

AGENDA

TAHLEQUAH CITY COUNCIL - REGULAR MEETING

Date/Time of Meeting:

Monday, July 3, 2023 at 5:30 p.m.

Place of Meeting:

The meeting will be held at **111 Cherokee Ave. Tahlequah, OK 74464** (voting members of the public body will be present in person).

Official action can only be taken on items which appear on the agenda. The City Council may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When the City Council desires more information on an item, the City Council may refer the matter to City staff or to a committee for further consideration. Under certain circumstances, items may be deferred to a specific date or stricken from the agenda entirely.

1. MEETING CONVENED

Meeting called to order

Roll call

Invocation – Pastor Clifton Loman, First Lutheran

Flag Salute

Public Notice: A Public Notice of meeting was provided December 6, 2022 at 4:45 p.m. to the **Secretary of State of Oklahoma** and additional notice was provided June 27, 2023 at 12:06 p.m. at 111 Cherokee Ave. Tahlequah, OK 74464.

2. PUBLIC INSTRUCTIONS:

If you wish to receive a copy of any materials that are presented to the City Council, please submit your request to cityclerk@tahlequah.gov.

3. PUBLIC COMMENTS

Comments will be accepted from the general public concerning topics **that are not included in the meeting's agenda**. Individuals will be **limited to 3 minutes** of speaking time and the cumulative total of all comments from the public shall not exceed 15 minutes. Preference will be given to Tahlequah residents. In compliance with the Oklahoma Open Meeting Act, **no action or discussion is permitted by the City Council** on any issue or topic raised by a speaker during this public comment period.

4. CONSENT AGENDA

These items are placed on the **Consent Agenda** so that members of the City Council, by unanimous consent, can designate routine items to be approved by one motion. Any item proposed on the Consent Agenda not meeting with the approval of all Council members will **be removed** and heard in Regular Session.

- a) Approve the **minutes** from the **June 5th, 20th (2:30pm & 5:30pm), and June 30th, 2023** City Council meetings.
- b) Acknowledge receipt of the **May 2023 financial statement**.
- c) Acknowledge receipt of the **May 2023 purchasing card statement**.
- d) Acknowledge receipt of the **May 2023 investment schedule**.
- e) Renew **Tahlequah Main Street Association contract** for fiscal year 2023-2024.
- f) Accept **Cherokee Nation Public Safety Partners Grant award** to the Tahlequah City Fire Department in the amount of \$50,000, to be deposited and allocated for use into the **Tahlequah Fire Dept. Restricted Donation Fund**.
- g) Accept **Cherokee Nation Public Safety Partners Grant award** to Emergency Management in the amount of \$50,000, to be deposited and allocated for use into the **Emergency Management Restricted Donation Fund**.
- h) Accept **Cherokee Nation Public Safety Partners Grant award** to the Tahlequah City Police Department in the amount of \$50,000, to be deposited and allocated for use into the **Tahlequah Police Dept. Restricted Donation Fund**.
- i) Accept the **appointment** by Mayor Myers of **Dr. Mark Smith, DDS** to the **Tahlequah Hospital Authority Board**.
- j) Accept the **appointment** by Mayor Myers of **Phyllis Smith** to the **Tahlequah Hospital Authority Board**.
- k) Approve agreement with Cherokee County for **Emergency Management Services** for fiscal year 2023-2024.
- l) Approve **construction authorization** for **John & Janet Thompson** for **Hangar space 41** at the Tahlequah Municipal Airport.
- m) Approve the **TRDA** fiscal year 2023-2024 **budget**.
- n) Acknowledge receipt of **Tahlequah Hospital Authority** monthly report.
- o) Approval of **Farmer's Market Contract** for current year.
- p) Approve appointment of **Scott Reed** to the **Ward 4 Abatement Board** position.
- q) Acceptance of **\$15,000 donation** to the **Tahlequah Police Department**, from the **Cherokee Nation**, and the transfer and allocation of said donation from General Fund to the **Law Enforcement Restricted Donation account**.
- r) To accept the resignation from **Raquel Reed**, Patrolman in the Police Department effective **May 29, 2023**.
- s) To accept the resignation from **Janene Perry**, Lifeguard in the Parks and Recreation Department effective **June 27, 2023**.
- t) To hire **Chase Robertson**, Laborer/Operator in the Street Department at \$32,844.54 annually, effective **July 10, 2023**.
- u) To hire **Kewen Crabtree** and **Mark Pritchett**, Drivers in the Solid Waste at \$36,500.00 annually, effective **July 10, 2023**.
- v) To transfer **Thomas Andrew Jackson**, Laborer from the Parks and Recreation Department to Maintenance Technician in the Maintenance Department at \$34,000 annually, effective **July 10, 2023**.
- w) To increase the rate of pay and change position title for **Karen Murphy**, Executive Administrative Assistant at \$44,000 annually to Executive Assistant/Communications Specialist at \$50,000 annually effective **June 26, 2023**.
- x) To approve **section 306 – Educational Incentive Pay** policy of the **Employee Handbook** of Personnel Policies to include incentive for **Commercial Driver's Licenses** in the amount of \$300.00 annually and paid according to terms of the policy.

- y) Approve the Fiscal Year **2023 Audit Engagement Letter** by Arledge.

