

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

(Public Comment during Public Hearing or Agenda item comment)

Council Rules of Decorum limit citizen comments on agenda items and public hearings to five (5) minutes and general comments for non-agenda items to three (3) minutes. Any person desiring to address the Committee during such period is required to sign in with the City Clerk prior to the meeting between 5:00 p.m. and 5:15 p.m. on the third floor of City Hall or anytime between 8:00 a.m. and 5:00 p.m. in the Office of the City Clerk. They shall provide their name and address, and specify the agenda item they wish to address. Remarks shall be directed to the matter being considered and, the speaker is allowed to speak only one (1) time. If written materials are to be submitted, twelve (12) copies should be made available, and may not be returned.

AGENDA
PUBLIC WORKS COMMITTEE
MARCH 9, 2026

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

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

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

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

1. Consider approval of Public Works Committee Minutes of February 9, 2026, or take other necessary action.
2. Discuss and consider approval of Amended Ordinance No. 4159-A, by amending the City of Muskogee Code of Ordinances by amending Chapter 3, City Council Ethics, Article II, Ethics; Section 3-8, General Policy; Section 3-9, Conflict Of Interest; Section 3-10, Use And Disclosure Of Information Prohibited; Section 3-11, Use of Cellular Phones And Recording Devices Prohibited by Council Members During Meetings; Section 3-12, Positive Work Place Environment; Section 3-13, Ethics Advisory Committee: Creation And Structure; Section 3-14, Participation In Ethics Investigations; Section 3-15, Violation; Adding Repealer, Severability, Codification, And Setting An Effective Date, or take other necessary action. (Councilor Dan Hall)
3. Consider approval of Ordinance No. 4278-A, an Ordinance amending the City of Muskogee Code of Ordinances by amending Chapter 46, Health and Sanitation; Article II, Food Sanitation; Division 2, Permits; Section 46-46, Required; Adding Repealer, Severability, and Declaring an Emergency. (Katrina Bodenhamer)
4. Consider approval of Resolution No. 3075, amending Appendix A of the Muskogee City Code amending Section 46-46, Health and Sanitation, Food Service Sanitation, Permit for Establishment or Vehicle, or take other necessary action. (Katrina Bodenhamer)

5. Consider approval of Resolution No. 3081, recognizing the substantial impact of the retail food environment on the economy, health and well-being of the citizens of Muskogee, and providing support to the Farmers Markets and community gardens within the city, or take other necessary action. (Rick Ewing)
6. Receive a presentation and discuss possible amendments to the R-1 and R-5 zoning regulations, providing direction to Staff, or take other necessary action. (Sarah Winkle)
7. Receive and discuss a *Certificate of No Action Necessary* on the property located west of the Martin Luther King, Jr. Community Center, 320 W. Martin Luther King Street, provided by the Oklahoma Corporation Commission through their Brownsfield Program, stating the property does not contain pollutants, or take other necessary action. (Katrina Bodenhamer)
8. Consider approval for the City Manager to negotiate and execute an agreement with TetraTech, for a sewer system evaluation in a sewer basin located in the Northwest Quadrant of the City, in an amount not-to-exceed \$175,000.00, or take other necessary action. (Mike Stewart)
9. Consider approval to purchase one (1) commercial-use sanitation truck from River City Hydraulics via Sourcewell Nos. 110223 and 17934, in the amount of \$221,042.01, or take other necessary action. (Mike Stewart)
10. Consider approval to accept a *Safe Streets for All (SS4A) Grant* from the United States Department of Transportation Federal Highway Administration, in the amount of \$389,500.00, with a City grant match of \$97,375.00, or take other necessary action. (Mike Stewart)

RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.

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

Public Works Committee

1.

Meeting Date: 03/09/2026
Initiator: Jennifer Sharp, Admin II
Department: City Clerk
Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of Public Works Committee Minutes of February 9, 2026, or take other necessary action.

BACKGROUND:

RECOMMENDED ACTION:

Fiscal Impact

Attachments

02092026 pwmin

MINUTES

OF THE PUBLIC WORKS COMMITTEE OF THE CITY OF MUSKOGEE, OKLAHOMA MET IN REGULAR SESSION IN COUNCIL CHAMBERS OF CITY HALL FEBRUARY 9, 2026

The Public Works Committee of the City of Muskogee, Oklahoma, met in Regular Sessions at 5:30 p.m., February 9, 2026, in Council Chambers, Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma.

Present: Patrick Cale, Mayor; Derrick Reed, Vice Mayor; Jaime Stout, Committee Member; Tracy Hoos, Chair; Shirley Hilton-Flanary, Committee Member; Melody Cranford, Committee Member; Dan Hall, Vice Chair; Tom Martindale, Committee Member; Mike Brawley, Committee Member

Staff Present: Kendal Francis, City Manager; Keri Spencer, Deputy City Attorney; Tammy L. Tracy, City Clerk; Mike Stewart, Public Works Director; Avery Rigney, Assistant Public Works Director; Kenna Terrell, Deputy City Clerk; Tera Shows, Assistant City Manager; Tyler Evans, Emergency Management Director

1. Consider approval of Public Works Committee Minutes of January 12, 2026, or take other necessary action.

Motion was made by Committee Member Tom Martindale, seconded by Committee Member Melody Cranford to approve Public Works Committee Minutes of January 12, 2026.

AYE: Mayor Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member Melody Cranford, Vice Chair Dan Hall, Committee Member Tom Martindale, Committee Member Mike Brawley

Carried - Unanimously

2. Consider approval of Ordinance No. 4291-A repealing Chapter 37, Elections, Article I, Campaign Finances, Section 37-1, Short Title; Section 37-2, Filing Requirement, Section 37-3, Definitions; Section 37-4, Duties of City Clerk; Section 37-5 Contribution and Expenditure Requirements; Providing for Codification; Repealer, Severability; and Setting an Effective Date, or take other necessary action. (Katrina Bodenhamer)

Deputy City Attorney Keri Spencer stated the State changed the campaign reporting requirements for those running for office. They are no longer submitted to the City Clerk and are directly submitted to the Ethics Commission. Our Ordinance is now in conflict with State Law, and these sections must be repealed.

Discussion followed.

Motion was made by Committee Member Tom Martindale, seconded by Committee Member Shirley Hilton-Flanary to approve Ordinance No. 4291-A repealing Chapter 37, Elections, Article I, Campaign Finances, Section 37-1, Short Title; Section 37-2, Filing Requirement, Section 37-3, Definitions; Section 37-4, Duties of City Clerk; Section 37-5 Contribution and Expenditure Requirements; Providing for Codification; Repealer, Severability; and Setting an Effective Date.

AYE: Mayor Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member Melody Cranford, Vice Chair Dan Hall, Committee Member Tom Martindale, Committee Member Mike Brawley

Carried - Unanimously

3. (No Action) Receive report from Staff on the Smith Ferry Road Widening Project, and take other necessary action. (Mike Stewart)

Assistant Public Works Director Avery Rigney reported on the Smith Ferry Road Widening Project.

4. Consider approval for the City of Muskogee to accept a donation from HGL Construction, Inc., of an office trailer, or take other necessary action. (Mike Stewart)

Public Works Director Mike Stewart stated it is necessary to relocate the Stormwater Division for the construction of the new Wastewater Treatment Plant. Currently, they are located in a structure that will be demolished as part of the project. Mr. Stewart explained the VA Hospital has recently completed a project, and their construction company has a 2005 trailer available to donate. Mr. Stewart stated if accepted, the trailer would be relocated to the fairgrounds at a cost of approximately \$1,500.00.

Motion was made by Committee Member Shirley Hilton-Flanary, seconded by Vice Chair Dan Hall to approve for the City of Muskogee to accept a donation from HGL Construction, Inc., of an office trailer.

AYE: Mayor Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member Melody Cranford, Vice Chair Dan Hall, Committee Member Tom Martindale, Committee Member Mike Brawley

Carried - Unanimously

5. Consider approval of the lowest and best bid for Mill and Overlay, Round 3, a city-wide project for various high-traffic streets in all four (4) quadrants, in the amount of \$2,674,478.73, to Ross Construction, or take other necessary action. (Mike Stewart)

Assistant Public Works Director Avery Rigney stated this is part of the 2019 CIP Road Improvements project in which approximately 114 miles of streets have been treated. Mr. Rigney explained there is some funding remaining, and it will be directed toward some identified areas in all four (4) quadrants of the city. Five (5) bids were submitted, and Ross Construction was selected as the lowest and best bid.

Motion was made by Committee Member Shirley Hilton-Flanary, seconded by Committee Member Jaime Stout to approve of the lowest and best bid for Mill and Overlay, Round 3, a city-wide project for various high-traffic streets in all four (4) quadrants, in the amount of \$2,674,478.73, to Ross Construction.

AYE: Mayor Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member Melody Cranford, Vice Chair Dan Hall, Committee Member Tom Martindale, Committee Member Mike Brawley

Carried - Unanimously

6. Consider approval to purchase two (2) 2026 Chevrolet 1500, 4-wheel drive trucks from Vance Fleet Services, via State Contract No. SW035, in an amount not-to-exceed \$100,000.00, or take other necessary action. (Mike Stewart)

Public Works Director Mike Stewart stated these two (2) trucks will replace trucks in the Sanitation Division that are 15 and 20 years old. He explained this is funded through the Solid Waste Collection Fund collected every year for this purpose.

Motion was made by Vice Chair Dan Hall, seconded by Committee Member Jaime Stout to approve to purchase two (2) 2026 Chevrolet 1500, 4-wheel drive trucks from Vance Fleet Services, via State Contract No. SW035, in an amount not-to-exceed \$100,000.00.

AYE: Mayor Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member Melody Cranford, Vice Chair Dan Hall, Committee Member Tom Martindale, Committee Member Mike Brawley

Carried - Unanimously

7. (No Action) Receive a report from Staff regarding the installation of traffic signals at the intersection of York and Augusta Streets, provide possible direction to Staff, and take other necessary action. (Committee Member Jaime Stout)

Councilmember Jaime Stout stated she requested Staff review information regarding the intersection of York and Augusta Streets after hearing about safety issues from some concerned citizens.

City Manager Kendal Francis stated in the last year, there have been five (5) accidents reported in this area, and three (3) of them are not stop sign related. He explained a new warrant study could be completed, which would cost approximately \$3,000.00. Adding a stop light that would meet all the State and ADA requirements would be an expense of approximately \$500,000.00. Council and Staff recommended no further action at this time.

8. Consider the approval of the appointment of Toni Cotton to the Planning and Zoning Commission, filling the expiring term of Lori Jefferson, beginning April 1, 2026, and ending March 31, 2029, or take other necessary action. (Vice Mayor Derrick Reed)

Motion was made by Vice Mayor Derrick Reed, seconded by Committee Member Jaime Stout to approve of the appointment of Toni Cotton to the Planning and Zoning Commission, filling the expiring term of Lori Jefferson, beginning April 1, 2026, and ending March 31, 2029.

