



Mustang City Council

**MUSTANG MUNICIPAL BUILDING
1501 N. MUSTANG ROAD
MUSTANG, OKLAHOMA 73064**

Mustang City Council

MUSTANG CITY COUNCIL

Tuesday, November 07, 2023 - 7:00 PM
MUSTANG MUNICIPAL BUILDING
1501 N. MUSTANG ROAD
MUSTANG, OKLAHOMA 73064

- A. **CALL TO ORDER**
- B. **PLEDGE OF ALLEGIANCE/INVOCATION**
Steve Rose, Chaplain, Police and Fire Departments
- C. **ROLL CALL**
- D. **INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES**
- E. **NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA**

Official action can be taken on items that appear on the agenda or are brought up as new business. In reviewing and responding to any agenda item, the Council may, in whole or in part, adopt, approve, conditionally approve, ratify, deny, defer, amend, strike or continue any agenda item. When more information is needed to act on an item, Council may refer the matter to the City Manager, to the Municipal Counselor, or to a board or commission for additional study. Items may be deferred or continued indefinitely or to a specific date or stricken from the agenda entirely.

F. CONSENT AGENDA

These items are considered on the Consent Agenda so that members of the City Council by unanimous consent can designate routine agenda items to be approved by one motion. If any item proposed on the Consent Agenda does not meet with approval of all Councilmembers, that item will be removed and heard in regular order. In reviewing and responding to any agenda item, the Council may, in whole or in part, adopt, approve, conditionally approve, ratify, deny, defer, amend, strike or continue any item.

F.1 Approval of 10/10/2023 City Council Minutes.

F.2 *Claims List for FY2024.

F.3 Approval to Turn Past Due Library Accounts over to Collection Agency.

F.4 Approval of Resolution No. 24-017, a Resolution of the City Council of the City of Mustang calling for a Municipal Election for the City of Mustang, Oklahoma, pursuant to Article 6 of the Charter of the City of Mustang, Oklahoma and providing for Dates for Elections and Filing Periods; Providing for Qualifications; and Providing for the Election to be Conducted by the Canadian County Election Board.

F.5 Approval of Resolution No. 24-018 making Changes in the Flex Spending fund Budget by Making a Supplemental Appropriation to Increase the 2023-2024 Fiscal Year Budget by \$50,000.

F.6 Approval of Resolution No. 24-019 making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2023-2024 Fiscal Year Budget by \$19,378.

F.7 Approval of Retirement from OMRF for Kelly Gitchel, Police Records Clerk, retiring December 28, 2023 after thirty and a half years of service to the City of Mustang.

- F.8** *Acceptance of Maintenance Bonds for Water, Sanitary Sewer and Paving/Drainage Infrastructure in Hunter's Hill 5 Addition.

- F.9** *Acceptance of Sanitary Sewer Bonds for Project at Clear Springs Rd. and State Highway 152 to Serve Yall's Paw Place.

- F.10** *Approval of Schedule of Meetings for City Council, Boards and Commissions, and Holidays for the City of Mustang / MIA for the Year 2024.

G. INFORMATION/REPORTS

- G.1** City Manager Report

- G.2** Recognition of Officer Jeremy Collinson for Promotion to Rank of Sergeant.

- G.3** Recognition of City Employee Veterans.

- G.4** City Council Reports

H. DISCUSSION ITEMS

The following numbered items listed for consideration are included for discussion and action by the City Council. In reviewing and responding to any agenda item, the Council may, in whole or in part, adopt, approve, conditionally approve, ratify, deny, defer, amend, strike or continue any item.

- H.1** Public Hearing and Consideration of Specific Use Permit Application
SUP-7-27-23-1-28, 435 W State Highway 152, Decisive Investments, LLC, in the C-3 Commercial General District, Requesting a Specific Use Permit for an Auto Repair Shop. Item Tabled From 10/10/2023 City Council Meeting.

- H.2** Public Hearing and Consideration of Specific Use Permit Application
SUP-9-01-23-1.25, 1707 E State Highway 152, Phoenix Doan, in the C-3 Commercial General District, Requesting a Specific Use Permit for a Medical Marijuana Retailer.

- H.3** Consideration of Resolution No.24-020, a Resolution of the City Council of the City of Mustang, Oklahoma, authorizing the City of Mustang to contract with the Oklahoma Tax Commission to utilize the Warrant Intercept Program to aid in the collection of unpaid penalties, costs, fines and fees in cases in Municipal Court, including the collection fee authorized by State law and City Ordinance; Providing an Effective Date; and Providing for Repealer.