5. ANNOUNCEMENTS, PRESENTATIONS, AND REPORTS

Recognition for **Years of Service** July Employees:

Steve Young, 40 yrs., Police Department

Report from Library

Report from Chamber of Commerce

Report from Tour Tahlequah

Report from Tahlequah Main Street Association

REGULAR SESSION

6. Discussion and possible action on items removed from the **consent** agenda.
7. **Presentation** of completed season per the **Operation and Facilities Use Agreement with Tahlequah Sports League** and acknowledge receipt of annual accounting and certificate of insurance from Tahlequah Sports League. Tahlequah Sports League President Trae Ratliff.
8. Discussion and possible action to approve, approve with modifications, or deny **Ordinance No. 1360-2023**, an ordinance amending the City of Tahlequah City Code, Part 11, Parks, Recreation and Cultural Affairs. Councilman Josh Allen
9. Discussion and possible action to approve, approve with modifications, or deny **Ordinance No. 1361-2023**, an ordinance amending the City of Tahlequah Hotel/Motel Tax Ordinance. City Attorney John Tyler Hammons
10. Discussion and possible action to declare **Ordinance No. 1361-2023** an emergency.
11. Discussion and possible action to approve, approve with modifications, or deny **Supplemental Agreement** for inspection services, not to exceed \$172,975.46, provided by **Lochner Engineering**. Airport Manager Brian Lambert
12. Discussion and possible action to approve, approve with modifications, or deny Case #3-2023-Zoning/**Resolution 07-03-2023**, a resolution to amend the zoning map from Residential Single Family Medium Density District (RS-2) and General Commercial District (C-2) to Regional Commercial District (C-3) to use the property for vehicle sales and rentals on a property located at 5232 S. Muskogee Avenue, more particularly described as follows:
- Lots 1 & 2 and the East half of Lot 3, Block 1, Sharon Hills, City of Tahlequah, Cherokee County, Oklahoma Planning & Development Director Taylor Tannehill

13. Discussion and possible action to approve, approve with modifications, or deny **Resolution 07-03-2023(A)**, a resolution to supporting the City of Tahlequah's application for Safe Streets and Roads for All grant program (SS4A), a program supporting the U.S. Department of Transportation's National Roadway Safety Strategy. Planning & Development Director Taylor Tannehill
 14. Discussion and possible action to approve, approve with modifications, or deny lease between TRDA and Cherokee Nation at **106 W. Shawnee St.**, Tahlequah, OK for Provalus. TRDA President/CEO Nathan Reed
 15. Discussion and possible action to approve, approve with modifications, or deny a loan for TRDA with **Local Bank** in relation to the Economic Development Agreement and incentives provided by Optomi, LLC. TRDA President/CEO Nathan Reed
 16. Discussion and possible action to approve, approve with modifications, or deny a **Tourism Agency Contract** between the City of Tahlequah and the **Tahlequah Area Chamber of Commerce** for the provision of tourism development services. City Attorney John Tyler Hammons/Chamber President-CEO Nathan Reed
-
17. **PROPOSED EXECUTIVE SESSION-Motion to exit Regular Session and enter into Executive Session**
 - ❖ Pursuant to 25 OS § 307(B)(1), discuss the **employment of a City Administrator**, and if necessary, take appropriate action in Open Session.
 - ❖ Pursuant to 25 OS § 307(B)(4), discuss the pending investigation against **H & G Paving**, and if necessary, take action in Open Session.
 - ❖ Pursuant to 25 OS 307(B)(3), discuss the **purchase or appraisal of Real Property** located in the city of Tahlequah, and take appropriate action in open session.
 18. Possible action related to the discussion of the employment of a **City Administrator**. City Attorney John Tyler Hammons
 19. Possible action related to the discussion of the pending investigation against **H & G Paving**. City Attorney John Tyler Hammons
 20. Possible action related to the discussion of the **purchase or appraisal of Real Property** located in the City of Tahlequah. City Attorney John Tyler Hammons
 21. Discussion of possible mid-month meeting.
 22. Adjourn.



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Consent (a)

Meeting Date 07-03-2023

Initiator Whitney Shaw

Office/Department: City Clerk

Item Title

To approve minutes from June Council Meetings.

Background

Normal recurring monthly consent item.

Exhibits

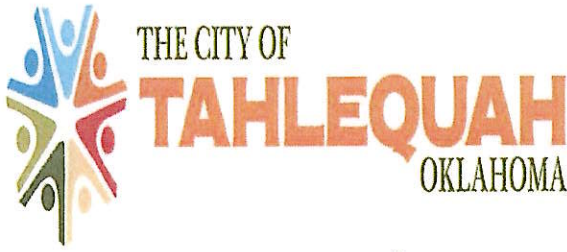
Exhibit 1: 06-05-2023 Regular Meeting Minutes
Exhibit 2: 06-20-2023 2:30 pm Special Meeting Minutes
Exhibit 3: 06-20-2023 5:30 pm Special Meeting Minutes
Exhibit 4: 06-30-2023 Special Meeting Minutes

Funding Source

N/A

Request

Approve the minutes from the June 5th, 20th (2:30pm & 5:30pm), and June 30th, 2023 City Council meetings.



Tahlequah City Council
AGENDA ITEM REPORT

Item No.

1, Consent (b), (c), & (d)

Meeting Date

7/03/2023

Initiator

Alan Chapman

Office/Department:

Finance Department

Item Title

Consent Agenda Items: 1. To Acknowledge Receipt of the May 31, 2023 Financial Statement.
2. To Acknowledge Receipt of the May 2023 Investment Statement.
3. To Acknowledge Receipt of the May 2023 Purchasing Card Stmt.

Background

Normal reoccurring business items that monthly are placed in consent.