AYE: Mayor Patrick Cale, Vice Mayor Derrick Reed, Committee Member Jaime Stout, Chair Tracy Hoos, Committee Member Shirley Hilton-Flanary, Committee Member Melody Cranford, Vice Chair Dan Hall, Committee Member Tom Martindale, Committee Member Mike Brawley

Carried - Unanimously

RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.

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

There being no further business, the meeting was adjourned.

CHAIR TRACY HOOS
PUBLIC WORKS COMMITTEE

Public Works Committee

2.

Meeting Date: 03/09/2026

Submitted For: Katrina Bodenhamer, City Attorney **Initiator:** Tammy Tracy, City Clerk

Department: City Clerk

Staff Information Source: Councilor Dan Hall

Information

AGENDA ITEM TITLE:

Discuss and consider approval of Amended Ordinance No. 4159-A, by amending the City of Muskogee Code of Ordinances by amending Chapter 3, City Council Ethics, Article II, Ethics; Section 3-8, General Policy; Section 3-9, Conflict Of Interest; Section 3-10, Use And Disclosure Of Information Prohibited; Section 3-11, Use of Cellular Phones And Recording Devices Prohibited by Council Members During Meetings; Section 3-12, Positive Work Place Environment; Section 3-13, Ethics Advisory Committee: Creation And Structure; Section 3-14, Participation In Ethics Investigations; Section 3-15, Violation; Adding Repealer, Severability, Codification, And Setting An Effective Date, or take other necessary action. (Councilor Dan Hall)

BACKGROUND:

Council previously approved Amended Ordinance 4159-A, repealing Chapter 3, City Council Ethics, Article II, Ethics, Repealing Section 3-11, Use of Cellular Phones and Recording Devices Prohibited. Repealing this section allowed Councilors and Staff to have the use of cellular phones during all city meetings.

A Councilor has requested that Staff prepare an amendment to the Ordinance reinstating the prohibition on cellular phone use by Council Members at all times during meetings. However, as Staff may need access to city policies, ordinances, and other pertinent information related to agenda items, this restriction would not apply to Staff members present at meetings. This policy would also exempt medical professionals from this policy as related to using their phones during meetings.

RECOMMENDED ACTION:

Approve Amended Ordinance No. 4159-A.

Fiscal Impact

Attachments

Second Amended 4159-A

ORDINANCE NO. 4159-A

AN ORDINANCE AMENDING THE CITY OF MUSKOGEE CODE OF ORDINANCES BY ADDING CHAPTER 3, CITY COUNCIL ETHICS, ARTICLE II, ETHICS; SECTION 3-8, GENERAL POLICY; SECTION 3-9, CONFLICT OF INTEREST; SECTION 3-10, USE AND DISCLOSURE OF INFORMATION PROHIBITED; SECTION 3-11, USE OF CELLULAR PHONES AND RECORDING DEVICES BY COUNCIL MEMBERS DURING MEETINGS PROHIBITED; SECTION 3-12, POSITIVE WORK PLACE ENVIRONMENT; SECTION 3-13, ETHICS ADVISORY COMMITTEE: CREATION AND STRUCTURE; SECTION 3-14, PARTICIPATION IN ETHICS INVESTIGATIONS; SECTION 3-15, VIOLATION; ADDING REPEALER, SEVERABILITY, CODIFICATION, AND DECLARING AN EMERGENCY.

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

Section 1. The City of Muskogee Code of Ordinances, Chapter 3, City Council Ethics, Article II, Ethics, Sections 3-8 through 3-15 shall read as follows:

SECTION 3- 8 , GENERAL POLICY

A. City Council Members shall respect and adhere to the Council-Manager structure of Muskogee city government as outlined by the MUSKOGEE CITY CHARTER. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City Staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City Staff; nor shall they impair the ability of Staff to implement Council policy decisions.

B. City Council Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Muskogee, nor will they allow the inference that they do.

C. The City Council shall create and maintain such rules as are necessary to implement and comply with the provisions of this chapter.

D. City Council Members shall comply with the laws of the United States, the State of Oklahoma, and the City of Muskogee in the performance of their public duties. These laws include, but are not limited to the United States and Oklahoma Constitutions; the MUSKOGEE CITY CHARTER; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, open processes of government, and City ordinances and policies.

SECTION 3-9, CONFLICT OF INTEREST

A. In order to assure their independence and impartiality on behalf of the common good, City Council Members shall not use their official positions to influence government decisions in which they have a material financial interest or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with City Charter 9:01, members shall disclose investments, interests in real property, sources of income, and gifts, and they shall abstain from participating in deliberations and decision-making where conflicts may exist, because these areas WILL exist. When these issues arise, it is simply imperative that we mitigate those issues properly.

B. Muskogee City Council Members shall not allow themselves to be unduly influenced by individual members of the community or their own self-interests, but, instead, shall have the whole of the community as their focus.

SECTION 3-10, USE AND DISCLOSURE OF INFORMATION PROHIBITED

A. A City Council Member is prohibited from disclosing or offering to disclose information that is unavailable to the general public and acquired by reason of his or her position with the City, to any party not entitled to receive such information nor shall he or she use such information for his personal gain or benefit. Members shall, as required by law, respect the confidentiality of information concerning the property, personnel, or affairs of the City. They shall neither disclose confidential information without proper legal authorization nor use such information to advance their personal, financial, or other private interests.

B. When then City Council enters into Executive Session all attending individuals shall sign the "Confidentiality Agreement for Executive Session". Any individual not willing to sign and abide by the agreement will not be able to be part of Executive Session. Any City Council Member who releases, publishes, announces, divulges, discusses or otherwise circulates any information discussed in Executive Session shall be subject to disciplinary procedure and possible removal from City Council pursuant to PART I, CHARTER OF THE CITY OF MUSKOGEE, OKLAHOMA, ARTICLE II.-CITY COUNCIL, SECTION 2.07.-JUDGE OF QUALIFICATIONS.

C. Each City Council Member entering into Executive Session shall execute and abide by the following form:

CONFIDENTIALITY AGREEMENT FOR EXECUTIVE SESSION

This Perpetual Confidentiality Agreement between the parties signing below establishes that all information discussed, heard or read in the City Council Executive Session on _____, will not be released, copied, discussed or shared in any manner with any individual other than City Council Members present in the Executive Session, members of City Staff present during the Executive Session, and other persons authorized by

the City Council to be present in the Executive Session. This agreement is perpetual and shall never expire except by Court order. Breach of this Confidentiality Agreement may result in personal liability, potential violation of the Oklahoma Open Meeting Act, potential removal from office, as well as, result in exposure of otherwise confidential information.

I have read the above statement regarding confidentiality and agree to abide by it to the best of my ability.

Signed on this _____ day of _____, 20_____.

SECTION 3-11, USE OF CELLULAR PHONES AND RECORDING DEVICES PROHIBITED BY COUNCIL MEMBERS DURING MEETINGS

City Council Members shall leave their cellular phones and any recording devices with the police officer on duty prior to entering into executive session, unless and except for any emergency or medical personnel serving on the City Council who may keep their cellular telephones available to take any emergency calls only. The determination as to which members may qualify for these exemptions shall be within the sole discretion of the City Council. Such exempted City Council Members shall not use their phones during session, and instead shall immediately excuse themselves to take any emergency calls outside of Council chambers. CITY COUNCIL APPOINTEES ARE EXEMPT AS THE NEED MAY ARISE ONLY TO ACCESS CITY POLICIES, ORDINANCES, COMMUNICATE WITH STAFF, AND OTHER PERTINENT INFORMATION RELATED TO AGENDA ITEMS DISCUSSED DURING EXECUTIVE SESSION.

SECTION 3-12, POSITIVE WORK PLACE ENVIRONMENT AND PERFORMANCE OF DUTIES

A. City Council Members shall support the maintenance of a positive and constructive work place environment for City Council employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to Staff.

B. The professional and personal conduct of City Council Members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.

C. City Council Members shall perform their duties in accordance with the processes and rules of order established by the City Council and boards and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

D. City Council Members shall prepare themselves for public meetings, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the

business of the body, or otherwise interfering with the orderly conduct of meetings.

E. City Council Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

F. City Council Members shall publicly share substantive information that is relevant to a matter under consideration by the City Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

G. City Council Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.

SECTION 3-13, ETHICS ADVISORY COMMITTEE: CREATION AND STRUCTURE

A. There is hereby created an *Ethics Advisory Committee* which shall act as a recommending body to the City Council on ethical issues.

B. The Committee shall consist of five (5) individuals, appointed by City Council Members, and confirmed by a majority vote of the City Council. A committee member shall not be a City Council Member, nor shall a Committee member be related in any degree to a City Council Member, or be financially tied to any Committee member. Every Committee member shall be a resident of the City of Muskogee. The Committee shall consist of five (5) members from the following professions: one (1) high school or college instructor; one (1) local business owner; one (1) religious leader of a recognized religious organization; one (1) manufacturer or maintenance worker; and one (1) attorney in good standing with the Oklahoma Bar Association. The members shall be appointed for a term of three (3) years. All members shall serve without compensation. Members shall not hold public office nor be candidates for public office. The Committee shall appoint a Chair and Vice-Chair from amongst its members. The duties of the Chair shall be those customarily exercised by a presiding member under Robert's Rules of Order as adopted by the City Council.

C. Only an elected City Council Member; Charter division or department head; member of a City of Muskogee Board, Authority, or Committee; or Trustee of a public trust with the City of Muskogee as a beneficiary may request an opinion from the *Ethics Advisory Committee* on an ethical issue arising under this chapter.

D. The *Ethics Advisory Committee* may provide advisory ethics opinions or recommendations for ethics policies, procedures, or guidelines.

E. The *Ethics Advisory Committee* shall provide a written report to the City Council by April 1 of every year on its activities for the preceding twelve (12) months and anticipated activities for the next twelve (12) months.

F. The *Ethics Advisory Committee* shall meet no less than once per calendar quarter. If a written complaint is filed against a City Council Member, then the *Ethics Advisory Committee*

shall meet within ten (10) days of the filing of said written complaint, and issue an advisory ethics opinion and recommendation within thirty (30) days of the meeting.

G. The *Ethics Advisory Committee* may adopt reasonable rules and procedures, subject to City Council approval, for the efficient performance of their duties.

SECTION 3-14, PARTICIPATION IN ETHICS INVESTIGATIONS

A. City Council Members shall not participate in investigations, City Council discussions or actions, involving their own conduct, except to provide information or testimony. The members of the *Ethics Advisory Committee* shall be the body charged with performing any necessary investigations where necessary to issue their opinions. In furtherance, thereof, the Chair of the *Ethics Advisory Committee* may assign himself or herself, or any other member(s) of the Ethics Advisory Committee to conduct interviews of witnesses who may have pertinent facts which may aid the investigation.

