

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

POSTING DATE: FEBRUARY 6, 2025

**SPECIAL CALL
AGENDA
MUSKOGEE CITY COUNCIL
FEBRUARY 10, 2025**

TO: ALL MEMBERS OF THE MUSKOGEE CITY COUNCIL

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

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

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

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

DATE: FEBRUARY 10, 2025
TIME: 5:30 P.M.
**PLACE: COUNCIL CHAMBERS, THIRD FLOOR
MUNICIPAL BUILDING, 229 W. OKMULGEE,
MUSKOGEE, OKLAHOMA**

ROLL CALL
PURPOSE:

1. Hold a Public Hearing and 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 in a portion of the John T. Griffin Industrial Park, or take other necessary action. (Roger Kolman)

2. Hold a Public Hearing and 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, or take other necessary action. (Roger Kolman)
3. Hold a Public Hearing and 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, or take other necessary action. (Roger Kolman)
4. 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 Capital Improvements Budget, or take other necessary action. (Roger Kolman)
5. Discussion, consideration, and possible action on Resolution No. 3024, a Resolution Declaring the Intent to Consider Approval of a Project Plan and creation of one or more Tax Incentive Districts under the Local Development Act; directing preparation of a Project Plan; appointing a Review Committee; directing the Review Committee to make findings as to eligibility and financial impact, if any, on affected taxing jurisdictions and business activities within the districts; directing the Review Committee to make a recommendation with respect to the proposed Project Plan; directing the Planning and Zoning Commission of the City of Muskogee to determine conformance of the proposed Project Plan with the Muskogee Comprehensive Plan, and to make a recommendation with respect to the proposed Project Plan, or take other necessary action. (Mayor W. Patrick Cale)
6. Consider the appointment of a member of City Council to serve as the City's Representative and chairperson of the Review Committee, created by Resolution No. 3024, or take other necessary action. (Mayor W. Patrick Cale)
7. 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. (Roger Kolman)

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

ADJOURN

Special City Council**1.**

Meeting Date: 02/10/2025
Submitted For: Roger Kolman, Assistant City Manager
Initiator: Roger Kolman, Assistant City Manager
Department: Assistant City Manager
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Hold a Public Hearing and 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 in a portion of the John T. Griffin Industrial Park, 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.

RECOMMENDED ACTION:

Staff recommends adoption of Ordinance 4248-A.

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 REPEALER, 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 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:

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: 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 6: 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 _____, 20____.

KATRINA BODENHAMER, CITY ATTORNEY

Special City Council**2.**

Meeting Date: 02/10/2025
Submitted For: Roger Kolman, Assistant City Manager
Initiator: Roger Kolman, Assistant City Manager
Department: Assistant City Manager
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Hold a Public Hearing and 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, 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" 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.

RECOMMENDED ACTION:

Staff recommends the adoption of Ordinance 4249-A

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 FOR REPEALER, 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: 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 6: 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 _____, 20____.

KATRINA BODENHAMER, CITY ATTORNEY

Special City Council**3.**

Meeting Date: 02/10/2025
Submitted For: Roger Kolman, Assistant City Manager
Initiator: Roger Kolman, Assistant City Manager
Department: Assistant City Manager
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Hold a Public Hearing and 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, 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.

RECOMMENDED ACTION:

Staff recommends adoption of Ordinance 4950-A

Fiscal Impact**Attachments**

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 REPEALER, 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 same THE PROPERTY BE ANNEXED INTO THE CITY OF MUSKOGEE CITY LIMITS.

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

Section 1: The area by which the petition seeks 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: 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 6: 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 _____, 20____.

KATRINA BODENHAMER, CITY ATTORNEY

Special City Council

4.