Exhibits

Exhibit 1 – May Financial Statement
Exhibit 2 – May Investment Statement
Exhibit 3 – May Purchasing Card Statement

Founding Source

Not Applicable

Request

Approval as part of Consent Agenda



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Consent (e)

Meeting Date 7-3-23

Initiator Ray Hammons

Office/Department: admin

Item Title
TMSA contract for 2023-2024

Background
Renew amended TMSA contract

Exhibits
Attached contract

Founding Source

Request
Place on consent with Attorney Hammons approval



THE CITY OF
TAHLEQUAH
OKLAHOMA

Tahlequah City Council
AGENDA ITEM REPORT

Item No. Consent (f)

Meeting Date 07/03/2023

Initiator Casey Baker

Office/Department: Fire Department

Item Title

Acceptance of \$50,000 From Cherokee Nation

Background

Applied for a Cherokee Nation Grant and was awarded \$50,000

Exhibits

Check giving to Michelle.

Founding Source

Grant

Request

Discussion and possible action to accept the Cherokee Nation grant award in the amount of \$50,000 and to be deposited in the Tahlequah Fire Dept. Restricted donation account.



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Consent (g)

Meeting Date 07/03/2023

Initiator Mike Underwood

Office/Department: Emergency Management

Item Title

Acceptance of \$50,000 From Cherokee Nation

Background

Applied for a Cherokee Nation Grant and was awarded \$50,000

Exhibits

Check given to Michelle.

Founding Source

Grant

Request

Accept the Cherokee Nation grant award in the amount of \$50,000 and to be deposited in the Emergency Management Restricted donation account.



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Consent (h)

Meeting Date 07/03/2023

Initiator Nate King

Office/Department: Tahlequah Police Dept

Item Title

Acceptance of \$50,000 From Cherokee Nation

Background

Applied for a Cherokee Nation Grant and was awarded \$50,000

Exhibits

Check given to Michelle.

Founding Source

Grant

Request

Accept the Cherokee Nation grant award in the amount of \$50,000 and to be deposited in the Tahlequah Police Department Restricted donation account.



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Consent (i)

Meeting Date 7/3/23

Initiator Suzanne Myers

Office/Department: Mayor

Item Title

Appoint Dr. Mark Smith, DDS to Hospital Board

Background

Exhibits

Founding Source

Request



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Consent (j)

Meeting Date 7/3/23

Initiator Suzanne Myers

Office/Department: Mayor

Item Title

Appoint Phyllis Smith to Hospital Board

Background

Exhibits

Founding Source

Request



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Consent (k)

Meeting Date 07-03-2023

Initiator Ray Hammons

Office/Department: Managerial

Item Title

Consider approval of agreement with Cherokee County for Emergency Management for fiscal year 2023-2024.

Background

Contract/Agreement between County Commissioners to allow payment through the City of Tahlequah to Emergency Management. Emergency Management is an inter-local department serving both the City of Tahlequah and Cherokee County.

Exhibits

Exhibit 1: Contract/Agreement

Funding Source

Cherokee County Commissioners

Request

CONSENT: Approve agreement with Cherokee County for Emergency Management Services for fiscal year 2023-2024.



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Consent (I)

Meeting Date 7-3-2023

Initiator Brian Lambert

Office/Department: Airport

Item Title

Approve Construction Authorization for John & Janet Thompson for Hangar space 41 at Tahlequah Municipal Airport.

Background

The Thompsons have requested to build a 50'x50' hangar on space 41 (vacant), the Airport Advisory Board has approved the request. This is only the authorization to build as stated on the agreement the Thompsons are responsible for all building permits and inspection and fees as required by the City.

Exhibits

Exhibit 1 - Contract
Exhibit 2 - Bid Tabulation Sheet

Funding Source

No City funds required

Request

Approve of the "Construction Authorization" agreement between the City and the Thompsons.



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Consent (m)

Meeting Date 7-3-2023

Initiator Nathan Reed

Office/Department: Tahlequah Regional Development Authority

Item Title

Consider approval of the TRDA FY 2023-2024 budget.

Background

The budget has been approved by the TRDA Board of Trustees. TRDA has operated at a deficit for many years. That continues with this budget, but progress is being made towards a recurring revenue source to change that and have a net positive budget.

Exhibits

Exhibit 1 – Budget Sheet

Founding Source

Cash on Hand

Request

Approve the budget as presented.