B. City Council Members shall respond fully and truthfully to inquiries made in the course of Member investigations of alleged or potential violations of this chapter. Council Members shall not influence, coerce or in any other way interfere with witness interviews or investigations conducted by the *Ethics Advisory Committee*.

SECTION 3-15, VIOLATION

A. Intentional violation of this chapter by a City Council Member shall be grounds for disciplinary action up to and including dismissal or removal from office as may be provided by recommendation of the *Ethics Advisory Committee*, law and CITY CHARTER. However, as the judge of qualifications of its own members, the City Council is not bound to follow the recommendation of the *Ethics Advisory Committee*, pursuant to PART I, CHARTER OF THE CITY OF MUSKOGEE, OKLAHOMA, ARTICLE II.-CITY COUNCIL, SECTION 2.07.—JUDGE OF QUALIFICATIONS.

B. A complaint asserting a violation of this chapter against an elected City Council Member shall be filed in writing with the Muskogee City Clerk. The City Clerk shall forward the complaint to the *Ethics Advisory Committee* for investigation and action. Similarly, if the City Attorney is notified that a violation has occurred, the City Attorney shall reduce the facts conveyed in writing and forward the same to the *Ethics Advisory Committee* for an investigation.

C. Pursuant to O. S. 74E. ETHICS RULES RULE 6.4. BLACKOUT PERIOD, the *Ethics Advisory Committee* shall not accept a complaint from any person alleging any violation by a candidate or candidate committee during a period beginning the first day that the City Clerk may accept Declarations of Candidacy for the office sought by the candidate or candidates and ending on the day of the General Election during the same year.

D. If the *Ethics Advisory Committee* Investigation Report results in no finding of a violation under this Article or makes no recommendations, then no further action will be taken on the alleged violation.

E. If the *Ethics Advisory Committee* Investigation Report results in a finding of any violation under this Article, the CITY CHARTER, the CODE OF ORDINANCES OF THE CITY OF MUSKOGEE, state or federal law, by a City Council Member, then the item will be immediately placed on the next Council agenda. It shall then be the duty of the City Council to determine whether formal charges shall be laid against the member in accordance with PART I, CHARTER OF THE CITY OF MUSKOGEE, OKLAHOMA, ARTICLE II.-CITY COUNCIL, SECTION 2.07.-JUDGE OF QUALIFICATIONS.

F. If a majority of the City Council votes to lay formal charges against the City Council Member alleged to have violated City ordinances, state laws or the CHARTER OF THE CITY OF MUSKOGEE, OKLAHOMA, the procedures and remedies outlined in the CHARTER shall govern.

Section 2. REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only. This Ordinance supersedes and replaces City Council Policy 1-10.

Section 3. SEVERABILITY. Should any part section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

Section 4. CODIFICATION. Chapter 3, City Council Ethics, Article II, Ethics; Section 3-8, General Policy; Section 3-9, Conflict Of Interest; Section 3-10, Use And Disclosure Of Information Prohibited; Section 3-11, Use Of Cellular Phones And Recording Devices Prohibited; Section 3-12, Positive Work Place Environment; Section 3-13, Ethics Advisory Committee: Creation And Structure; Section 3-14, Participation In Ethics Investigations; Section 3-15, Violation, all in the City of Muskogee Code of Ordinances.

Section 5. EMERGENCY DECLARED. This ordinance being necessary for the protection of public, health, safety and morals of the community shall take effect immediately following publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE,
OKLAHOMA, THIS 23rd DAY OF MARCH 2026.

CITY OF MUSKOGEE

W. PATRICK CALE, MAYOR

(Seal)

ATTEST:

TAMMY L. TRACY, CITY CLERK

Approved as to Form and Legality:

KATRINA BODENHAMER, CITY ATTORNEY

Public Works Committee

3.

Meeting Date: 03/09/2026

Submitted For: Katrina Bodenhamer, City Attorney Initiator: Tammy Tracy, City Clerk

Department: City Clerk

Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of Ordinance No. 4278-A, an Ordinance amending the City of Muskogee Code of Ordinances by amending Chapter 46, Health and Sanitation; Article II, Food Sanitation; Division 2, Permits; Section 46-46, Required; Adding Repealer, Severability, and Declaring an Emergency. (Katrina Bodenhamer)

BACKGROUND:

Our current ordinance is in conflict with State Law and the Food Truck Freedom Act, 2025, and must be amended to reflect the change. Municipalities are no longer allowed, effective November 1, 2025, to charge a permit fee to license food trucks operated within the City Limits. The City stopped charging for these permits as soon as the law took effect, but our ordinances need to be updated by amendment.

RECOMMENDED ACTION:

Approve Ordinance No. 4278-A.

Fiscal Impact

Attachments

Ordinance 4278A

ORDINANCE NO. 4278-A

**AN ORDINANCE AMENDING THE MUSKOGEE CODE OF ORDINANCES
BY AMENDING CHAPTER 46, HEALTH AND SANITATION; ARTICLE II,
FOOD SANITATION; DIVISION 2, PERMITS; SECTION 46-46,
REQUIRED; ADDING REPEALER, SEVERABILITY, AND DECLARING
AN EMERGENCY.**

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

Section 1. Muskogee Code of Ordinances Amending Chapter 46, Health and Sanitation; Article II, Food Sanitation; Division 2, Permits; Section 46-46, Required, is hereby amended to read as follows:

46-46, REQUIRED

(a) No person shall operate a food service establishment or distribute or sell food from any vehicle ~~or distribute or sell food from any vehicle~~ in the city who does not possess a current permit from Office of the City Clerk and in whose place of business such permit is not posted in a conspicuous place. Application for such a permit may be made at the Office of the City Clerk by such person. Upon the approval of the application, such permit may be issued by the Office of the City Clerk, according to a schedule of fees, as shall be modified from time to time by the Council, and made available for public viewing in the Office of the City Clerk for:

(1) Each establishment;

(2) Each temporary food establishment, or fair, carnival, circus, public exhibition or gathering in which itinerant food service is provided;

(3) ~~Each vehicle from which food is sold or distributed.~~ Each vehicle from which food is sold or distributed.

(b) No employee shall work in any food service establishment without having in his/her possession a Food Handler's Permit to so work in such food service establishment. Such a permit may be obtained in the Office of the City Clerk by such employee. The Office of the City Clerk shall issue the employee such a Food Handler's Permit upon payment of the fee, as provided in the fee schedule, as shall be modified from time to time by the Council, and made available for public viewing in the Office of the City Clerk. The Food Handler's Permit shall permit the employee to be so employed during the period in which the permit is issued.

(c) No person who operates a food service establishment shall hire or permit to be hired or shall work gratis any person who does not possess a current Food Handler's Permit.

(d) Food Handler's Permits issued hereunder shall expire on the one (1) year anniversary of the date of issuance. However, to renew a Food Handler's Permit, a renewal fee must be received by the city prior to the permit expiration.

(e) A mobile food vendor with a valid food establishment license required under the Oklahoma Statutes is authorized to operate in the city limits subject to this section. Mobile food vendors shall follow all state and local laws and regulations governing operations in the jurisdiction where the vendor is operating.

(f) A mobile food vendor with a valid food establishment license shall provide a copy of its State license to the Office of the City Clerk for recognition by the City before operating in the city limits. The City, through the Office of the City Clerk shall recognize a lawful and valid State license and authorize the mobile food vendor to operate in the city limits within five (5) business days of receipt of the State license and verification of compliance with local regulations. Such recognition and authorization by the City may include issuing a local license or permit to the mobile food vendor.

(g) A mobile food vendor may operate in the following locations:

(1) Any location allowed by the City of Muskogee; and

(2) On private property under the following circumstances:

(a) the vendor has permission of the property owner, designee, or lessor,

(b) the operation of mobile food vendors on the subject property is not exceed twelve consecutive (12) days per year, and

(c) the mobile food vendor would not cause a nuisance.

(d) A mobile food vendor shall not operate in any manner which will interfere with or obstruct the free passage of pedestrians or vehicles along any street, sidewalk, or parkway.

(h) When operating, a mobile food vendor shall:

(1) Maintain a food vending vehicle in good operating order;

(2) Provide a waste receptacle for customers that is visible and request that customers use it;

(3) Remove and dispose of all refuse within a twenty-five-foot radius of the mobile food vendor's operating area at the conclusion of operation;

(4) Display the mobile food vendor's food establishment license in a conspicuous location for public view; and

(i) I DON'T THINK THIS SHOULD BE IN THIS SECTION. THIS ALL FALLS UNDER THE PARKS DIVISION. WE DO NOT LICENSE THEM FOR THAT NOR DO WE CHARGE THEM THE FEE FOR THIS.

(j) A mobile food vendor seeking to operate at an event which is permitted by the City of Muskogee or in a local, public park will obtain a separate permit from the Parks and Recreation office for that event.

(k) A mobile food vendor is to display a copy of its passed state or local fire inspection that has been obtained in the previous twelve (12) months.

(l) Upon obtaining authorization to operate by the Office of the City Clerk, a mobile food vendor shall:

(1) Discontinue the operation of a noisemaking device that exceeds seventy-five (75) decibels measured at twenty-three (23) feet from the food vending vehicle between the hours of 10 pm and 7 am;

(m) SAME COMMENT AS ABOVE REGARDING THE PARKS DEPARTMENT.

(1) Be restricted from operating in a public park unless the vendor has obtained a separate permit and payment of fees to operate in a public park from the Parks and Recreation Office for that event;

(2) Not block or restrict ingress to or egress from private property.

(Prior Code, §§ 11-14, 11-60—11-65; Code 1993, § 11-109; Ord. No. 3879-A, § 1, 5-23-2011; Code 06/24/2025) State Law reference— Food Truck Freedom Act, 63 O.S. § 1-1150 and 63 O. S. § 1-1151 (11/01/2025).

Section 2. REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 3. 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 these ordinances and the same are deemed severable for this purpose.

Section 4. EMERGENCY. This Ordinance being designated to protect the health and safety of the inhabitants of the City of Muskogee, Oklahoma, and based on the passage of the Food Truck Freedom Act in the statutes of the State of Oklahoma effective on November 1, 2025, an emergency is hereby declared to exist whereby the same shall be in full force and effect from and after its adoption and publication as the effective date.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA,
THIS 24 DAY OF NOVEMBER 2025.

CITY OF MUSKOGEE

W. PATRICK CALE,

MAYOR (seal)

ATTES
T:

TAMMY L. TRACY, CITY CLERK

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

KATRINA BODENHAMER, CITY ATTORNEY

Public Works Committee

4.

Meeting Date: 03/09/2026

Submitted For: Tammy Tracy, City Clerk

Initiator: Tammy Tracy, City Clerk

Department: City Clerk

Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of Resolution No. 3075, amending Appendix A of the Muskogee City Code amending Section 46-46, Health and Sanitation, Food Service Sanitation, Permit for Establishment or Vehicle, or take other necessary action. (Katrina Bodenhamer)

BACKGROUND:

This proposed amendment to Appendix A removes the current fee charged for Food Truck permits. Currently, we are charging a \$20.00 permit fee which is now in conflict with State Law.