Meeting Date: 02/10/2025

Submitted For: Roger Kolman, Assistant City
Manager

Initiator: Dennis Read,
Treasurer

Department: Finance

Staff Information Source:

Information

AGENDA ITEM TITLE:

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 Capital Improvements Budget, or take other necessary action. (Roger Kolman)

BACKGROUND:

This is a Housekeeping item from Council Meeting dated 1/27/25 in which this item was approved by council but I had mistakenly put 2019 Street Improvements instead of 2019 Capital Improvements budget. Resolution and all supporting documentation was correct but the agenda item was incorrect. There are no changes from the item that was approved except for correcting the fund in which the budget amendment was taking place.

The increase in the General Fund is to eliminate significant financial liabilities of the city, unexpected and unappropriated expenditures, and unexpected and un-budgeted revenues.

The increase to the Animal Control License budget is to account for increased expenses and for donations received.

The increase to the Sales Tax Capital Outlay budget is to account for the grant received from the State of Oklahoma for a project at the Oklahoma Music Hall of Fame.

The increase to the 2019 Capital Improvements Fund Budget is to cover the City's portion of the Oklahoma Music Hall of Fame project.

RECOMMENDED ACTION:

Recommend approval.

Fiscal Impact

Attachments

Res 3021

Exhibit A

Exhibit B

Exhibit C

Exhibit D

RESOLUTION NO. 3021

A RESOLUTION AMENDING THE CITY OF MUSKOGEE, OKLAHOMA MUNICIPAL BUDGET FOR FISCAL YEAR 2024-2025; PROVIDING FOR THE INCREASE OF THE GENERAL FUND BUDGET; PROVIDING FOR THE INCREASE OF THE ANIMAL ADOPTION FUND; PROVIDING FOR THE INCREASE OF THE SALES TAX CAPITAL OUTLAY BUDGET; PROVIDING FOR THE INCREASE OF THE 2019 CAPITAL IMPROVEMENT BUDGET.

WHEREAS, the City will increase the budget in the General Fund in the amount of \$2,375,367.37 to cover unanticipated and unappropriated expenditures;

WHEREAS, the City will increase the budget in the Animal Control License Fund in the amount of \$45,000.00 to cover unanticipated and unappropriated expenditures;

WHEREAS, the City will increase the budget in the Sales Tax Capital Outlay Fund in the amount of \$500,000.00 to cover unanticipated and unappropriated expenditures;

WHEREAS, the City will increase the budget in the 2019 Capital Improvements Budget in the amount of \$496,629.00 to cover unanticipated and unappropriated expenditures;

WHEREAS, Exhibits A, B, C, and D attached hereto are intended to be demonstrative of the action contemplated by this Resolution.

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

SECTION 1 – INCREASE GENERAL FUND BUDGET: The City Council of the City of Muskogee does hereby authorize the increase of \$1,316,560.00 in expenditures in the General Fund budget by use of unencumbered and unexpended fund balances in accordance with Sec. 2-552 (B)(4) of the Muskogee City Code to eliminate a significant financial liability of the city, as evidenced by **Exhibit A**.

SECTION 2 – INCREASE GENERAL FUND BUDGET: The City Council of the City of Muskogee does hereby authorize the increase of \$90,000 in expenditures in the General Fund budget by use of unencumbered and unexpended fund balances in accordance with Sec. 2-552 (B)(2) of the Muskogee City Code for transfer to the Muskogee War Memorial Trust, as evidenced by **Exhibit A**.

SECTION 3 – INCREASE GENERAL FUND BUDGET: The City Council of the City of Muskogee does hereby authorize the increase of \$53,195 in expenditures in the General Fund budget by use of grant funds received from sources not anticipated in the budget to cover Historic Preservation expenditures, as evidenced by **Exhibit A**.

SECTION 4 – INCREASE GENERAL FUND BUDGET: The City Council of the City of Muskogee does hereby authorize the increase of \$495,612.37 in expenditures in the

General Fund budget by use of revenues from sale of land to cover expenses for sewer project in MMA, as evidenced by **Exhibit A**.

SECTION 5 – INCREASE GENERAL FUND BUDGET: The City Council of the City of Muskogee does hereby authorize the increase of \$420,000.00 in expenditures in the General Fund budget by use of revenues in excess of budget estimates unanticipated employee compensation costs, as evidenced by **Exhibit A**.

