

**AMENDED RESOLUTION 2747**

THE CITY COUNCIL OF THE CITY OF MUSKOGEE, STATE OF OKLAHOMA, MET IN REGULAR SESSION IN THE COUNCIL CHAMBERS AT THE CITY HALL IN SAID CITY ON THE 11TH DAY OF MARCH, 2019, AT 5:30 P.M.

PRESENT: MAYOR JOHN R. COBURN, DEPUTY MAYOR JANEY BOYDSTON, COUNCILMEMBERS; DAN HALL, MARLON COLEMAN, WAYNE JOHNSON, IVORY VANN, DERRICK REED, PATRICK CALE, JAIME STOUT

Notice of the regular meetings of the City Council of the City for calendar year 2019, having been given in writing to the City Clerk of the City of Muskogee prior to December 15, 2018, and public notice of this meeting with an agenda having been posted in prominent view at the Council Chambers not less than twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(Other Proceedings)

THEREUPON, the Mayor introduced a Resolution that was read by title by the Clerk and considered and discussed by City Council, and upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, said Resolution was adopted by the following vote:

AYE: \_\_\_\_\_

NAY: \_\_\_\_\_

Said Resolution was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality, and is as follows:

AN AMENDED RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF MUSKOGEE, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE ADOPTION OR REJECTION OF ORDINANCE NO. 4066-A OF THE CITY RELATING TO A THIRTY-THREE ONE HUNDREDTHS OF ONE PERCENT (.33%) SALES TAX OF THE CITY AND DEFINING THE PURPOSES FOR SUCH TAX INCLUDING SPECIFIED CITY PURPOSES; AND FOR THE PURPOSE OF THE ADOPTION OR REJECTION OF ORDINANCE NO. 4067-A OF THE CITY RELATING TO A SEVENTEEN ONE HUNDREDTHS OF ONE PERCENT (.17%) SALES TAX OF THE CITY AND DEFINING THE PURPOSES FOR SUCH TAX INCLUDING SPECIFIED CITY PURPOSES; AND, CLOSING THE 40<sup>TH</sup> AND 45<sup>TH</sup> VOTING PRECINCTS.

WHEREAS, it is deemed advisable by the City of Muskogee, State of Oklahoma, to improve the street system and other facilities of the City, as well as, other capital improvement projects identified herein;

WHEREAS, it is further deemed advisable to enact a sales tax of thirty-three one hundredths of one percent (.33%) sales tax for street maintenance and improvements and a seventeen one hundredths of one percent (.17%) sales tax for certain capital improvements identified through community involvement and community priorities identified by the City as specified Ordinance 4066-A, as well as, other capital improvements identified by the City, as specified in the Ordinance 4067-A.

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

**SECTION 1. DATES OF ELECTION AND PROPOSITIONS TO BE VOTED ON.**

That the Mayor of the City of Muskogee, Oklahoma, is hereby authorized to execute this resolution and cause the same to be delivered to the Secretary of the Muskogee County Election Board calling, pursuant to the provisions of the City Charter and Title 11, Oklahoma Statutes, Section 16-112, a Special Election to be held on May 14, 2019, for the purpose of election on the following propositions:

PROPOSITION NO. 1

"SHALL CITY OF MUSKOGEE **ORDINANCE NO. 4066-A** BE APPROVED FOR THE PURPOSE OF STREET MAINTENANCE AND REHABILITATION PROJECTS, LEVYING AN EXCISE (SALES) TAX OF **THIRTY-THREE ONE HUNDREDTHS OF ONE PERCENT (.33%)** IN ADDITION TO OTHER EXCISE OR SALES TAXES LEVIED BY THE CITY OR ANY OTHER TAXING AUTHORITY, UPON GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING THAT THE THIRTY-THREE ONE HUNDREDTHS OF ONE PERCENT (.33%) EXCISE OR SALES TAX SHALL BE LIMITED TO A PERIOD, COMMENCING OCTOBER 1, 2019 AND ENDING ON SEPTEMBER 30, 2025. ALL REVENUES FROM THE TAX SHALL BE DEPOSITED TO A SPECIAL CAPITAL IMPROVEMENT FUND TO BE USED FOR STREET MAINTENANCE AND REHABILITATION PROJECTS AS SPECIFIED IN THE ORDINANCE.

SHALL THE ABOVE DESCRIBED ORDINANCE BE ADOPTED?

YES

NO

PROPOSITION NO. 2

"SHALL CITY OF MUSKOGEE **ORDINANCE NO. 4067-A** BE APPROVED FOR THE PURPOSE OF SPECIAL CAPITAL IMPROVEMENTS, LEVYING AN EXCISE (SALES) TAX OF **SEVENTEEN ONE HUNDREDTHS OF ONE PERCENT (.17%)** IN ADDITION TO OTHER EXCISE OR SALES TAXES LEVIED BY THE CITY OR ANY OTHER TAXING AUTHORITY, UPON GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING THAT THE SEVENTEEN ONE HUNDREDTHS OF ONE PERCENT (.17%) EXCISE OR SALES TAX SHALL BE LIMITED TO A PERIOD, COMMENCING OCTOBER 1, 2019 AND ENDING ON SEPTEMBER 30, 2025. ALL REVENUES FROM THE TAX SHALL BE DEPOSITED TO A SPECIAL CAPITAL IMPROVEMENT FUND TO BE USED FOR CAPITAL IMPROVEMENTS AS SPECIFIED IN THE ORDINANCE.