Effective November 1, 2025, the Food Truck Freedom Act became effective. While municipalities may still require a permit for the operation of a food truck within the City Limits, a fee can no longer be charged for the permit. This Resolution will remove that fee from Appendix A in the City of Muskogee Code of Ordinances. The City stopped charging the fee as soon as the new law went into effect.

RECOMMENDED ACTION:

Approve Resolution No. 3075.

Fiscal Impact

Attachments

Res 3075 Food Truck

RESOLUTION NO. 3075

A RESOLUTION ADOPTING AN AMENDMENT TO APPENDIX A OF THE MUSKOGEE CITY CODE PERTAINING TO SCHEDULES OF FEES AND CHARGES PER ATTACHED LIST; AMENDING SECTION 46-46 APPENDIX A FOR FEES ASSOCIATED WITH HEALTH AND SANITATION/VEHICLE PERMIT.

WHEREAS, the City of Muskogee has prepared the City's Code of Ordinances containing all ordinances adopted by the City and

WHEREAS, the City of Muskogee has prepared an Amendment to Appendix A to the City Code pertaining to fees and charges as per attached;

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

THAT Amendment to Appendix A of the Muskogee City code pertaining to schedule of City fees and charges, as per attached list, is hereby approved and adopted; and

THAT the public is hereby notified of the adoption of the amended fee schedule, and that copies of the amended fee schedule are available for review in the office of the City Clerk; and

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

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

THAT the City Clerk shall keep at least one (1) copy of the amended fee schedule to the Code of Ordinances in the Office of the City Clerk for public use, inspection, and examination; and

THAT based on the legislative update in the statutes of the State of Oklahoma becoming effective on November 1, 2025, an emergency is hereby declared to exist whereby the amended fee schedule shall be in full force and effect from and after its adoption and publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE ON
THIS **23RD DAY OF MARCH 2026.**

CITY OF MUSKOGEE

W. PATRICK CALE, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

(SEAL)

Approved as to form and legality this **23RD day of March, 2026.**

KATRINA BODENHAMER, CITY ATTORNEY

HEALTH AND SANITATION			
<u>FOOD SERVICE SANITATION:</u>			
46-46	Permit for food service establishment, not a mobile food vendor		
	For each establishment employing 5 or less persons, per year	\$20.00	
	For each establishment employing more than 5 persons, per year	\$25.00	
	Employee permit required to work in food service establishment (food handler permit)	\$5.00	

PARKS & RECREATION			
<u>MOBILE FOOD VENDOR:</u>			
58-19	Permit for mobile food vendor operating at city facilities/parks		
	For each vehicle	\$25.00	

Public Works Committee

5.

Meeting Date: 03/09/2026
Submitted For: Rick Ewing, Parks & Recreation
Initiator: Brooke Hall, Assistant Director of Parks and Recreation
Department: Parks & Recreation
Staff Information Source:

Information

AGENDA ITEM TITLE:

Consider approval of Resolution No. 3081, recognizing the substantial impact of the retail food environment on the economy, health and well-being of the citizens of Muskogee, and providing support to the Farmers Markets and community gardens within the city, or take other necessary action. (Rick Ewing)

BACKGROUND:

This resolution confirms the work already in place with the Parks and Recreation Department, Farmer's Market, and other community partners who are committed to improving the health and well-being of Muskogee residents. Adopting this resolution will allow City staff to seek TSET grant funding for future projects.

RECOMMENDED ACTION:

Approve Resolution No. 3081.

Fiscal Impact

Attachments

RES 3081 Healthy Food

RESOLUTION NO. 3081

A RESOLUTION RECOGNIZING THE SUBSTANTIAL IMPACT OF THE RETAIL FOOD ENVIRONMENT ON THE ECONOMY AND THE HEALTH AND WELLBEING OF THE CITIZENS OF MUSKOGEE AND COMMITTING TO SUPPORT FARMERS MARKETS AND COMMUNITY GARDENS WITHIN THE CITY.

WHEREAS, the City of Muskogee is obligated to protect the health, safety, and wellbeing of its Citizens, and

WHEREAS, the health and well-being of the residents of Muskogee are critical for a prosperous and sustainable City, and

WHEREAS, more than two in three adults and more than one in three children in Oklahoma are overweight or obese and obesity is a chronic condition associated with heart disease, stroke, cancer, and diabetes - preventable diseases that are among the leading causes of death in the United States and Oklahoma has one of the highest rates of type 2 diabetes in the country, and

WHEREAS, poor diet is one of the main causes of obesity, heart disease, stroke, cancer and diabetes, and studies show an association between access to healthy food and better health outcomes, such as lower rates of these and other chronic diseases, and

WHEREAS, research shows that few Oklahomans have a nutritious diet. Less than 4 percent of adults in Oklahoma reported consuming two or more fruits and three or more vegetables daily, compared with 7.4% in the United States, ranking Oklahoma 49th in the nation, and

WHEREAS a significant number of low-income residents in Muskogee lack convenient access to grocery stores or other healthy food retailers, and

WHEREAS, employers care about the health of the community and workforce and across the country, employers are increasingly including workforce health in decisions about where to locate new sites, and

WHEREAS, the annual cost to Oklahoma in medical bills, workers' compensation, and lost productivity for overweight, obesity, and physical inactivity exceeds \$854 million.

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

Section I. The City of Muskogee hereby recognizes that the food retail environment has a substantial impact on the health and well-being of our citizens and the environment and economy of the City and in light of the foregoing findings, the City commits to doing all it can to support efforts that improve the food retail environment, especially in our most underserved areas, and further states that the City resolves to take all of the below actions to address this very important issue as necessary.

Section II. The City of Muskogee supports the existence and operation of farmers markets within the city limits. To this end, the City has since 1996 allowed use of city property for the Muskogee Farmers Market, and constructed multi-use pavilions for the Market in front of the Civic Center in 2007. The City will continue to encourage and support the existence and success of the Muskogee Farmers Market (the Market).

1. The City of Muskogee will continue to allow the Market to operate on City property, while selling fresh Oklahoma Grown produce, and other nutritious foods and locally-made products.
2. The City will work with the Market to coordinate dates and times of operation.
3. The City of Muskogee applauds the Market's acceptance of federal, state, and local food assistance program benefits, such as Supplemental Nutrition Assistance Program (SNAP), Double UP Oklahoma (DUO), Senior Farmers Market Nutrition Program and Veggie Bucks, and encourages the Market's efforts to sustain and grow those programs.

The City of Muskogee also values the community partnerships the Market has developed, such as those with Neighbors Building Neighborhoods, Muskogee Youth Volunteer Corps, Muskogee Parks and Recreation Department, Civic Center management and staff, Muskogee County Health Department, OSU Extension, Cherokee Nation and others. The City encourages the Market to continue working with those partners and other agencies and organizations, for the long-term benefit of the community.

Section III. The City of Muskogee hereby recognizes that community gardens are a best practice in making healthy food available to low income and low access households. In light of these findings, the City

1. Develops and maintains community gardens on city property at six locations throughout the community
2. Makes community garden plots available to Muskogee residents on a first come first serve basis to increase access to this healthy food source.
3. Promotes availability of community garden plots through the city website, Facebook page, and by making information available at the parks and recreation office, in the Access Muskogee Magazine, and in other locations accessible to low income residents.

REFERENCES: EFFECTIVE DATE: March 23, 2026

RESCISSION:

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS **23rd DAY OF MARCH, 2026.**

W. PATRICK CALE, MAYOR

ATTEST:

TAMMY L. TRACY, CITY CLERK

(SEAL)

APPROVED as to form and legality this _____ day of _____, 2026.

KATRINA BODENHAMER, CITY ATTORNEY

Public Works Committee

6.

Meeting Date: 03/09/2026

Submitted For: Sarah Winkle, Planning

Initiator: Sarah Winkle, Director of Planning and Community Development

Department: Planning

Staff Information Source:

Information

AGENDA ITEM TITLE:

Receive a presentation and discuss possible amendments to the R-1 and R-5 zoning regulations, providing direction to Staff, or take other necessary action. (Sarah Winkle)

BACKGROUND:

The Planning Department is currently reviewing potential amendments to R-1 and R-5 zoning regulations to clarify and update city codes regarding the placement and occupancy of RVs, mobile homes, tiny/cottage homes and short-term rentals.

RECOMMENDED ACTION:

Receive a presentation, discuss, and provide possible direction to staff.

Fiscal Impact

Attachments

No file(s) attached.

Public Works Committee

7.

Meeting Date: 03/09/2026
Submitted For: Katrina Bodenhamer, City Attorney
Initiator: Leslie Arnold, Legal Assistant
Department: City Attorney
Staff Information Source: City Attorney

Information

AGENDA ITEM TITLE:

Receive and discuss a *Certificate of No Action Necessary* on the property located west of the Martin Luther King, Jr. Community Center, 320 W. Martin Luther King Street, provided by the Oklahoma Corporation Commission through their Brownsfield Program, stating the property does not contain pollutants, or take other necessary action. (Katrina Bodenhamer)

BACKGROUND:

The City Attorney's office applied for a Brownsfield Grant through the Oklahoma Corporation Commission's Brownsfield Grant Program, to receive a grant related to environmental concerns, including potential fuel tanks that were believed to be buried in the ground located at 320 W. Martin Luther King St. That location was a fueling station for several decades prior to it going out of business.

The property was purchased from Raymond and Linda Mackey in July 2024, by the City of Muskogee. After a thorough investigation by the OCC and the EPA, it was determined that no further remedial action is needed at this site. Now that this has been resolved, neither the Corporation Commission nor the EPA shall pursue or penalize the landowners for pollution related to this case.

The City Attorney's office will file the *Certificate of No Action* with the County Clerk's office, and send a copy to the OCC, closing this action.

RECOMMENDED ACTION:

Receive the Certificate of No Action Necessary.