SECTION 6 – INCREASE ANIMAL CONTROL LICENSE BUDGET: The City Council of the City of Muskogee does hereby authorize the increase of \$45,000.00 in expenditures in the Animal Control License Fund budget by use of unexpended and unencumbered fund balances on hand at the end of the preceding fiscal year to cover unanticipated expenditures, as evidenced by **Exhibit B**.

SECTION 7 – INCREASE SALES TAX CAPITAL OUTLAY BUDGET: The City Council of the City of Muskogee does hereby authorize the increase of \$500,000.00 in expenditures in the Sales Tax Capital Outlay Fund budget by use of grant funds received from sources not anticipated in the budget to cover project expenditures, as evidenced by **Exhibit C**.

SECTION 8 – INCREASE 2019 CAPITAL IMPROVEMENT BUDGET: The City Council of the City of Muskogee does hereby authorize the increase of \$496,629.00 in expenditures in the 2019 Capital Improvement Fund budget by use of revenues in excess of budget estimates for a capital project at the Oklahoma Music Hall of Fame, as evidenced by **Exhibit D**.

ADOPTED AND APPROVED, by the City Council of Muskogee this 27th day of January 2025.

W. PATRICK CALE, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

(seal)

APPROVED as to form and legality this 27th day of January, 2025.

KATRINA BODENHAMER, CITY ATTORNEY

APPROVED FOR FUNDING:

DENNIS READ, CITY TREASURER



BUDGET AMENDMENT FORM EXHIBIT A

Fund: *GENERAL*
Amendment #: *2*
Fiscal Year: *2025*

	<u>Description</u>	<u>Estimated Revenue</u>		<u>Estimated Expenditures</u>	
		<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
100-1010-411.31-10	Settlement			\$716,560.00	
100-1010-411.11-00	Settlement			\$600,000.00	
100-1010-411.39-90	War Memorial Expenses			\$90,000.00	
100-1010-411.39-90	Historic Preservation Grant	\$53,195.00		\$53,195.00	
100-1010-411.11-00	Employee Compensation			\$420,000.00	
100-1010-491.95-00	Sewer Project	\$495,612.37		\$495,612.37	

Totals:	\$548,807.37	\$0.00	\$2,375,367.37	\$	-
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Date approved by City Manager & Signature

Date

Date approved by Governing Body & Signature

Date



BUDGET AMENDMENT FORM EXHIBIT B

Fund: *Animal Control*
Amendment #: *2*
Fiscal Year: *2025*

	<u>Description</u>	<u>Estimated Revenue</u>		<u>Estimated Expenditures</u>	
		<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
255-5060-441.39-70	Vet Services			\$10,000	
255-5060-441.39-71	Snap Program			\$15,000	
255-5060-441.64-50	Equipment			\$20,000	

Totals:		<u>\$0.00</u>	<u>\$ -</u>	<u>\$45,000</u>	<u>\$ -</u>
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Date approved by City Manager & Signature

Date _____

Date approved by Governing Body & Signature

Date _____



BUDGET AMENDMENT FORM EXHIBIT C

Fund: *SALES TAX CAPITAL OUTLAY*
Amendment #: *2*
Fiscal Year: *2025*

<u>Account #</u>	<u>Account Name</u>		<u>Estimated Revenue</u>		<u>Expenditures</u>	
			<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
213-1520-413.61-00	OK MUSIC HALL OF FAME PROJECT	\$	500,000.00		500,000	

Totals:			<u>\$500,000.00</u>	<u>\$0.00</u>	<u>\$500,000</u>	<u>\$</u>	<u>-</u>
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Date approved by City Manager & Signature

Date

Date approved by Governing Body & Signature

Date



BUDGET AMENDMENT FORM EXHIBIT D

Fund: 2019 CIP
Amendment #: 2
Fiscal Year: 2025

<u>Account #</u>	<u>Description</u>	<u>Estimated Revenue</u>		<u>Expenditures</u>	
		<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
392-1520-413.69-50	OK Music Hall of Fame Project			\$496,629	

Totals:	\$0.00	\$0.00	\$496,629	\$	-
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Date approved by City Manager & Signature

Date

Date approved by Governing Body & Signature

Date

Special City Council

5.

