—	—	—	500	1256
Parcel I - Shawnee Drainage	—	—	—	300	550
Parcel J - Shawnee Drainage	—	—	—	1200	1882
Parcel K - Shawnee Drainage	—	—	—	200	550
Parcel L - Shawnee Drainage	—	—	—	600	964
Base Bid No. 4					
Parcel A - Muskogee Turnpike Ditches	No bid	No bid	No bid	300	2100
Parcel B - Muskogee Turnpike Ditches	—	—	—	600	1750

Regular City Council**24.**

Meeting Date: 02/24/2025
Submitted For: Avery Rigney, Public Works
Initiator: Avery Rigney, Asst. Public Works Director
Department: Public Works
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Consider approval to award Muskogee Lawn and Tree the Peak Boulevard Medians Mowing Bid in the amount \$2,000.00 per cut, or take other necessary action. (Mike Stewart)

BACKGROUND:

Peak Blvd Medians are mowed two times per month, which is more frequent than the right of way on Peak for safety reasons such as visibility when turning. This bid is less than the previous bid cycle. This is the best bid but not the lowest. The lowest was Blessed Lawn, which was exceptionally lower than all other bids. After discussion with Blessed Lawn he confirmed he would forgo this bid due to not understanding the scope of this assignment. All other bids were appropriate, so the bid was decided to be clear and it was just an oversight by Blessed Lawn Care.

Muskogee Lawn and Tree- \$2000
Avery Lawn Care- \$2250
Blessed Lawn-\$400
Lawn Busters=\$4250

Lawn Stars is protesting this bid due to their bid not being opened. Their bid was not valid, they did not meet the requirements of the bid since they did not attend the mandatory pre-bid conference.

RECOMMENDED ACTION:

Approve

Fiscal Impact**FUNDING SOURCE:**

504-6010-430-39-90

Attachments

Bid Tab



Tabulation Sheet

City of Muskogee

Bid Item: Drainage Easement Maintenance Service Agreement
Date: 1/30/2025 3:00 p.m.
Department: Public Works

Approved by Purchasing: _____

Approved by City Council: _____

Vendors:	Citywide Property Maintenance Service	Muskogee Lawn and Landscape Service	Avery & Lawn & Landscape	Blessed Ground Maintenance	Lawnbustas Lawn & Landscape
Base Bid No. 1					
Parcel A - Belmont/Haskell Drainage Easement	No bid	No bid	No bid	900	2094
Parcel B - Haskell/Fredonia Drainage Easement	—	—	—	900	2706
Parcel C - Kimberlea Drive Drainage Easement	—	—	—	500	550
Parcel D - Grant Foreman Drainage from Hilltop Ave to Hancock	—	—	—	1500	5642
Parcel E - 32nd & Estelle	—	—	—	800	1942.50
Parcel F - Southgate Drainage	—	—	—	600	550
Parcel G - Grant Foreman Drainage from East Monta Place to Hilltop Ave	—	—	—	800	2500
Parcel H - A.R. Storm Drain from Monta Pl to Hancock	—	—	—	1000	11826.50
Parcel I - 31st St & Border Drainage Easement	—	—	—	600	680
Parcel J - Bill Pool Park Drainage Easement	—	—	—	1000	2920
Parcel K - Bacone St Drainage Easement	—	—	—	500	960
Parcel L - Albertson's Drainage Easement	—	—	—	500	2484
Parcel M - Triad Eye Center Drainage Easement	—	—	—	700	1474
Parcel N - Robison Park Drainage Easement	—	—	—	800	3285
Parcel P - Tollett Road Drainage Easement	—	—	—	800	2817
Parcel Q - Queens and Peak Blvd. Drainage Easement	—	—	—	400	550
Parcel R - Anthony Street Drainage Easement	—	—	—	700	1530
Parcel S - Auto Zone Drainage Easement	—	—	—	1000	2456
Parcel T - Douglas and Main St Drainage Easement	—	—	—	500	624
Parcel U - Cromwell St Drainage Easement	—	—	—	800	2724
Parcel V - Fredonia St and Belmonth Drainage Easement	—	—	—	500	1053
Base Bid No. 2					
Parcel A - Elliott St Detention Pond	450	No bid	No bid	400	1000
Parcel B - Chandler Detention Pond	600	—	—	500	1800
Base Bid No. 3					
Parcel A - Shawnee Drainage	No bid	No bid	No bid	800	800
Parcel B - Military Blvd and 32nd St Ditch	—	—	—	700	1390
Parcel C - Shawnee Drainage	—	—	—	1000	2348
Parcel D - Shawnee Drainage	—	—	—	400	550
Parcel E - Shawnee Drainage	—	—	—	500	728
Parcel F - Shawnee Drainage	—	—	—	700	1800
Parcel G - Shawnee Drainage	—	—	—	800	2326
Parcel H - Shawnee Drainage	—	—	—	500	1256
Parcel I - Shawnee Drainage	—	—	—	300	550
Parcel J - Shawnee Drainage	—	—	—	1200	1882
Parcel K - Shawnee Drainage	—	—	—	200	550
Parcel L - Shawnee Drainage	—	—	—	600	964
Base Bid No. 4					
Parcel A - Muskogee Turnpike Ditches	No bid	No bid	No bid	300	2100
Parcel B - Muskogee Turnpike Ditches	—	—	—	600	1750