Fiscal Impact

Attachments

Certificate of no action necessary

Oklahoma Corporation Commission Brownfields Program CERTIFICATE OF NO ACTION NECESSARY

Site Name: **Mackey Property**
Street Address: **320 W MLK & 626 N 4th & 600 N 4th, Muskogee, OK 74401**
Legal Location: **MUSKOGEE OT S112 LOT 3 BLOCK 248 LYING W RAILROAD
&
MUSKOGEE OT N12 S30 LOT 5 BLOCK 248 LYING W RAILROAD &
&
MUSKOGEE OT S198 LOT 2 & N14 W RAILROAD LOT 3 BLOCK 248
REID S/D**
City/town (if any): **Muskogee** County: **Muskogee**
Site Size (acres): **0.74** Institutional Control(s): **YES**

WHEREAS, The Oklahoma Corporation Commission (Corp Comm) has authority under:

- §27A-1-3-101 E. j. for "spills of deleterious substances associated with facilities and activities specified in paragraph 1 of this subsection or associated with other oil and gas extraction facilities and activities, and
- §27A-1-3-101 E 2. "The exclusive jurisdiction, power and authority of the Commission shall also extend to the construction, operation, maintenance, site remediation, closure and abandonment of the facilities and activities described in paragraph 1 of this subsection"; and
- §27A-1-3-101 E 5, petroleum storage tanks.
- The Oklahoma Corporation Commission is a "State program that specifically governs response actions for the protection of public health and the environment" in accordance with SEC. 128 (b) (1) (A) (ii) of the Federal Small Business Liability Relief and Brownfields Revitalization Act of 2002 such that
- SEC. 128 (b) (1) (A) the Federal Government will "not use authority under this Act to take an administrative or judicial enforcement action under section 106(a) or to take a judicial enforcement action to recover response costs under section 107(a) against the person regarding the specific release that is addressed by the response action" for a "response action that is in compliance with the State program"; and

WHEREAS, the Oklahoma Corporation Commission has made a no action necessary determination because the absence or the known levels of deleterious pollution do not, given the proposed use of the property, pose an unreasonable risk to human health and safety or to the environment as determined by Corp Comm; and

WHEREAS, the no action determination applies only to conditions caused by pollution with deleterious substances by activities under Corp Comm's jurisdiction on the property, governed by applicable state or federal laws and to applicable rules and standards promulgated by the Oklahoma Corporation Commission that existed at the time of submission of the Brownfield application; and

WHEREAS, the Oklahoma Corporation Commission has determined that no remedial action is deemed necessary for the site,

NOW, THEREFORE, in accordance with the Federal Brownfields Revitalization Act [Public Law 107-118 (H.R. 2869)] -, the Oklahoma Corporation Commission issues this Certificate of No Action Necessary to **City of Muskogee**.

The land use specified is **75% Commercial and 25% Greenspace/Wildlife Habitat.**

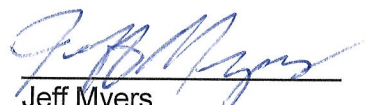
Institutional controls are required for this property.

Any active use of the groundwater in the area as defined on page three (3) of this Certificate is restricted. The landowner agrees for themselves and any successor in interest not to use or extract groundwater from the restricted area, or construct pumps, drills, or wells for the purpose of extracting groundwater from the restricted area, unless and except such use or extraction is for purposes of monitoring water quality of the groundwater or future testing can prove that the groundwater meets EPA drinking water standards.

The Oklahoma Corporation Commission shall not pursue any administrative penalties or civil actions against the applicant, lenders, lessees, and successors and assignees associated with the determination that no action is necessary to remediate the pollution caused by activities and substances regulated by Corp Comm known at this site or postulated to have at one time been at this site. The applicant and all lenders, lessees, successors and assignees shall not be subject to civil liability with regard to the determination that no action is necessary to remediate the site based on Corp Comm's risk-based pollution cleanup rules and guidance. No person responsible for pollution caused by activities and substances regulated by Corp Comm shall be released from any liability. The Certificate of No Action Necessary shall remain effective as long as the site is in substantial compliance with Corp Comm's rules and guidance and with any post-certification conditions or requirements specified by the Oklahoma Corporation Commission.

The issuance of the Certificate of No Action Necessary shall not be construed or relied upon in any manner as a determination by the Oklahoma Corporation Commission that the Brownfield has not been or is not environmentally polluted. Corp Comm shall not assess administrative penalty against an applicant or pursue civil action associated with the pollution which is the subject of this determination if the applicant is in compliance with the Certificate of No Action Necessary and the applicant is in compliance with any post-certification conditions. After issuance of the Certificate of No Action Necessary, Corp Comm shall not assess administrative penalties or pursue civil actions associated with the pollution which is the subject of this determination against any lender, lessee, or successor or assignee if the lender, lessee, or successor or assignee is in compliance with any post-certification conditions or requirements as specified in the Certificate of No Action Necessary.

Submission of any false or materially misleading information by the applicant knowing such information to be false or misleading shall render the Certificate of No Action Necessary voidable. Except as otherwise provided in this subsection, nothing shall be construed to limit or negate any other rights of any person from pursuing or receiving legal or equitable relief from the applicant or any other person or legal entity causing or contributing to the environmental pollution. The release of liability from administrative penalties and any civil actions shall not apply to any environmental pollution and consequences thereof that the applicant causes or has caused outside the scope of the certificate issued by the Oklahoma Corporation Commission, any pollution caused or resulting from any subsequent redevelopment of the property, existing pollution caused by regulated substances not addressed prior to issuance of the Certificate of No Action Necessary, or any person responsible for pollution who has not participated in the voluntary site assessment and Corp Comm Brownfields process.

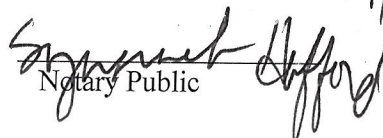

Jeff Myers
Brownfields Manager

1-29-2026
Date

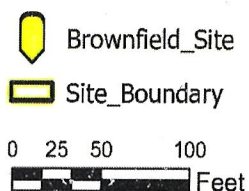


Subscribed and sworn to before me
on this 29th day of January, 20 26

My Commission Expires: 09/19/26


Notary Public

OCC Brownfield Program Closure Certificate Map
Muskogee - Mackey Property Brownfield Site Former
Rigney Sinclair, Fac #5115652
320 W MLK, 626 & 600 N 4th, Muskogee, OK 74401
Site ID: 18525OGDO70010



Public Works Committee**8.**

Meeting Date: 03/09/2026
Submitted For: Mike Stewart, Public Works
Initiator: Kristal McClain, PW Office Admin II
Department: Public Works
Staff Information Source:

Information**AGENDA ITEM TITLE:**

Consider approval for the City Manager to negotiate and execute an agreement with TetraTech, for a sewer system evaluation in a sewer basin located in the Northwest Quadrant of the City, in an amount not-to-exceed \$175,000.00, or take other necessary action. (Mike Stewart)

BACKGROUND:

TetraTech will conduct a comprehensive manhole inspection and mapping correction, alongside the installation of flow meter and rain gauge equipment. Their services will also include maintenance of the flow meter equipment data, smoke testing, line cleaning and CCTV analysis. Following these procedures, they will provide rehabilitation recommendations. Additionally, detailed reports will be prepared for both public and private, including specific flow meter data reports. The area of this study is the basin described as near Martin Luther King Jr. Blvd and 18th St. but spanning further than just that intersection to encompass the sewer basin. We have residents in the area who suffer from diminished quality of sewer service in rain events in this area and the City is working to address that. Hiring a company like TetraTech allows for better data to be collected and also provides a small capital improvement plan for the area. We recently did work similar to this in the NE Zone in an area having similar issues. This has led to 7 items that could be done to improve inflow and infiltration issues. We have since begun correcting those issues. The intent to continue to make long-lasting improvements to reduce I and I, which in turn results in fewer backups in residents' homes, and more efficient operations at the WWTP. This also shows a proactive approach when it comes to our relationship with ODEQ.

RECOMMENDED ACTION:

Approve

Fiscal Impact**FUNDING SOURCE:**

500-6570-432.62-20

Attachments

estimate

Scott Fletcher

From: Scott Fletcher
Sent: Thursday, February 5, 2026 7:48 AM
To: Michael Stewart; Avery Rigney
Subject: FW: Cost Estimate
Attachments: Muskogee SSES SCOPE OF SERVICES.pdf

Here is the lump sum cost estimate for the Thomas Howard area inspection

From: Sabourin, Rick <Rick.Sabourin@tetrattech.com>
Sent: Wednesday, February 4, 2026 1:22 PM
To: Scott Fletcher <sfletcher@muskogeeok.gov>
Cc: Mittasch, Ryan <Ryan.Mittasch@tetrattech.com>
Subject: RE: Cost Estimate

Hi Scott,

Per our discussion here is an updated scope of services with a breakdown of the corresponding fee (\$153,000.00) that is detailed below as Lump Sum and Unit Price billing. The schedule for this work is also discussed below.

Manhole Inspections & Mapping Corrections: 60 MHs @ \$520/EA = \$31,200.00 (Unit Pricing).
Flow Monitoring & Rain Gauge Equipment Installation & Retrieval: \$5,500 (Lump Sum)
Flow Monitoring Equipment Maintenance and Data QA: 60 Days @ \$352/Meter Day = \$21,120.00 (Unit Pricing)
Smoke Testing: 15,000 LF @ \$0.95/LF = \$14,250.00 (Unit Pricing).
Line Cleaning & CCTV (Assumed 10% of Study Area): 1,500 LF @ \$24.00/LF = \$36,000.00 (Unit Pricing).
Defect Analysis, Rehab Recommendations, Public & Private Defect Report, and Flow Monitoring Report: \$44,930.00 (Lump Sum).

We could begin MH Inspections as soon as we have a contract in place. Flow Monitoring would begin in late March and continue for 60 days. Smoke testing would be conducted in summer as soon as dry soil conditions allow and follow up CCTV in late summer 2026. If that is the case, then the reports would follow up in Fall 2026 after we have reviewed and analyzed the CCTV data.

Thank you.
Rick

Respectfully,
Rick Sabourin

Rick Sabourin | Field Services Manager
Cell +1 (918) 576-8671 | rick.sabourin@tetrattech.com

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From: Sabourin, Rick
Sent: Monday, December 29, 2025 3:23 PM

B. SCOPE OF SERVICES.

B.1.1 SSES FIELD WORK

SSES Field Work will consist of manhole & visual pipe inspections, mapping corrections, smoke testing, main line cleaning & television inspections, and flow monitoring within the Study Area below. Quantities have been estimated for the specified study area. Adjustments to the estimated quantities may be made as actual quantities are determined for the various inspections completed.

B.1.2 Public Information Program

The Engineer shall conduct a public notification program prior to the field inspections in order to minimize potential alarm over the presence of field personnel in backyards and the various premises.

The ENGINEER will complete press releases to submit to the AUTHORITY, hold informational meetings, and coordinate with AUTHORITY staff.

The ENGINEER will respond to all telephone calls by building owners or occupants during all active phases of the project.

B.1.3 Manhole Inspections

Manhole inspections will comply with the MACP inspection protocol. Whenever possible, the Engineer will conduct topside inspections of every accessible manhole in the prioritized areas. Where entry is required confined space entry procedures will be followed. The following manhole components will all be inspected for signs of I/I and for structural soundness: the manhole cover, cover to frame fit, the manhole frame, the frame-to-chimney seal, the chimney condition, the corbel condition, the wall condition, the step condition, the bench, the invert, and each of the pipe seals. Other information will also be obtained relative to the manhole location, grade elevation, ponding potential, manhole diameter and depth, construction materials, active I/I, evidence of I/I, and evidence of surcharge. Rim to invert measurements and the general orientation of all connecting lines will be recorded. Manholes which are surcharged during average flow conditions will be identified and turned over to the AUTHORITY for cleaning. Photographs will be taken of all severe or unusual manhole defects or configurations and will be loaded as digital photos into the project database.