Meeting Date: 02/10/2025
Submitted For: Katrina Bodenhamer, City Attorney
Initiator: Katrina Bodenhamer, City Attorney
Department: City Attorney
Staff Information Source: Katrina Bodenhamer

Information

AGENDA ITEM TITLE:

Discussion, consideration, and possible action on Resolution No. 3024, a Resolution Declaring the Intent to Consider Approval of a Project Plan and creation of one or more Tax Incentive Districts under the Local Development Act; directing preparation of a Project Plan; appointing a Review Committee; directing the Review Committee to make findings as to eligibility and financial impact, if any, on affected taxing jurisdictions and business activities within the districts; directing the Review Committee to make a recommendation with respect to the proposed Project Plan; directing the Planning and Zoning Commission of the City of Muskogee to determine conformance of the proposed Project Plan with the Muskogee Comprehensive Plan, and to make a recommendation with respect to the proposed Project Plan, or take other necessary action. (Mayor W. Patrick Cale)

BACKGROUND:

The purpose of this Resolution is to help incentivize future industrial development in the John T. Griffin Industrial Development Park, and consider approval to create a Tax incentive District, a project plan, and establish a review committee, and other necessary actions related thereto.

RECOMMENDED ACTION:

Approve Resolution No. 3024

Fiscal Impact

Attachments

Resolution 3024

RESOLUTION NO. 3024

RESOLUTION DECLARING THE INTENT TO CONSIDER APPROVAL OF A PROJECT PLAN AND CREATION OF ONE OR MORE TAX INCENTIVE DISTRICTS UNDER THE LOCAL DEVELOPMENT ACT; DIRECTING PREPARATION OF A PROJECT PLAN; APPOINTING A REVIEW COMMITTEE; DIRECTING THE REVIEW COMMITTEE TO MAKE FINDINGS AS TO ELIGIBILITY AND FINANCIAL IMPACT, IF ANY, ON AFFECTED TAXING JURISDICTIONS AND BUSINESS ACTIVITIES WITHIN THE DISTRICTS; DIRECTING THE REVIEW COMMITTEE TO MAKE A RECOMMENDATION WITH RESPECT TO THE PROPOSED PROJECT PLAN; DIRECTING THE PLANNING AND ZONING COMMISSION OF THE CITY OF MUSKOGEE TO DETERMINE CONFORMANCE OF THE PROPOSED PROJECT PLAN WITH THE MUSKOGEE COMPREHENSIVE PLAN AND TO MAKE A RECOMMENDATION WITH RESPECT TO THE PROPOSED PROJECT PLAN;

WHEREAS, it is an objective of the City of Muskogee (“City”) to promote economic development within its boundaries in order to attract major investment, enhance the tax base, stimulate economic growth, and improve the quality of life in and around the City; and

WHEREAS, the City is considering stimulating private investment in a multi-phased development of one or more data center facilities (“Project”) on approximately 418 acres of land within the John T. Griffin Industrial Park, generally located north of W. 53rd Street S, south of W. Smith Ferry Road, and east of S. 32nd Street W (“Project Area”); and

WHEREAS, in order to promote economic development, it is necessary and desirable to establish a legal framework and funding mechanism to provide public assistance to support the Project, and

WHEREAS, the Local Development Act, 62 O.S. § 850, *et seq.*, was passed by the Oklahoma Legislature to implement Section 6C of Article X of the Oklahoma Constitution, which empowers the governing bodies of cities, towns, and counties to approve project plans and provide incentives, exemptions, and other forms of tax relief to further economic development efforts; and

WHEREAS, the economic viability of the Project likely depends upon the utilization of ad valorem property tax exemptions; and