TAHLEQUAH REGIONAL DEVELOPMENT AUTHORITY REVENUE/EXPENDITURE SCHEDULE FY 2023-2024

ACCOUNT #	ACCOUNT DESCRIPTION	2022-2023 BUDGET	2022-2023 10 MO ACTUAL	2022-2023 12 MO PROJECTED	2022-2023 VARIANCE	2023-2024 PROJECTED BUDGET	
MISCELLANEOUS REVENUES							
300-40-4010	LEASE REVENUE C3	90,675.00	71,250.00	87,500.00	(19,425.00)	97,500.00	
	LEASE REVENUE BACKWOODS FOODS	11,000.00	8,250.03	8,250.03	(2,749.97)	-	
300-40-4025	LEASE REVENUE CONSOLIDATED	20,400.00	17,000.00	20,400.00	(3,400.00)	21,900.00	
300-40-4100	SALE OF HAY	7,105.00	-	10,250.50	(7,105.00)	7,000.00	
300-40-4150	INTEREST INCOME	5,000.00	2,739.36	3,000.00	(2,260.64)	2,000.00	
300-40-4300	TACC SHARED SERV. REIMBURSEMENT	-	-	-	-	-	
	GRANTS/CONTRACTS	-	-	-	-	-	
	SALE OF LAND	-	116,646.19	116,646.19	116,646.19	-	
						176,000.00	
SUB-TOTAL:		134,180.00	215,885.58	246,046.72	81,705.58	304,400.00	
FUND TRANSFERS							
300-40-4810	CITY OF TAHLEQUAH GENRAL FUND	-	-			-	
	SUB-TOTAL:	-	-			-	
TOTAL REVENUES		134,180.00	215,885.58	246,046.72	81,705.58	304,400.00	
OTHER SERV & CHARGES							
	RECRUITMENT	3,000	712.14	950.00	(2,287.86)	1,000.00	
	ADVERTISING	10,000	2,839.55	9,959.55	(7,160.45)	1,000.00	
	BUILDING MAINTENANCE	7,500	939.00	2,000.00	(6,561.00)	17,500.00	7500 for Everise; 10,000 for Provalus
	ACCOUNTING	3,600	3,000.00	3,600.00	(600.00)	3,600.00	
	AUDIT	3,500	3,500.00	3,500.00	-	3,500.00	
	LEGAL FEES	12,000	10,240.00	12,000.00	(1,760.00)	4,000.00	
	DUES & MEMBERSHIPS	1,250	955.00	955.00	(295.00)	1,250.00	
	GROUNDS MAINTENANCE	6,500	5,490.00	5,490.00	(1,010.00)	-	No longer completing
	HAMMRC	12,000	9,000.00	12,000.00	(3,000.00)	12,000.00	
	PROFESSIONAL DEVELOPMENT	0	-	-	-	-	
	PROFESSIONAL FEES	60,000	37,544.10	59,744.10	(22,455.90)	50,000.00	Design and Construction Manager
	SIGN MAINTENANCE & REPAIR	2,000	1,500.00	1,500.00	(500.00)	-	All complete
	TELEPHONE AND INTERNET	1,200	932.45	1,135.00	(267.55)	1,200.00	
	TRAVEL & INCENTIVES	4,000	1,815.88	2,200.00	(2,184.12)	-	
	UTILITIES	1,500	1,144.91	1,500.00	(355.09)	2,000.00	Additional sites
	PROVALUS TEMP SITE MAINTENANCE	3,200	3,139.94	3,139.94	(60.06)	-	none
	PROVALUS TEMP SITE LEASE	27,000	21,000.00	27,000.00	(6,000.00)	36,000.00	12 months at \$3000/month
	PROVALUS JOB CREATION INCENTIVE					176,000.00	All Provalus lines from ED Agreement
	PROVALUS INSURANCE REIMBURSEMENT					10,000.00	
	PROVALUS TRAVEL AND RELOCATION					40,000.00	
	SETTLEMENT CHARGES	5,000	2,300.00	2,300.00	(2,700.00)	-	no additional purchases
	SHARED SERVICES AGREEMENT	100,000	76,203.15	92,203.15	(23,796.85)	101,500.00	75% of President/CEO; 50% of Operations
SUB-TOTAL:		263,250.00	182,256.12	241,176.74	(80,993.88)	460,550.00	
TOTALS:		(129,070.00)	33,629.46	4,869.98	162,699.46	(156,150.00)	



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Consent (n)

Meeting Date 07-03-2023

Initiator Stephen Highers-Councilman Ward 3

Office/Department: Tahlequah Hospital Authority

Item Title
THA monthly report (new)

Background
THA will now submit written reports each month in an effort to open communication and keep everyone updated on what is happening with our City trust.

Exhibits
Exhibit 1: Report

Funding Source
N/A

Request
Acknowledge receipt of Tahlequah Hospital Authority monthly report.



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Consent (o)

Meeting Date 7-3-23

Initiator Ray Hammons

Office/Department: Managerial

Item Title

Farmers Market contract placed on consent

Background

Annual request to use the park pavilion for farmers market.

Exhibits

Founding Source

Marla with the Farmers Market

Request

To approve the Farmers Market contract with date corrected dates



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Consent (p)

Meeting Date 7-3-23

Initiator Ray Hammons

Office/Department: Managerial

Item Title

Board appointment

Background

Abatement position vacated

Exhibits

Founding Source

Josh Allen

Request

Appoint Scott Reed to the ward 4 abatement position



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Consent (q)

Meeting Date 7-3-23

Initiator Nate King

Office/Department: Chief of Police

Item Title

Acceptance and accounting for a donation received.

Background

The police department received a \$15,000.00 donation from Cherokee Nation Councilor Teehee for the purchase of law enforcement equipment. The donation was projected in the current fiscal year budget and was earmarked for the purchase of bullet proof vests.

Exhibits

Check delivered to finance department

Funding Source

County Revolving Fund

Request

To transfer the Cherokee Nation donation of \$15,000.00 from the general fund to the law enforcement restricted donation account.