During the manhole inspection process, each of the incoming pipes will be inspected for signs of cracking, collapse, root intrusion, deposition, grease, offset joints, active infiltration, or other defects. Other information such as pipe diameter and material will also be collected. Pipe diameter measurements shall be rounded to the nearest industry standard pipe size.

Diligent search shall be made for each manhole in the prioritized areas. Metal detecting and probing equipment shall be used as needed to locate buried manholes. Should the search prove unsuccessful, the manhole number shall be noted and turned over to the AUTHORITY for assistance in locating it. Manholes subsequently located shall be inspected at no additional charge to the AUTHORITY. Confirmed buried manholes greater

than 4" shall be noted and turned over to the AUTHORITY for excavation and adjustment ring installation to raise manhole cover to grade providing access for inspection.

B.1.4 Cleaning and Television Inspection

Television inspections shall be performed on line segments which will be selected Based on Smoke Testing and Manhole Inspection results. It is estimated that 10% of the total footage in the study area will be televised and the fee is based on that quantity. If other field investigations determine that additional CCTV is warranted, this will be brought to the attention of the AUTHORITY for discussion and potential contract amendment.

Perform cleaning and internal TV inspection of selected sewer lines and record findings. Sanitary sewer lines will be cleaned in order to facilitate the televised inspection activities. Standard cleaning rates are based on three passes with a jet cleaner. In the event that additional cleaning or root cutting is necessary, the ENGINEER shall notify the AUTHORITY and obtain approval to perform heavy cleaning at the rates specified. Lines approved for heavy cleaning shall be cleaned with mechanical cleaning equipment. Root cutting is included in the heavy cleaning rates.

During cleaning operations, all sludge, debris, etc. shall be removed from the sewer and disposed of at a location provided by the AUTHORITY. The AUTHORITY shall provide water for the cleaning operation at no charge to the ENGINEER. All data shall be provided in digital format on USB flash drive or external hard drive.

B.1.5 Collection System Mapping Updates

There are mapping discrepancies for the existing collections system in the study area. During the manhole inspection process, the line connectivity will be confirmed or updated to reflect existing conditions. This information will be used to prepare a map of the study area. These maps of the study area will be provided in GIS compatible format along with the final deliverables.

B.1.6 Smoke Testing

Smoke testing will be performed on every line within the study area. Smoke testing will be conducted using dual axial blowers and testing lengths shall be limited to three line segments between the upstream and downstream blower locations; except where combined segment length totals less than 500 feet. Segments totaling less than 900 feet may include straight through manholes. Smoke testing will be performed only during dry periods. Each segment shall be isolated by sandbagging where permissible if adequate smoke density cannot be otherwise obtained.

Flags shall be placed at observed smoke locations and digital images shall be captured. All defects identified by smoke testing shall be flagged and photographed. Smoke defect locations shall be recorded on an electronic Collector map of the system. All smoke defect images shall be entered into the field inspection database.

Main line defects and service lateral defects shall be carefully scrutinized to ensure that a conservative determination of public vs. private side defects is made. If necessary, the line

shall be earmarked for television inspection.

During the smoke testing, each building in the vicinity of the line segment will be observed for evidence of illegal or illicit connections, or other defects. All such defects shall be noted on the smoke test form. Where suspect defects are identified but are not confirmed by the smoke test, the building address, type, and suspected defect shall be noted.

Based on the smoke test results, recommendations for additional tests will be compiled which will include Main Line Cleaning and Television Inspection.

B.1.7 Flow Monitoring

Flow Monitoring shall consist of the measurement of sanitary sewer flow at a single point in the gravity collection system in order to determine the dry weather flow and relative I&I contribution during wet weather. The proposed monitoring location is near W. Martin Luther King St. & N. 20th St. Flow monitors shall consist of open channel flow monitors which measure depth of flow and velocity of flow. We will also set a rain gauge assembly at this location to collect rain data for this area.

Silt and debris in the collection system will cause erroneous readings in the flow monitoring data, so we request that the proposed flow monitoring area lines be cleaned by the AUTHORITY prior to the meters being placed.. After the upstream and downstream lines have been sufficiently cleaned by others, we will mount the flow monitoring equipment and maintain to collect data for a period of 60 days.

Equipment will be removed at the end of 60 days unless insufficient rainfall events have occurred. If that is the case, negotiations can be made for an amendment to leave the equipment in place and monitor for an additional period.

B.1.8 Data Entry/Quality Assurance

Each field inspection form will be reviewed to ensure that the field data is complete and free from obvious errors or inaccuracies. The project superintendent will conduct random inspections to double check the accuracy and consistency of the work completed by the field crews. Manhole, and visual pipe forms will be reviewed to ensure that they correlate with the AUTHORITY's atlas. Data entry will be performed concurrently with the field inspections to ensure that errors are identified, addressed, and corrected as soon after the inspection was performed as possible.

All manhole and visual pipe observed defects shall be captured with a digital camera and loaded on to a USB Flash drive or external hard drive for delivery to the AUTHORITY.

B.1.9 Flow Monitoring Report:

At the conclusion of the flow monitoring period, an engineering analysis of flow and rainfall data shall be performed to determine the dry weather flow and quantify the Inflow and Infiltration (I&I) responses to various wet weather events.

The data will be summarized in a letter report. Up to 3 hard copies of the report will be submitted as the final deliverable.

B.1.10 Private Sector Defect Report:

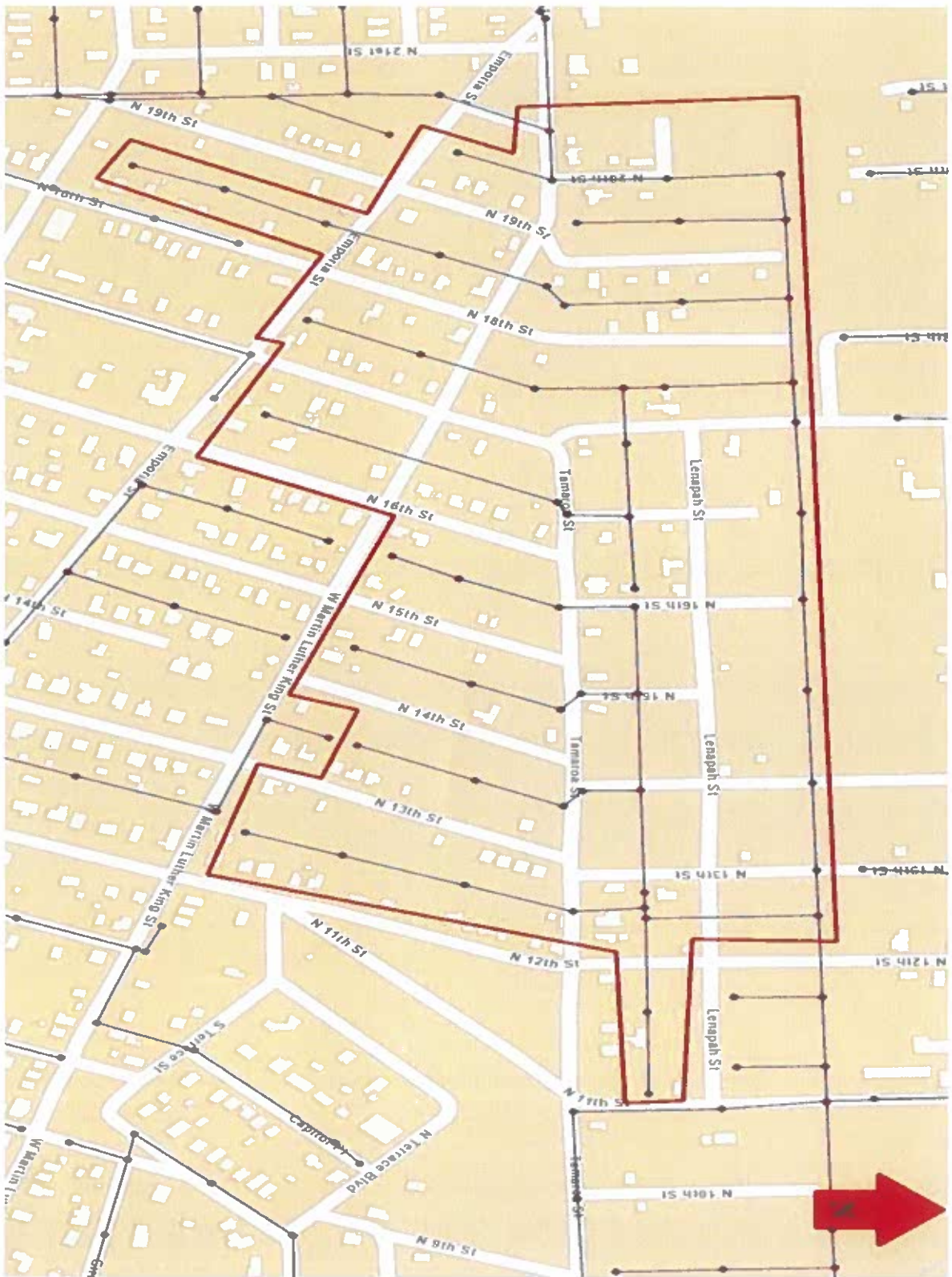
A Private Sector Defect Report will be prepared at the conclusion of the smoke testing. The report shall provide data on each private sector defect discovered. Defect data will identify the defect type, smoke intensity, estimated tributary area and address as well as sketches, photos, and other pertinent data on each defect discovered. This private sector defect report will be included as an appendices to the overall defect analysis and summary report.

B.1.11 Defect Analysis and Summary Report:

At the conclusion of the field inspections for the study area identified, an engineering analysis of field inspection data shall be performed to develop recommendations for addressing I&I sources as well as structural deficiencies. The evaluation shall consider all data collected during the field Inspection Phase of the project. ENGINEER shall deliver a comprehensive rehabilitation and improvement strategy as coordinated with the AUTHORITY.

ENGINEER will develop public sector rehabilitation and improvement costs for manhole and line repairs for the designated study areas.

ENGINEER will prepare and submit three (3) copies of Defect Analysis and Report which includes results of the I/I investigations, findings on both the private sector and the public sector, as well as cost estimates, recommended plan to reduce I/I and a preliminary schedule for implementation of public sector sewer rehabilitation.



Public Works Committee**9.**

Meeting Date: 03/09/2026
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 purchase one (1) commercial-use sanitation truck from River City Hydraulics via Sourcewell Nos. 110223 and 17934, in the amount of \$221,042.01, or take other necessary action.
(Mike Stewart)

BACKGROUND:

The City recently purchased 2 commercial-use sanitation trucks from RCH, and we are happy with our purchase. Unfortunately, one of the trucks was in an accident and was totaled. The insurance company totaled out the vehicle and gave the City the option to recoup the entirety of the vehicle's cost, and they take the vehicle; or approximately 90% of the cost could be reimbursed, but we can keep the truck. After discussion between Public Works and Fleet Dept. it was deemed the better option to take the ~90% and keep the truck for parts. The funds not recouped from insurance can be easily recouped in parts.