WHEREAS, the City Council of the City, as the governing body of the City, is empowered to approve a project plan and create tax incentive districts to advance economic development in the City; and

WHEREAS, the Center for Economic Development Law has been engaged by the Muskogee City-County Port Authority to evaluate the eligibility and feasibility of the Project; and

WHEREAS, without the adoption of a project plan, the establishment of one or more incentive districts, and other authorizations provided for in the Local Development Act, much of the potential economic growth in the proposed Project Area would be difficult or impossible; and

WHEREAS, the Local Development Act provides for the appointment of a Review Committee to review and make a recommendation concerning the proposed district, plan, or project, to consider and make findings and recommendations with respect to the conditions establishing the eligibility of the proposed district, and to consider and determine whether the proposed plan and project will have a financial impact on any affected taxing jurisdiction within the proposed district and to report its findings and make its recommendations to the governing body; and

WHEREAS, the Local Development Act provides that the membership of the Review Committee shall consist of the following: a representative of the governing body who shall serve as chairperson; a representative of the planning commission having jurisdiction over the proposed district; a representative designated by each taxing jurisdiction within the proposed district whose taxes might be impacted by the plan; and three members representing the public at large as selected by the other committee members from a list of seven names submitted by the chairperson of the Review Committee; and

WHEREAS, consistent with the Local Development Act, the membership of the Review Committee shall consist of the following: one representative of the City of Muskogee, who shall serve as chairperson of the Review Committee; one representative of the Planning and Zoning Commission of the City of Muskogee, to be designated by that body; one representative of the Board of County Commissioners of Muskogee County, to be designated by that body; one representative of the Muskogee County Health Department, to be designated by that body; one representative of the Muskogee County Emergency Medical Service, to be designated by that body; one representative of the Eastern Oklahoma District Library System, to be designated by that body; one representative of the Indian Capital Technology Center District No. 4, to be designated by that body; one representative of the Hilddale Independent School District No. I-29 of Muskogee County, Oklahoma, to be designated by that body; one representative of the Muskogee Independent School District No. I-20, to be designated by that body; and three members representing the public at large, at least one of whom is a representative of the business community in the City selected by the other Review Committee members from a list of seven names submitted by the chairperson of the Review Committee; and

WHEREAS, the Review Committee shall review and make a recommendation concerning a proposed project plan including potential incentive districts, consider and make findings and recommendations with respect to the conditions establishing the eligibility of the proposed districts, and to consider and determine whether the proposed project plan will have a financial impact on any taxing jurisdiction and business activities within the proposed districts and to report its findings and make its recommendations to the City; and

WHEREAS, consistent with the Local Development Act, the Planning and Zoning Commission of the City of Muskogee shall review the proposed project plan, make its findings regarding conformance of the proposed project plan to the Muskogee Comprehensive Plan, and

shall make a recommendation on the proposed project plan to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Muskogee, Oklahoma:

Section 1. The City Council of the City of Muskogee (“City Council”) intends to consider approval of a project plan and the creation of one or more incentive districts to facilitate and support the viability of the Project and has directed the Center for Economic Development Law, as Special Counsel for Economic Development, to prepare a proposed project plan for consideration in accordance with the Local Development Act.

Section 2. City staff and the Center for Economic Development Law are authorized and directed to assist in the process of consideration of a proposed project plan.

Section 3. A Review Committee is hereby appointed whose membership shall consist of the following: one representative of the City, who shall serve as the chairperson of the Review Committee; one representative of the Planning and Zoning Commission of the City of Muskogee, to be designated by that body; one representative of the Board of County Commissioners of Muskogee County, to be designated by that body; one representative of the Muskogee County Health Department, to be designated by that body; one representative of the Muskogee County Emergency Medical Service, to be designated by that body; one representative of the Eastern Oklahoma District Library System, to be designated by that body; one representative of the Indian Capital Technology Center District No. 4, to be designated by that body; one representative of the Hilldale Independent School District No. I-29 of Muskogee County, Oklahoma, to be designated by that body; one representative of the Muskogee Independent School District No. I-20, to be designated by that body; and three members representing the public at large, at least one of whom is a representative of the business community in the City selected by the other Review Committee members from a list of seven names submitted by the chairperson of the Review Committee.