Regular City Council**25.**

Meeting Date: 02/24/2025
Submitted For: Avery Rigney, Public Works
Initiator: Avery Rigney, Asst. Public Works Director
Department: Public Works
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Consider approval of the lowest and best bid to Tonto Construction, in an amount not-to-exceed \$106,240.00, for Bio-Solids Removal and Disposal from the Wastewater Treatment Plant, or take other necessary action. (Mike Stewart)

BACKGROUND:

Bio-solids, or sludge as we refer to it, are a by-product of the wastewater treatment process. The process for our plant is that the sludge is generated, separated into the drying beds, tested for contaminants, then mixed with water to be vacuumed in to a truck and taken to a City owned landfill property which is permitted for land application, and then dumped on the permitted site and disced into the ground. This is a process the City has done for several years in the past but not for the last 5 years or so. Due to the 2019 flood, the plant has not been in a condition to generate sludge. However, with recent improvements to the plant, we are in better shape than we have been in and therefore generating sludge again. This is a necessary process, and we feel comfortable with the bid price.

When reviewing the bid tabulation sheet, please let it be known that there was a scribner's error on the part of Tonto, who won the bid. Their unit price was not written correctly, but the total of the bid was appropriate and that is what we will accept. Tonto is prequalified and has done this work before. Several other bidders that were prequalified entered bids, but they were significantly higher. There were bidders that entered competitive bids, but they were not pre-qualified, which is a requirement for this type of work and was made known to all bidders in the bid packet.

RECOMMENDED ACTION:

Accept bid from Tonto

Fiscal Impact**FUNDING SOURCE:**

Account # 100-6560-432.30-60

Attachments

Bid Tab



Bid Item: Bio-Solids Removal and Disposal Contract
Date: February 6, 2025 3:00PM
Department: Public Works

Approved by Purchasing: _____

Approved by City Council: _____

[illegible]

Witnessed by:
Paula Johnson

Approved by:

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Regular City Council

26. a.

Meeting Date: 02/24/2025
Submitted For: Katrina Bodenhamer, City Attorney
Initiator: Katrina Bodenhamer, City Attorney
Department: City Attorney
Staff Information Source:

Information

AGENDA ITEM TITLE:

Pursuant to Section 307C.11, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss matters pertaining to a proposed Economic Development Project, located in the John T. Griffin Industrial Park, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate within the City of Muskogee, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

BACKGROUND:

Port Muskogee, working with City and County officials, have identified prospective economic development opportunities that will create new jobs and bring economic benefits to the City of Muskogee and Muskogee County. City Staff wishes to discuss with City Council a potential economic development project and agreement for a project located in the John T. Griffin Industrial Park, in connection with the newly created Tax Increment District. The City Attorney advises the City Council that public disclosure of the matter discussed would interfere with the development of the property, and that public disclosure would violate the confidentiality of the business.

RECOMMENDED ACTION:

Convene in Executive Session and, if appropriate, take appropriate action in Open Session

Fiscal Impact

Attachments

No file(s) attached.

Regular City Council

26. b.

Meeting Date: 02/24/2025
Initiator: Maggie Eaton, Human Resources Director
Department: Personnel
Staff Information Source:

Information

AGENDA ITEM TITLE:

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

BACKGROUND:

The City's negotiating team desires to discuss with the Mayor and City Council ongoing negotiations with FOP Lodge No. 95. The City Council should determine that disclosure of ongoing negotiations between the City and FOP will seriously impair the ability of the City to continue negotiations. Therefore, the Council should convene in Executive Session to discuss this matter.

RECOMMENDED ACTION:

Convene in Executive Session and take appropriate action in open session.

Fiscal Impact

Attachments

No file(s) attached.

Regular City Council

26. c.

Meeting Date: 02/24/2025
Submitted For: Katrina Bodenhamer, City Attorney
Initiator: Leslie Arnold, Legal Assistant
Department: City Attorney
Staff Information Source: City Attorney

Information

AGENDA ITEM TITLE:

Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss Worker's Compensation Claim Number 10-23-20, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

BACKGROUND:

The City Attorney desires to discuss with the Mayor and Council pending worker's compensation claim number 10-23-20 arising from an injury occurring on or about 08/13/2023.

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 Worker's Compensation claim number 10-23-20, and if necessary, take appropriate action in Open Session.

Fiscal Impact

Attachments

No file(s) attached.