The City uses this type of truck to pick up the 2-yard commercial dumpsters. These trucks are necessary for our operations and replacing the totaled truck will bring us back to a full fleet.

RECOMMENDED ACTION:

Approve

Fiscal Impact**FUNDING SOURCE:**

212-6050-432.64-10

Attachments

Quote



River City Hydraulics, Inc.
P.O. Box 6033
Sherwood, AR 72124
Phone: (501) 835-5230
Fax: (501) 834-1233

Purchase Agreement

Date	Estimate #
2/26/2026	30430

Name / Address
City of Muskogee PO Box 1927 Muskogee, OK 74402

Ship To
City of Muskogee 229 W. Okmulgee Muskogee, OK 74401

PRICE IS VALID FOR 5 BUSINESS DAYS

P.O. No.	Terms	Rep	Unit Number	Serial Number	VIN
	Due on receipt	CK			
Item	Description	Qty	U/M	Rate	Total
HEIL POWERT...	POWERTRAK 1000 REAR LOADER 20 YARD MOUNTED ON NEW AND UNUSED FREIGHTLINER M2-106 PLUS CHASSIS	1	ea	227,042.01	227,042.01
SOURCEWELL...	SOURCEWELL DISCOUNT	1		-6,000.00	-6,000.00T
	FULL FACTORY MOUNT				
	CLUTCH SHIFT PTO				
	DIRECT MOUNT VANE FAST CYCLE PUMP				
	MULTI-FUNCTION LED STROBE / TURN LAMPS				
	DUAL HOPPER WORK LIGHT KIT - SWITCH IN CAB				
	BODY SIDE BACKING ASSIST LIGHTS				
	ROLL BAR ADJUSTABLE W/ CONTROL KIT				
	LIP AND LATCH KIT				
	SINGLE CENTER MOUNTED BAYNE				
	REVOLUTION HD CART TIPPER				
	BASE 3RD EYE CAMERA SYSTEM W/ 7" MONITOR AND REAR CAMERA				
	MUD FLAPS AHEAD OF REAR TIRES				
	MUD FLAPS BEHIND REAR TIRES				
	20lb. FIRE EXTINGUISHER				
	BROOM AND SHOVEL RACK				
	FREIGHT INCLUDED				
	APPROXIMATE COMPLETION DATE OF 60 DAYS ONCE ORDER IS PLACED				

All documents pertaining to and required for financing/loan must be submitted to lienholder before delivery of unit. All payments are required within five business days of delivery.

Date _____

Print

Any applicable material surcharges or tariffs imposed on this order prior to delivery will be passed on to the buyer. This will increase the final price at time of delivery.

Initial: _____

Public Works Committee**10.**

Meeting Date: 03/09/2026
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 accept a *Safe Streets for All (SS4A) Grant* from the United States Department of Transportation Federal Highway Administration, in the amount of \$389,500.00, with a City grant match of \$97,375.00, or take other necessary action. (Mike Stewart)

BACKGROUND:

This grant is for the planning of Safe Streets for All program, a Safe Routes to School program, and a non-motorist safety plan. This is a grant that will pay for an engineering firm of our choosing to come in and evaluate the City on several fronts. These fronts will range from the walkability, bike-ability, safety, lighting, and overall layout of the street index. This does not pertain to the quality of the street itself, but more about how it is used. They will examine accident records, gauge public opinion, and utilize many other tools to generate a capital improvement list for the City. For example, they may choose a school and see that there is a low level of walkability near the school and suggest a plan for sidewalks. These are things we generally already know as a City, but this grant allows qualitative data and a report to go with this plan so that the City can justify exactly what needs to be done and how it can help for the purposes of receiving further grants.

Public Works applies to many grants per year. We have a decent track record at getting them, but this can greatly increase the likelihood of getting future grants, and is setting up the groundwork across the City for the information needed for these grants. This will require the Mayor's signature and allow for the Council to approve the expenditure, since it is over the \$50,000.00 spending limit for City Manager approval. The City has already been approved for this grant, and just needs the agreement approved and executed in order to move forward.

RECOMMENDED ACTION:

Approve to accept the grant

Fiscal Impact**FUNDING SOURCE:**

500-6030-431.46-41

Attachments

draft agreement

1. Federal Award No.

4. Award To

City of Muskogee
229 W. Okmulgee Ave.
Muskogee, OK 74401

Unique Entity Id.: VR2NNSXENHU3
TIN No.: 73-6005340

6. Period of Performance

Effective Date of Award – 09/30/2028

8. Type of Agreement

Grant

10. Procurement Request No.

HSA250102PR

12. Submit Payment Requests To

See Article 5.

14. Description of the Project

The City of Muskogee, utilizing a consulting firm, will develop a comprehensive safety action plan and supplemental safe routes to school and non-motorist safety action plans for the city.

RECIPIENT

15. Signature of Person Authorized to Sign

Signature Date
Name: Patrick Cale
Title: Mayor

2. Effective Date
See No. 16 Below

3. Assistance Listings No.
20.939

5. Sponsoring Office

U.S. Department of Transportation
Federal Highway Administration
Office of Safety
1200 New Jersey Avenue, SE
HSSA-1, Mail Drop E71-117
Washington, DC 20590

7. Total Amount

Federal Share:	\$389,500
Recipient Share:	\$97,375
Other Federal Funds:	\$0
Other Funds:	\$0
Total:	\$486,875

9. Authority

Section 24112 of the Infrastructure Investment and Jobs Act (IIJA, Pub. L. 117–58, November 15, 2021)

11. Federal Funds Obligated

Base Phase: Plan Development \$389,500

13. Accounting and Appropriations Data
[insert Data]

FEDERAL HIGHWAY ADMINISTRATION

16. Signature of Agreement Officer

Signature Date
Name: Veronica R. Jacobson
Title: Agreement Officer

U.S. DEPARTMENT OF TRANSPORTATION

**GRANT AGREEMENT UNDER THE
FISCAL YEAR 2024 SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM**

This agreement is between the United States Department of Transportation's (the "USDOT") Federal Highway Administration (the "FHWA") and the City of Muskogee (the "Recipient").

This agreement reflects the selection of the Recipient to receive a Safe Streets and Roads for All ("SS4A") Grant for the Safe Streets and Roads for All Safety Action Plan: Muskogee, Oklahoma

The parties therefore agree to the following:

**ARTICLE 1
GENERAL TERMS AND CONDITIONS**

1.1 General Terms and Conditions.

- (a) In this agreement, "General Terms and Conditions" means the content of the document titled "General Terms and Conditions Under the Fiscal Year 2024 Safe Streets and Roads for All ("SS4A") Grant Program," dated March 17, 2025, which is available at <https://www.transportation.gov/grants/ss4a/grant-agreements> under "Fiscal Year 2024." Articles 7–33 are in the General Terms and Conditions. The General Terms and Conditions are part of this agreement.
- (b) The Recipient acknowledges that it has knowledge of the General Terms and Conditions. Recipient also states that it is required to comply with all applicable Federal laws and regulations including, but not limited to, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200); National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.); and Build America, Buy America Act (IIJA, div. G §§ 70901-27).
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient's non-compliance with the General Terms and Conditions may result in remedial action, termination of the SS4A Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the FHWA the SS4A Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

**ARTICLE 2
APPLICATION, PROJECT, AND AWARD**

2.1 Application.

Application Title: Safe Streets and Roads for All Safety Action Plan: Muskogee, Oklahoma

Application Date: 05/15/2024

2.2 Award Amount.

SS4A Grant Amount: \$389,500

2.3 Federal Obligation Information.

Federal Obligation Type: Single

Obligation Condition Table		
Phase the Project	Allocation of the SS4A Grant	Obligation Condition
Base Phase: Safety Action Plan Development	\$389,500	None

2.4 Budget Period.

Base Phase Budget Period: 12/31/2027

2.5 Grant Designation.

Designation: Planning

**ARTICLE 3
SUMMARY PROJECT INFORMATION**

3.1 Summary of Project's Statement of Work.

Planning and Demonstration Narrative:

The project will be completed in one phase.

Base Phase: Pre-NEPA:

Development of the plan will be undertaken by a multi-sectoral task force with representation from city, business, nonprofits, and community groups focused on transportation safety. The process will begin with the formalization of leadership support through council's adoption of a vision zero resolution. We will enlist a consultant to conduct a thorough safety assessment, guide public engagement, and develop plan documents. Widespread community engagement efforts will seek to include all segments of the community to ensure selected strategies meet the safety needs of all residents. Current policies and processes around infrastructure development and maintenance, enforcement, and public education will

be assessed and updated, and new policies and processes will be developed where needed to eliminate fatalities and injuries in the event of a crash.

We will use the findings from the assessment to identify high-impact strategies such as infrastructure improvements, behavior change campaigns, and enforcement initiatives. Throughout the process and following completion of the plan, progress and outcomes will be regularly communicated to ensure all segments of the community are well informed.

Supplemental Planning and Demonstration Activities. A supplemental Safe Routes to School (SRTS) planning effort will identify safety needs at school campuses in Muskogee. This effort will provide a safety analysis of the streets traversed by students, and will engage school staff, students, parents, and residents to ensure all voices are heard. Evidence-based and innovative strategies for infrastructure, policy, education, and enforcement will be identified and included in the comprehensive action plan. Additionally, the SRTS plan will be attached as an appendix to the comprehensive plan.

A city-wide non-motorist safety plan will be created and appended to the comprehensive safety action plan. This plan will focus on the safety needs of pedestrians, cyclists, and micro mobility users and will ensure the needs of these users are reflected in the main body of the comprehensive action plan. This process will leverage the safety analysis conducted in the main planning effort and will also include all elements of the planning process: public engagement, review of the existing complete streets policy, and identification and selection of evidence based and innovative strategies for infrastructure, policy, education, and enforcement around non-motorized transportation uses.

These activities will inform the comprehensive action plan by aiding in the selection of evidence-based and innovative strategies.

3.2 Project's Estimated Schedule.

Action Plan & Supplemental Plan Schedule

Milestone	Schedule Date
Planned Final Plan Publicly Available Date:	03/31/2028
Planned SS4A Final Report Date:	06/30/2028

3.3 Project's Estimated Costs.

(a) Eligible Project Costs

Eligible Project Costs	
SS4A Grant Amount:	\$389,500
Other Federal Funds:	\$0
State Funds:	\$0
Local Funds:	\$97,375
In-Kind Match:	\$0
Other Funds:	\$0
Total Eligible Project Cost:	\$486,875

(c) Indirect Costs

Indirect costs are allowable under this Agreement in accordance with 2 CFR part 200 and the Recipient's approved Budget Application. In the event the Recipient's indirect cost rate changes, the Recipient will notify FHWA of the planned adjustment and provide supporting documentation for such adjustment. This Indirect Cost provision does not operate to waive the limitations on Federal funding provided in this document. The Recipient's indirect costs are allowable only insofar as they do not cause the Recipient to exceed the total obligated funding.