Tahlequah City Council AGENDA ITEM REPORT

Item No. Consent (r-s-t-u-v-w-x)

Meeting Date 07/03/2023

Initiator M'Lynn Pape

Office/Department: Human Resources

Item Title

Consent Agenda:

- To accept the resignation from Raquel Reed, Patrolman in the Police Department effective May 29, 2023.
- To accept the resignation from Janene Perry, Lifeguard in the Parks and Recreation Department effective June 27, 2023.
- To hire Chase Robertson, Laborer/Operator in the Street Department at \$32,844.54 annually, effective July 10, 2023.
- To hire Kewen Crabtree and Mark Pritchett, Drivers in the Solid Waste at \$36,500.00 annually, effective July 10, 2023.
- To transfer Thomas Andrew Jackson, Laborer from the Parks and Recreation Department to Maintenance Technician in the Maintenance Department at \$34,000 annually, effective July 10, 2023.
- To increase the rate of pay and change position title for Karen Murphy, Executive Administrative Assistant at \$44,000 annually to Executive Assistant/Communications Specialist at \$50,000 annually effective June 26, 2023.
- To approve section 306 – Educational Incentive Pay policy of the Employee Handbook of Personnel Policies to include incentive for Commercial Driver's Licenses in the amount of \$300.00 annually and paid according to terms of the policy

Exhibits

Exhibit 1 – Updated Education Incentive Pay Policy

306 – EDUCATIONAL INCENTIVE PAY¹⁵

Full-time employees who work at least 40 hours per week, and who have been employed with the City of Tahlequah for one (1) year are eligible to participate in the Educational Incentive Pay program.

Eligible employees have the opportunity to receive incentive compensation based on the following chart. Employees are only eligible for the highest degree achieved. Furthermore, employees who possess a Commercial Drivers Licenses (CDL) will receive an additional incentive on top of any educational incentives they may already qualify for.

Associate's Degree (or 62 (sixty-two) accredited college hours)	\$360.00
Bachelor's Degree	\$600.00
Master's Degree	\$1,200.00
Commercial Driver's License (CDL)	\$300.00

The compensation will be paid in one lump sum amount each year on the anniversary month of their hire date.

Request for educational pay may be approved at any time during the fiscal year and approved with submission of the college transcript confirming the degree completed. All pay increases are subject to budget availability.

1. Elected Officials - Elected officials will not receive educational pay.
2. Interruption of Service - Employees who have self-terminated, retired or been terminated by the City and then are rehired will be considered for the educational pay at **their last date of hire except as required.**
3. Date of Payment – educational pay will be calculated on the anniversary of the employee's **last date of hire** and will be issued on the last pay period in that month.
4. Terminated Employees - Any employee who is terminated prior to their anniversary date will not receive educational pay.
5. Self-terminated Employees - Any employee who self-terminates prior to their anniversary date will **not** receive educational pay.
6. Retiring Employees - Any employee who retires prior to their anniversary date **will** receive educational pay based on a prorated number of years and months of service.
7. Employees on Occupational Injury Leave - Any employee on occupational injury leave and drawing workmen's compensation on their anniversary date will **not** receive educational pay until they **return to work.**
8. Employees on Leave of Absence - Any employee on leave of absence on their anniversary date will **not** receive educational pay until they are reinstated to the position vacated.
9. Employees on Family Medical Leave - Any employee on leave which is covered under the Family Medical Leave Act on their anniversary date will receive educational pay.
10. Employees on Military Leave of Absence - Any employee on military leave of absence on their Anniversary date will receive educational pay.
11. Employees on Suspension – Any employee who is on suspension on their anniversary date will not receive educational pay unless they are reinstated to their position. If the suspended employee is terminated, they will not receive education pay.



Tahlequah City Council
AGENDA ITEM REPORT

Item No. (y)

Meeting Date 7/03/2023

Initiator Alan Chapman

Office/Department: Finance

Item Title

Consent Agenda Item: To approve the Fiscal Year 2023 Audit Engagement Letter

Background

The City is required to have an annual audit performed in accordance with the Charter and State Law. This agreement meets those requirements and is substantially in the same form and content as last year's engagement letter.

Exhibits

Engagement Letter Attached

Funding Source

Managerial Department – Professional Services

Request

Recommend approval of engagement letter



THE CITY OF
TAHLEQUAH
OKLAHOMA

Tahlequah City Council
AGENDA ITEM REPORT

Item No. (7)

Meeting Date 7/3/23

Initiator Brian Speake

Office/Department: Parks and Rec Dept.

Item Title

TSL yearly numbers

Background

Trae Ratliff would like to present the year end numbers for TSL

Exhibits

NA

Founding Source

NA

Request



Tahlequah City Council
AGENDA ITEM REPORT

Item No. 8

Meeting Date 7-3-2023

Initiator Josh Allen

Office/Department: City Council

Item Title

Approve, approve with modification, or deny Ordinance No. 1360-2023, an ordinance prohibiting shopping carts in public parks, public streets, and public sidewalks.

Background

The proposed ordinance bans the use of shopping carts in public parks or on public streets and sidewalks. Violations of the ban are punishable by fine through the municipal court.

Exhibits

Exhibit 1 – Ordinance No. 1360-2023

Funding Source

N/A

Request

1st Reading of Ordinance No. 1360-2023.