SHALL THE ABOVE DESCRIBED ORDINANCE BE ADOPTED?

YES

NO

**Section 2. DATE AND HOURS OF ELECTION OF PROPOSITIONS TO BE SUBMITTED.**

That the Mayor of the City of Muskogee be and hereby is authorized to execute this resolution and cause the same to be delivered to the Secretary of the Muskogee County Election Board calling, pursuant to the provisions of the City Charter and Title 11, Oklahoma Statutes, Section 16-112, a special election to be held in the City of Muskogee, Oklahoma, on the 14<sup>th</sup> day of May, 2019, between the hours of 7:00 a.m. and 7:00 p.m., for the purpose of submitting to the registered qualified voters of the City, for their adoption or rejection of the following propositions.

**Section 3. USE OF PROCEEDS: (0.33%).**

The proceeds of the thirty-three one hundredths of one percent (.33%) sales tax, or proceeds of borrowings by the city or a public trust of which the city is a beneficiary shall be expended on financing and implementing street maintenance and rehabilitation projects of the City to the extent legal and practical, as provided in Ordinance No. 4066-A of the City of Muskogee, to wit:

1. Maintaining and improving residential streets;
2. Maintaining and improving collector streets in residential areas;
3. Replacement of traffic signals;
4. Other street improvement projects as recommended by the City of Muskogee Street Committee and authorized by the City Council.
5. If monies in excess of those needed for items 1, 2, 3 and 4 are received, those monies are to be held in the fund established for this tax to be used for other street maintenance and rehabilitation projects identified by the City.

Further providing that all revenues and proceeds derived from the tax levied, including any interest earned from the proceeds, shall be deposited and credited into the street rehabilitation fund of the city created and established under the provisions of 11 Oklahoma Statutes, Section 17-109, for the payment of said capital improvement projects and debt service associated with said capital improvement projects.

**Section 4. USE OF PROCEEDS: (.17%).**

The proceeds of the seventeen one hundredths of one percent (.17%) sales tax, or proceeds of borrowings by the City or a public trust of which the City is beneficiary payable from the seventeen one hundredths of one percent (.17%) sales tax, shall be expended on financing and implementing certain capital improvement projects of the city, to the extent legal and practical, and in no particular order of priority, the following projects, as provided in Ordinance No. 4067-A of the City of Muskogee, to wit:

1. All aspects of the following Capital Improvement Projects identified by the City Council through community engagement:
  - a. the MLK Community Center, including but not limited to expanded parking;
  - b. Hatbox Complex Improvements;
  - c. Demolition of Unsafe, Unfit or Hazardous structures, including abatement or overgrowth, trash and debris;
  - d. Airport Development and Improvement;
  - e. River Country Water Park Improvements;
  - f. Muskogee Swim and Fitness Center Improvements;
  - g. Trail extensions and maintenance;
  - h. Other Park Improvements and maintenance;
  - i. Law Enforcement Technology improvements, including but not limited to police department body cameras;
  - j. Fire station Improvements and capital expenditures, including but not limited to bunker gear and extractors;
  - k. 911 Center capital expenditures related to equipment for city police and fire departments;
  - l. Roxy Theater Facility Improvements;
  - m. Facility Improvements to aging city facilities, including but not limited to City Hall, Frisco Depot, Muskogee Public Library;
  - n. Economic Development funds to match the Port of Muskogee's 2018 Better Utilizing Investments to Leverage Development (BUILD) Transportation grant rail modernization project.
  
2. If monies in excess of those needed for item 1 are received, those monies are to be held in a fund established for this tax and shall be used for any other capital improvement projects identified by the governing body.

Further, providing that all revenues and proceeds derived from the tax levied, including any interest earned from the proceeds, shall be deposited and credited into the capital improvement fund of the city created and established under the provisions of 11 Oklahoma Statutes, Section 17-109 *et.seq.*, for the payment of capital improvement projects and debt service associated with said capital improvement projects identified above.

**Section 5. ISSUANCE OF PROCLAMATION.**

That such call for said election shall be by proclamation, authorized hereto, signed by the Mayor and attested by the City Clerk, setting forth the propositions to be voted upon and the hours of opening and closing of the polls. That the ballots shall set forth the propositions to be voted upon substantially as set out in Section 1 hereof, and the returns of said election shall be made to and canvassed by the Muskogee County Election Board.

**Section 6. ELECTION OFFICIALS, HOURS OF ELECTION & POLLING PLACES.**

An inspector, a Judge, and a Clerk shall serve in each precinct. The persons serving as such election officials are set forth in the attached list which is made a part hereof. The Polls for said Special Municipal Election shall be opened at 7:00 a.m. on Tuesday, May 14, 2019, and shall remain open continuously until and be closed at 7:00 p.m. of said Election Day. The number and location of the polling places of said Election Day are set forth on the attached list. Substitution of election officials and polling places shall occur only in accordance with state law.