ARTICLE 4

CONTACT INFORMATION

4.1 Recipient Contact(s).

Avery Rigney
Assistant Public Works Director
City of Muskogee
301 S. Cherokee, Muskogee, OK 74401
918-684-6333
arignery@muskogeeonline.org

4.2 Recipient Key Personnel.

Name	Title or Position
Avery Rigney	Assistant Public Woks Director
Dennis Read	Treasurer, City of Muskogee

4.3 USDOT Project Contact(s).

Safe Streets and Roads for All Program Manager
Federal Highway Administration
Office of Safety
HSSA-1, Mail Stop: E71-117
1200 New Jersey Avenue, S.E.
Washington, DC 20590
202-366-2822
SS4A.FHWA@dot.gov

and

Agreement Officer (AO)
Federal Highway Administration
Office of Acquisition and Grants Management
HCFA-42, Mail Stop E62-310
1200 New Jersey Avenue, S.E.

Washington, DC 20590
HCFASS4A@dot.gov

and

Division Administrator – Oklahoma
Agreement Officer’s Representative (AOR)
Federal Highway Administration
5801 N Broadway Extension, Suite 300
Oklahoma City, OK 73118
405-254-3300
hdaok@dot.gov

and

Huy Nguyen
Division Office Lead Point of Contact
Safety Engineer
Federal Highway Administration
5801 N Broadway Extension, Suite 300
Oklahoma City OK 73118
405-254-3300
huy.nguyen@dot.gov

ARTICLE 5

USDOT ADMINISTRATIVE INFORMATION

5.1 Office for Subaward and Contract Authorization.

USDOT Office for Subaward and Contract Authorization: FHWA Office of Acquisition and Grants Management

SUBAWARDS AND CONTRACTS APPROVAL

Note: See 2 CFR § 200.331, Subrecipient and contractor determinations, for definitions of subrecipient (who is awarded a subaward) versus contractor (who is awarded a contract).

Note: Recipients with a procurement system deemed approved and accepted by the Government or by the Agreement Officer (the “AO”) are exempt from the requirements of this clause. See 2 CFR 200.317 through 200.327. Note: This clause is only applicable to grants that do not include construction.

In accordance with 2 CFR 200.308(f)(6), the recipient or subrecipient shall obtain prior written approval from the USDOT agreement officer for the subaward, if the subaward activities were not proposed in the application or approved in the Federal award. This provision is in accordance with 2 CFR 200.308 (f) (6) and does not apply to procurement transactions for goods and services. Approval will be issued through written notification from the AO or a formal amendment to the Agreement.

The following subawards and contracts are currently approved under the Agreement by the AO. This list does not include supplies, material, equipment, or general support services which are exempt from the pre-approval requirements of this clause.

5.2 Reimbursement Requests

- (a) The Recipient may request reimbursement of costs incurred within the budget period of this agreement if those costs do not exceed the amount of funds obligated and are allowable under the applicable cost provisions of 2 C.F.R. Part 200, Subpart E. The Recipient shall not request reimbursement more frequently than monthly.
- (b) The Recipient shall use the DELPHI iSupplier System to submit requests for reimbursement to the payment office. When requesting reimbursement of costs incurred or credit for cost share incurred, the Recipient shall electronically submit supporting cost detail with the SF-270 (Request for Advance or Reimbursement) or SF-271 (Outlay Report and Request for Reimbursement for Construction Programs) to clearly document all costs incurred.
- (c) The Recipient's supporting cost detail shall include a detailed breakout of all costs incurred, including direct labor, indirect costs, other direct costs, travel, etc., and the Recipient shall identify the Federal share and the Recipient's share of costs. If the Recipient does not provide sufficient detail in a request for reimbursement, the Agreement Officer's Representative (the "AOR") may withhold processing that request until the Recipient provides sufficient detail.
- (d) The USDOT shall not reimburse costs unless the AOR reviews and approves the costs to ensure that progress on this agreement is sufficient to substantiate payment.
- (e) In the rare instance the Recipient is unable to receive electronic funds transfers (EFT), payment by EFT would impose a hardship on the Recipient because of their inability to manage an account at a financial institution, and/or the Recipient is unable to use the DELPHI iSupplier System to submit their requests for disbursement, the FHWA may waive the requirement that the Recipient use the DELPHI iSupplier System. The Recipient shall contact the Division Office Lead Point of Contact for instructions on and requirements related to pursuing a waiver.
- (f) The requirements set forth in these terms and conditions supersede previous financial invoicing requirements for Recipients.

ARTICLE 6 SPECIAL GRANT TERMS

- 6.1** SS4A funds must be expended within five years after the grant agreement is executed and DOT obligates the funds, which is the budget period end date in section 10.3 of the Terms and Conditions and section 2.4 in this agreement.
- 6.2** The Recipient demonstrates compliance with civil rights obligations and nondiscrimination laws, including Titles VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations. Recipients of Federal transportation funding will also be required to comply fully with regulations and guidance for the ADA, Title VI of the

Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements.

- 6.3** SS4A Funds will be allocated to the Recipient and made available to the Recipient in accordance with FHWA procedures.
- 6.4** The Recipient of a Planning and Demonstration Grant acknowledges that the Action Plan will be made publicly available and agrees that it will publish the final Action Plan on a publicly available website.
- 6.5** The Recipient of a Planning and Demonstration Grant that involves a demonstration activity agrees to provide an assessment of each demonstration activity and update the existing Action Plan, which will incorporate the information gathered in the Action Plan's list of projects or strategies and/or inform another part of the existing Action Plan. The Recipient also agrees that demonstration activities are temporary in nature and must be removed and/or ended following the conclusion of the project if the assessment of the demonstration activities does not affirm that the activities provide safety benefits.
- 6.6** The Recipient acknowledges that it is required to conduct certain environmental analyses and to prepare and submit to FHWA, or State with applicable NEPA Assignment authority, documents required under NEPA, and other applicable environmental statutes and regulations before the Government will obligate funds for Option Phase 1 under this agreement and provide the Recipient with a written notice to proceed with Option Phase 1.
- 6.7** The Government's execution of this agreement does not in any way constitute pre-approval or waiver of any of the regulations imposed upon Recipient under the applicable Federal rules, regulations and laws regarding SS4A projects undertaken in accordance with the terms and conditions of this agreement. The Recipient shall comply with all applicable Federal requirements before incurring any costs under this agreement.
- 6.8** There are no other special grant requirements.

ATTACHMENT A
PERFORMANCE MEASUREMENT INFORMATION

Study Area: City of Muskogee, OK, city limits.

Baseline Measurement Date: 06/30/2026

Baseline Report Date: 08/31/2026

Table 1: Performance Measure Table

Measure	Category and Description	Measurement Frequency and Reporting Deadline
Costs	Project Costs: Quantification of the cost of each eligible project carried out using the grant	Within 120 days after the end of the period of performance
Lessons Learned and Recommendations	Lessons Learned and Recommendations: Description of lessons learned and any recommendations relating to future projects or strategies to prevent death and serious injury on roads and streets.	Within 120 days after the end of the period of performance

ATTACHMENT B
CHANGES FROM APPLICATION

Scope: Remove the traffic circle demonstration project from the scope of work.

Schedule: N/A

Budget: N/A

The table below provides a summary comparison of the project budget.

Fund Source	Application		Section 3.3	
	\$	%	\$	%
Previously Incurred Costs (Non-Eligible Project Costs)				
Federal Funds				
Non-Federal Funds				
Total Previously Incurred Costs				
Future Eligible Project Costs				
SS4AFunds				
Other Federal Funds				
Non-Federal Funds				
Total Future Eligible Project Costs				
Total Project Costs				

ATTACHMENT C

[RESERVED]

ATTACHMENT D

[RESERVED]

ATTACHMENT E LABOR AND WORK

1. Efforts to Support Good-Paying Jobs and Strong Labor Standards

The Recipient states that rows marked with “X” in the following table align with the application:

	The Recipient or a project partner promotes robust job creation by supporting good-paying jobs directly related to the project with free and fair choice to join a union. <i>(Describe robust job creation and identify the good-paying jobs in the supporting narrative below.)</i>
	The Recipient or a project partner will invest in high-quality workforce training programs such as registered apprenticeship programs to recruit, train, and retain skilled workers, and implement policies such as targeted hiring preferences. <i>(Describe the training programs in the supporting narrative below.)</i>
	The Recipient or a project partner will partner with high-quality workforce development programs with supportive services to help train, place, and retain workers in good-paying jobs or registered apprenticeships including through the use of local and economic hiring preferences, linkage agreements with workforce programs, and proactive plans to prevent harassment. <i>(Describe the supportive services provided to trainees and employees, preferences, and policies in the supporting narrative below.)</i>
	The Recipient or a project partner will partner and engage with local unions or other worker-based organizations in the development and lifecycle of the project, including through evidence of project labor agreements and/or community benefit agreements. <i>(Describe the partnership or engagement with unions and/or other worker-based organizations and agreements in the supporting narrative below.)</i>
X	The Recipient or a project partner will partner with communities or community groups to develop workforce strategies. <i>(Describe the partnership and workforce strategies in the supporting narrative below.)</i>
	The Recipient or a project partner has taken other actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards. <i>(Describe those actions in the supporting narrative below.)</i>
	The Recipient or a project partner has not yet taken actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards but, before beginning construction of the Project, will take relevant actions described in Attachment B. <i>(Identify the relevant actions from Attachment B in the supporting narrative below.)</i>
	The Recipient or a project partner has not taken actions related to the Project to improve good-paying jobs and strong labor standards and will not take those actions under this award.

2. Supporting Narrative.

The City will identify local community partners such as Schools to support the study. The efforts will also involve outcome oriented training for the local workforce to reduce crashes and address traffic safety issues.

ATTACHMENT F
CRITICAL SECURITY INFRASTRUCTURE AND RESILIENCE

1. Efforts to strengthen the Security and Resilience of Critical Infrastructure against both Physical and Cyber Threats.

The Recipient states that rows marked with “X” in the following table are accurate:

	The Recipient demonstrates, prior to the signing of this agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the activities.
	The Recipient appropriately considered and addressed physical and cyber security and resilience in the planning, design and oversight of the project, as determined by the Department and the Department of Homeland Security.
	The Recipient complies with 2 CFR 200.216 and the prohibition on certain telecommunications and video surveillance services or equipment.

2. Supporting Narrative.

This grant will not fund the purchase of Information and Technology and/or Operational Technology.

ATTACHMENT G

RESERVED]