ORDINANCE NO. 1360-2023

AN ORDINANCE OF THE CITY OF TAHLEQUAH, OKLAHOMA, AMENDING THE TAHLEQUAH CITY CODE, PART 11, PARKS, RECREATION AND CULTURAL AFFAIRS; CHAPTER 1, GENERAL PROVISIONS; BY ADDING SECTION 11-106, SHOPPING CARTS PROHIBITED; PROVIDING FOR CODIFICATION, SEVERABILITY, REPEALER, AND SETTING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY The City Council of the City of Tahlequah, Oklahoma:

SECTION 1. NEW LAW. Section 1-106 of Chapter 1 of Part 11 of the Tahlequah City Code is hereby added to read as follows:

- A. **Purpose.** The use of shopping carts on public facilities in the City creates a potential hazard to the health and safety of the public, interferes with pedestrian and vehicle traffic, and creates a public nuisance. The accumulation of shopping carts on public facilities tends to create conditions which reduce property values and promote blight and deterioration. The use of shopping carts on public facilities results in the obstruction of free access to public and private sidewalks, streets, parking lots, and interferes with pedestrian and vehicular traffic upon the same and impede the timely provision of emergency services. In recognition of the same, it is the policy of the City of Tahlequah to prohibit the use of shopping carts on the public facilities of the City.
- B. **Definition.** As used in this Section, the term "**shopping cart**" means a basket which is mounted on wheels, or a similar device, generally used in a retail, laundry, dry cleaning, or other establishment by a customer or an attendant for the purpose of transporting goods of any kind. The term does not refer to wheeled ice chests which are being used to store food and drinks in a temporary fashion.
- C. **Prohibition.** It shall be unlawful for any person to use or possess any shopping cart in or upon the public parks, the public roadways, the public parking areas, or the public sidewalks within the limits of the City. Any person violating the provisions of this section shall be guilty of an offense and, upon conviction thereof, shall be fined as provided by Section 1-108 of this Code.

SECTION 2. CODIFICATION. The City Clerk is hereby directed to enter the added section into the appropriate place in the Tahlequah City Code of Tahlequah, Oklahoma, as authorized and approved by this Ordinance.

SECTION 3. SEVERABILITY. If any provision, paragraph, word, section of article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

SECTION 4. REPEALER. All other Ordinances and parts of other Ordinances Inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days after its publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TAHLEQUAH, OKLAHOMA, THIS 3RD DAY OF JULY, 2023.

Suzanne Myers, Mayor

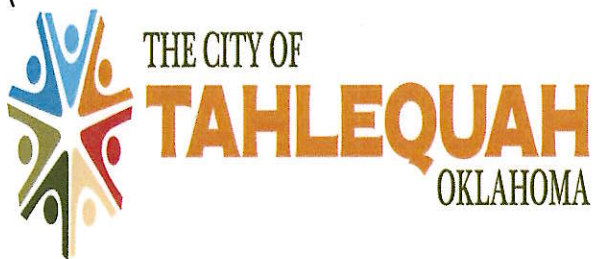
(SEAL)

ATTEST:

City Clerk

Approved as to form and legality this 3rd day of July, 2023.

John Tyler Hammons, City Attorney



Tahlequah City Council AGENDA ITEM REPORT

Item No. (9) & (10)

Meeting Date 7-3-2023

Initiator John Tyler Hammons

Office/Department: City Attorney

Item Title

Approve, approve with modification, or deny Ordinance No. 1361-2023, an ordinance amending the City of Tahlequah Hotel/Motel Tax Ordinance, and declaring an emergency.

Background

Since at least 1987, the City of Tahlequah has contracted with the Tahlequah Area Chamber of Commerce to conduct tourism development services on behalf of the City. The City and Chamber have negotiated a new contract which requires the terms of the Tahlequah Hotel/Motel Tax Ordinance to be updated to reflect the new role the Chamber will fulfill for the City.

Exhibits

Exhibit 1 – Ordinance No. 1361-2023

Founding Source

N/A

Request

Approve Ordinance No. 1361-2023 and declare an emergency.

COPY

ORDINANCE NO. 1361-2023

AN ORDINANCE OF THE CITY OF TAHLEQUAH, OKLAHOMA, AMENDING PART 7, FINANCE AND TAXATION, CHAPTER 5, HOTEL/MOTEL TAX, BY AMENDING SECTION 7-504, USE OF FUNDS; PROVIDING FOR CODIFICATION, SEVERABILITY, REPEALER, AND DECLARING AN EMERGENCY.

NOW THEREFORE, BE IT ORDAINED BY The City Council of the City of Tahlequah, Oklahoma:

SECTION 1. AMENDATORY. Chapter 5 of Part 7 of the Tahlequah City Code is hereby amended to read as follows:

Section 7-504 Use of Funds

All taxes collected pursuant to the provisions of this chapter shall be set aside and used for the purpose of encouraging, promoting, fostering tourism and tourism development in the City, and the sums shall be applied as follows:

- ~~1. On August 5, 1987, and at the commencement of each fiscal year thereafter, the City will contract with the Tahlequah Area Chamber of Commerce whereby the Chamber of Commerce will act as the agent of the City, in the distribution and use of the funds to be appropriated by the City derived from the enactment of this chapter and in such endeavor the Chamber of Commerce shall be considered a quasi-governmental agency of the City. At the conclusion of the fiscal years, the Chamber of Commerce shall submit to the City Council a detailed account of the expenditures of all such funds disbursed as such agent of the City, and shall make an annual report of such disbursements, and at the appropriate date prior to the commencement of the fiscal year of the City, the Chamber of Commerce shall submit its budget proposal for the coming year wherein the budget request shall be made in conformity of meeting contractual requirements between the City and the Chamber of Commerce as its agent; and~~
2. Ninety-Seven percent (97%) of the net proceeds collected pursuant to the provisions of this chapter shall be used for the promoting, solicitation and development of tourism within and for the City, including, but not limited to, contracting with external parties to achieve the same. Three Percent (3%) of the funds to be retained by the City to meet necessary administrative expenses of enforcement of this chapter.

SECTION 2. CODIFICATION. The City Clerk is hereby directed to enter the added section into the appropriate place in the Tahlequah City Code of Tahlequah, Oklahoma, as authorized and approved by this Ordinance.