Section 4. The City Council of the City of Muskogee shall appoint a member of the body to serve as the City’s representative and chairperson of the Review Committee.

Section 5. The chairperson of the Review Committee shall request that the Planning and Zoning Commission of the City of Muskogee, the Board of County Commissioners of Muskogee County, the Muskogee County Health Department, the Muskogee County Emergency Medical Service, the Eastern Oklahoma District Library System, the Indian Capital Technology Center District No. 4, the Hilldale Independent School District No. I-29 of Muskogee County, Oklahoma, and the Muskogee Independent School District No. I-20, each select a representative to serve on the Review Committee

Section 6. The chairperson of the Review Committee shall submit a list of seven names of possible persons to represent the public at large on the Review Committee, at least one of whom is a representative of the business community in the City of Muskogee.

Section 7. The other Review Committee members shall select three persons from the list submitted by the chairperson, who shall represent the public at large on the Review Committee;

at least one of the three people selected to represent the public at large shall be a representative of the business community in the City of Muskogee.

Section 8. The Review Committee shall consider and make its findings and recommendations to the City Council with respect to the conditions establishing the eligibility of the proposed incentive districts and the appropriateness of approval of the proposed project plan and Project.

Section 9. The Review Committee shall consider and determine whether the proposed project plan and Project will have a financial impact on any taxing jurisdiction within the proposed incentive districts and shall report its findings to the City Council.

Section 10. The Planning and Zoning Commission of the City of Muskogee shall review the proposed project plan, make its findings regarding conformance of the proposed project plan to the Muskogee Comprehensive Plan, and shall make a recommendation on the proposed project plan to the City Council.

ADOPTED this ____ day of February, 2025, by the City Council of the City of Muskogee.

W. Patrick Cale, Mayor

ATTEST:

Tammy L. Tracy, City Clerk

(SEAL)

Approved as to form and legality this ____ of February, 2025.

Katrina Bodenhamer, City Attorney

Special City Council

6.

Meeting Date: 02/10/2025
Submitted For: Katrina Bodenhamer, City Attorney
Initiator: Katrina Bodenhamer, City Attorney
Department: City Attorney
Staff Information Source: Katrina Bodenhamer

Information

AGENDA ITEM TITLE:

Consider the appointment of a member of City Council to serve as the City's Representative and chairperson of the Review Committee, created by Resolution No. 3024, or take other necessary action. (Mayor W. Patrick Cale)

BACKGROUND:

The Local Development Act provides that the membership of the Review Committee shall consist of the following: a representative of the governing body who shall serve as chairperson; a representative of the planning commission having jurisdiction over the proposed district; a representative designated by each taxing jurisdiction within the proposed district whose taxes might be impacted by the plan; and three members representing the public at large as selected by the other committee members from a list of seven names submitted by the chairperson of the Review Committee, all as set forth in Resolution 3024. Mayor Cale is requesting appointment as the Chair of this committee.

RECOMMENDED ACTION:

Create and appoint a chair to the review committee.

Fiscal Impact

Attachments

No file(s) attached.

Special City Council

7.

Meeting Date: 02/10/2025
Submitted For: Roger Kolman, Assistant City Manager
Initiator: Roger Kolman, Assistant City Manager
Department: Assistant City Manager
Staff Information Source:

Information

AGENDA ITEM TITLE:

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. (Roger Kolman)

BACKGROUND:

The City Attorney advises that matters pertaining to the employment of any individual salaried public officer or employee are appropriate items for Executive Session, and that all matters discussed therein are confidential and not open to public disclosure.

RECOMMENDED ACTION:

Convene in Executive Session to discuss the employment of Interim City Manager Roger Kolman and, if necessary, take appropriate action in Open Session.

Fiscal Impact

Attachments

No file(s) attached.