**Section 7. FORM OF BALLOTS.**

The ballots shall be printed on a two-column size ballot which contain the largest print size possible allowed by state law. The text shall be printed the full width of the ballot instead of two parallel columns. The ballot shall set forth the propositions to be voted upon substantially as set out in Section 1 hereof.

**Section 8. ABSENTEE BALLOTS.** Absentee ballots shall be provided for in accordance with state law.

**Section 9. CONDUCT OF ELECTION.** The election shall be conducted by the Muskogee County Election Board in accordance with the City Charter and state law that is not in conflict with said Charter. The official precinct returns shall be received by the Muskogee County Election Board and submitted to the Muskogee City Council. Contest alleging irregularities or fraud pertaining to election results shall be filed pursuant to and in accordance with state law.

**Section 10. PRECINCT CLOSURE.** The City of Muskogee has been notified by the Muskogee County Election Board that the 40th and 45th Precincts have no registered voters; that no citizens reside in the precincts, and thus precincts 40 and 45 should be, and are hereby, closed.

**Section 11. SUBMISSION OF RESOLUTION.** That the City Clerk shall serve or cause to be served, a copy of this resolution, and authorized proclamation upon the office of the Muskogee County Election Board, at least sixty (60) days prior to the date of the election.

**Section 12. PUBLICATION.** That the City Clerk shall publish this resolution in its entirety at least ten (10) days, but not more than fifteen (15) days, prior to the election in accordance with state law and the City Charter.

PASSED AND APPROVED this 25th day of FEBRUARY, 2019.

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JOHN R. COBURN, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
TAMMY L. TRACY, City Clerk

APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
ROY D. TUCKER, City Attorney

**POLLING PLACES** [Note: Polling places and election officials are established by the Muskogee County Election Board and are subject to change in accordance with State election laws]

**5                    BETHANY PRESBYTERIAN CHURCH**  
2200 Haskell Blvd.

Inspector: Janise Carter  
Clerk: Angela Loffin  
Judge: Patricia Parks

**7                    EASTERN HEIGHTS BAPTIST CHURCH**  
2401 Haskell Blvd.

Inspector: Helen Brownell  
Clerk: Maida Ryker  
Judge: Karen Greer

**9                    CHANDLER ROAD CHURCH OF CHRIST**  
3507 Chandler Rd

Inspector: Electra Lashley  
Clerk: Sena Martin  
Judge: Darla Ryan

**11                  IMMANUEL BAPTIST CHURCH**  
711 Spaulding Blvd.

Inspector: Deanna Dean  
Clerk:  
Judge: Louise Kahrs

**13                  YORK STREET CHRISTIAN CHURCH**  
1125 South York Street

Inspector: Catherine Daniels  
Clerk: Virgil Parks  
Judge: Louis Mesurall



**17**            **RAYFIELD BAPTIST CHURCH**  
601 Indianapolis Avenue

Inspector: Kay Pritchett  
Clerk: Lawrence Jamerson  
Judge: Carolyn Catlett

**21**            **BOSTON AVENUE BAPTIST CHURCH**  
201 South 30<sup>th</sup> Street

Inspector: Debra Mason  
Clerk: Delphia Webb  
Judge: Harold Mason

**22**            **AMERICAN LEGION**  
4021 W. Broadway

Inspector: Carol Miller  
Clerk: Vicki Conley  
Judge: Brenda Harvey

**23**            **MARTIN LUTHER KING CENTER**  
627 North 3<sup>rd</sup> Street

Inspector: Margaret V. Taylor  
Clerk: Margaret E. Taylor  
Judge: Mary Ann Couch

**28**            **CHURCH OF GOD OF PROPHECY**  
2420 North 24<sup>th</sup> Street West

Inspector: Mary Downing  
Clerk: Kenneth Hinkle  
Judge: Marcheta Lashley

**37**            **TIMOTHY BAPTIST CHURCH**  
5530 West Okmulgee

Inspector: Faustina Gruel  
Clerk: Marilyn Gilder

Judge: Wanda Hayes

**38 INDIAN CAPITAL VO-TECH**  
2403 North 41<sup>st</sup> Street

Inspector: Mark Yanz  
Clerk: Nola Mason  
Judge: Diane Walden

**46 FIRST ASSEMBLY OF GOD CHURCH**  
3100 Gulick St.

Inspector: Joyce Ranallo  
Clerk: Jane Hill  
Judge: Marilyn Brown

**47 NEWLIFE CHURCH**  
2200 South 32<sup>nd</sup> Street

Inspector: Kearney, Stephen  
Clerk:  
Judge: Rita Roller

**49 GRANDVIEW BAPTIST CHURCH**  
3608 South Cherokee Dr.

Inspector: Leonard Branan  
Clerk:  
Judge:

**55 NEW HOPE ASSEMBLY OF GOD CHURCH**  
110 W 58<sup>TH</sup> ST S

Inspector: Mary Underwood  
Clerk: Isabella Yanchik  
Judge: Mary Ross