SECTION 3. SEVERABILITY. If any provision, paragraph, word, section of article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, Paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

SECTION 4. REPEALER. All other Ordinances and parts of other Ordinances Inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 5. EFFECTIVE DATE. It being necessary to preserve the public health, safety, welfare, and morals, this Ordinance shall take effect immediately after its publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TAHLEQUAH, OKLAHOMA, THIS 3RD DAY OF JULY, 2023.

Suzanne Myers, Mayor

(SEAL)

ATTEST:

City Clerk

Approved as to form and legality this 3rd day of July, 2023.

John Tyler Hammons, City Attorney



Tahlequah City Council AGENDA ITEM REPORT

Item No. (11)

Meeting Date 07-03-2023

Initiator Brian Lambert

Office/Department: Airport

Item Title

Consideration of approval of supplemental agreement for inspection services provided by Lochner Engineering

Background

Lochner Engineering has been providing engineering inspection services for the airport ramp improvement project. This project was originally scheduled and budgeted as an eighty-day project, the project is now over two hundred days. Lochner's original contract with the City accounted for the original eighty-day time period, this supplemental agreement covers inspection services provided to date. This amount should be covered by the bonding company or the final payment from the city to the completing contractor.

Exhibits

Exhibit 1: Supplemental Agreement

Funding Source

Liquidated damages through bonding company

Request

Approval of Supplemental Agreement No. 1 with HW Lochner Inc. in the amount of, not to exceed, **\$172975.46** for continued construction observation and administration for the "Rehabilitate Apron and Runway Safety Area Grading at Tahlequah Municipal Airport.



Tahlequah City Council
AGENDA ITEM REPORT

Item No. (12)

Meeting Date 07-03-2023

Initiator Taylor Tannehill

Office/Department: Planning & Development/Planning Commission

Item Title

Discussion and possible action to approve, approve with modifications, or deny Case #3-2023-Zoning/**Resolution 07-03-2023**, a resolution to amend the zoning map from Residential Single Family Medium Density District (RS-2) and General Commercial District (C-2) to Regional Commercial District (C-3) to use the property for vehicle sales and rentals on a property located at 5232 S. Muskogee Avenue, more particularly described as follows:

Lots 1 & 2 and the East half of Lot 3, Block 1, Sharon Hills, City of Tahlequah, Cherokee County, Oklahoma

Background

The applicant has requested the zoning change for a vehicle sales and rental use. The planning commission held a public hearing on Tuesday, June 27th and unanimously voted to recommend approval of the zoning change request. There were no objections at the meeting.

Exhibits

Exhibit 1 – Staff Report
Exhibit 2 - Resolution

Founding Source

N/A

Request

Staff and Planning Commission recommend approval the resolution.

COPY

RESOLUTION NO. 07-03-2023

**A RESOLUTION TO CHANGE THE ZONING OF THE HEREINAFTER DESCRIBED
REAL ESTATE.**

WHEREAS, the Tahlequah City Council adopted Ordinance No. 1329-2021 on August 16, 2022. Ordinance No. 1329-2021 established Part 12, Chapter 1 – City of Tahlequah Zoning Ordinance.

WHEREAS, Section 7.D.2.f of the City of Tahlequah Zoning Ordinance authorizes zoning map amendments to be approved by City Council by Resolution.

WHEREAS, the applicant has met all notification requirements for a public hearing held by the Planning Commission of the City of Tahlequah held on Tuesday, June 27, 2023.

WHEREAS, the Planning Commission of the City of Tahlequah recommended unanimously by a vote of 3-0 to approve Case #3-2023-Zoning.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
TAHLEQUAH, OKLAHOMA, THAT** the following described real in Cherokee County,
Oklahoma, to-wit:

LEGAL DESCRIPTION

Lots 1 & 2 and the East half of Lot 3, Block 1, Sharon Hills, City
of Tahlequah, Cherokee County Oklahoma.

Shall be, and the same is, hereby changed from Residential Single Family Medium Density
District (RS-2) and General Commercial District (C-2) to Regional Commercial District (C-3)

PASSED AND ADOPTED by the City Council of the City of Tahlequah on this 3rd day of
July, 2023, after full compliance with the Oklahoma Open Meeting Act.

CITY OF TAHLEQUAH

Suzanne Myers, Mayor

ATTEST:

Whitney Shaw, City Clerk

[Seal]



Tahlequah City Council AGENDA ITEM REPORT

Item No. (13)

Meeting Date 07-03-2023

Initiator Taylor Tannehill

Office/Department: Planning & Development/Planning Commission

Item Title

Discussion and possible action to approve, approve with modifications, or deny **Resolution 07-03-2023(A)**, a resolution to supporting the City of Tahlequah's application for Safe Streets and Roads for All grant program (SS4A), a program supporting the U.S. Department of Transportation's National Roadway Safety Strategy.

Background

The Bipartisan Infrastructure Bill (BIL) established a new Safe Streets and Roads for All (SS4A) discretionary program, with \$5 billion in approved funds over 5 years, 2022-2026. The City of Tahlequah intends to apply for an Action Plan grant costing \$200,000. Once completed, the City will be eligible to apply for grant funds through the same program to implement recommendations from the Action Plan. The grant requires 20% matching funds.

Exhibits

Exhibit 1 – Resolution

Funding Source

ARPA Fund – Grant Matching or other available funding source.

Request

Approval of Resolution.

COPY

City of Tahlequah

RESOLUTION NO. 07-03-2023(A)

**A RESOLUTION SUPPORTING THE CITY OF TAHLEQUAH'S APPLICATION FOR
SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM (SS4A), A PROGRAM
SUPPORTING THE U.S. DEPARTMENT OF TRANSPORTATION'S NATIONAL
ROADWAY SAFETY STRATEGY.**

WHEREAS, the City of Tahlequah recognizes the need to improve roadway safety within the City of Tahlequah jurisdiction; and

WHEREAS, the City of Tahlequah intends to apply for \$200,000 to develop an Action Plan and said plan is critical to establishing the goal of zero roadway deaths; and

WHEREAS, the City of Tahlequah has available funding in FY 2023-2024 to provide the required 20% matching funds for said grant; and

NOW THEREFORE, BE IT RESOLVED, by the elected Council of the City of Tahlequah that it supports and directs staff to apply for the Safe Streets and Roads for All (SS4A) grant and authorizes the Mayor to sign all documentation related to said grant.

PASSED AND APPROVED by the City Council of the City of Tahlequah on this 3rd day of July, 2023.

City of Tahlequah

By _____

Title: Mayor

ATTEST:

City Clerk

(SEAL)



Tahlequah City Council
AGENDA ITEM REPORT

Item No. (14)

Meeting Date 7-3-2023

Initiator Nathan Reed

Office/Department: Tahlequah Regional Development Authority

Item Title

Consider approval of a lease with Cherokee Nation at 106 W Shawnee St., Tahlequah, OK 74464.

Background

The lease has been approved by the TRDA Board of Trustees. Cherokee Nation has been a crucial partner in the recruitment of Provalus and purchased this site for TRDA to renovate as part of the incentive package used to recruit them to our community.

Exhibits

Exhibit 1 – Lease Document

Founding Source

Cash on Hand

Request

Approve the lease as written.



Tahlequah City Council
AGENDA ITEM REPORT

Item No. (15)

Meeting Date 7-3-2023

Initiator Nathan Reed

Office/Department: Tahlequah Regional Development Authority

Item Title

Consider approval of a loan with Local Bank in relation to the Economic Development Agreement and incentives provided to Optomi, LLC.

Background

The loan has been approved by TRDA Board of Trustees. The funds will be used for purchase and renovation of structures in downtown Tahlequah to locate 250+ new jobs in the community.

Exhibits

Exhibit 1 – Promissory Note and Mortgage documents

Founding Source

Cash on Hand

Request

Approve the loan for TRDA to incur debt.



Tahlequah City Council AGENDA ITEM REPORT

Item No. (16)

Meeting Date 7-3-2023

Initiator John Tyler Hammons

Office/Department: City Attorney

Item Title

Approve, approve with modification, or deny a **Tourism Agency Contract** between the City and the Tahlequah Area Chamber of Commerce for the provision of tourism development services.

Background

Since at least 1987, the City of Tahlequah has contracted with the Tahlequah Area Chamber of Commerce to conduct tourism development services on behalf of the City. The City and Chamber have negotiated a new contract which transitions the Chamber to a new service model as an independent contractor rather than a quasi-department of the City.

Exhibits

Exhibit 1 – Tourism Agency Contract

Funding Source

Hotel/Motel Tax Fund

Request

Approve Tourism Agency Contract between the City and the Tahlequah Area Chamber of Commerce



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Executive Session

Meeting Date 7-3-2023

Initiator John Tyler Hammons

Office/Department: City Attorney

Item Title

Pursuant to 25 OS 307(B)(1), consider convening in Executive Session to discuss the employment of a City Administrator, and if necessary, take appropriate action in Open Session.

Background

The City Attorney desires to discuss with the Mayor and City Council ongoing negotiations concerning the employment of a City Administrator. The City Council should determine that disclosure of ongoing negotiations concerning the employment of a City Administrator will seriously impair the ability of the City to continue negotiations. Therefore, the Council should convene in Executive Session to discuss this matter.

Exhibits

N/A

Founding Source

N/A

Request

Convene in executive session to discuss the employment of a City Administrator, and if necessary, take appropriate action in open session.



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Executive Session 2

Meeting Date 7-3-2023

Initiator John Tyler Hammons

Office/Department: City Attorney

Item Title

Pursuant to 25 OS 307(B)(4), consider convening in Executive Session to discuss the pending investigation against H & G Paving, and if necessary, take appropriate action in Open Session.

Background

The City Attorney desires to discuss with the Mayor and Council the status of the pending investigation against H & G Paving. The City Attorney advises the City Council that the Council should determine that disclosure of confidential communications between the Council and the City Attorney regarding the above referenced item will seriously impair the ability of the City to defend the City's interest, and from that determination, the Council should convene in executive session to discuss this matter.

Exhibits

N/A

Founding Source

N/A

Request

Convene in executive session to discuss the pending investigation against H & G Paving, and if necessary, take appropriate action in open session.



Tahlequah City Council
AGENDA ITEM REPORT

Item No. Executive Session 3

Meeting Date 7-3-23

Initiator Ray Hammons

Office/Department: Managerial

Item Title

ROW accusations and negotiations to be place in executive session

Background

This is a negotiations with local business and property owners in an effort to avoid condemnation and litigation to acquire easements and ROW for the south Muskogee Ave. expansion

Exhibits

attached

Founding Source

Ray Hammons/ Suzanne Myers/Taylor Tannehill

Request

To approve amount and process negotiated to acquire easements and ROW