- H.4** Consideration of Ordinance No. 1294, an Ordinance of the City of Mustang, Oklahoma, changing the date for the January 2024 City Council Meeting; and providing for severability.

- H.5** Consideration of Ordinance No. 1295, an Ordinance Adopting an Employee Retirement System, Defined Contribution Plan for the City Manager for the City of Mustang, Oklahoma; Providing Retirement Benefits for Eligible Employees of the City of Mustang, Oklahoma; Providing for Purpose and Organization; Providing for Definitions; Providing for Eligibility and Participation; Providing for Employer and Employee Contributions; Providing for Accounting, Allocation, and Valuation; Providing Benefits; Providing for Required Notice; Providing for Amendments and Termination; Providing for Transfer to and From Other Plans; Creating a Committee and Providing for Powers, Duties, and Rights of Committee; Providing for Payment of Certain Obligations; Providing for Duration and Payment of Expenses; Providing for Effective Date; Providing for Vesting Schedules; Providing for a Fund to Finance the System to be Pooled with Other Incorporated Cities, Towns and Their Agencies and Instrumentalities for Purposes of Administration, Management, and Investment as Part of the Oklahoma Municipal Retirement Fund; Providing for Payment of All Contributions Under the System to the Oklahoma Municipal Retirement Fund for Management and Investment; Providing for Non-Alienation of Benefits; Adopting those Amendments Mandated by the Internal Revenue Code; Providing for Repealer and Severability; and Declaring an Emergency.
- H.6** Consideration of Master Defined Contribution Plan Joinder Agreement between the City of Mustang and Oklahoma Municipal Retirement Fund.
- H.7** Approval to move the Mustang 457(b) Retirement Plan investment and Service Provider from MissionSquare to VOYA.
- H.8** Consideration of Resolution No. 24-015, a Resolution of the City Council of the City of Mustang, Oklahoma Declaring that Certain Property Described herein is not Needed or Necessary for Park or other Public Purposes and Abandoning Such Property for any Park or Other Public Purposes.
- H.9** Consideration of Ordinance No. 1293, an Ordinance of the City of Mustang, Oklahoma, Authorizing the Lease of Certain Real Property to the Mustang Chamber of Commerce, Authorizing and Directing the Mayor to Execute Amendment No. 1 to Ground Lease Agreement and Other Documents to Complete the Transaction, and Providing for Severability.

- H.10** Consideration of Resolution No. 24-016, a Resolution of the City Council of the City of Mustang, Oklahoma, Authorizing the City to Enter into and the Mayor to Execute an Amendment to Ground Lease between the City of Mustang and the Mustang Chamber of Commerce.

I. MATTERS FOR EXECUTIVE SESSION

- I.1** *Consideration of Potential Purchase and Acceptance of Permanent Easements and Authorization for Mayor and City Staff to Execute Necessary Documents to Accomplish the Same; and proposed Executive Session as Authorized by 25 Okla. Stat. 307(B)(3).
- I.2** Consideration of City of Mustang v. Pathfinder HDD LLC, Case No. CJ-2022-673, District Court, Canadian County, Oklahoma, and In re Pathfinder HDD, LLC, Case No.: 23-12342, United States Bankruptcy Court, Western District of Oklahoma; and, proposed executive session as authorized by 25 Okla. Stat. §307(B)(4).
- I.3** Consideration of Potential Claim by Mustang Lions Club; and, proposed executive session as authorized by 25 Okla. Stat. §307(B)(4).

J. ADJOURNMENT

Note:

***Items considered concurrently on the MIA Agenda.**



Agenda Item No: F.1

Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Lisa Martin

Submitting Department: City Clerk

Item Type: Minutes

Agenda Section: CONSENT AGENDA

Subject Title:

Approval of 10/10/2023 City Council Minutes.

Recommendation:

Approve

Initiator:

Lisa Martin

Background:

Minutes from the October 10, 2023, City Council meeting.

Financial Impact:

Staff Comments:

Attachments:

[10.10.2023 City Council Minutes.pdf](#)

**MUSTANG CITY COUNCIL
OCTOBER 10, 2023**

The Mustang City Council met in regular session on Tuesday, October 10, 2023, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Wednesday, October 4, 2023, at 3:36 p.m. and an Amended Notice of the meeting was posted as required on Monday, October 9, 2023, at 3:40 p.m. all in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Mayor Grider called the meeting to order at **7:00 p.m.**

B. PLEDGE OF ALLEGIANCE/INVOCATION Nate Burns, Pastor, Mustang Church of the Nazarene.

Pastor Burns led the assembly in the Pledge and Invocation. He stated the Church was on a mission for good encompassing all – families, neighbors, community and world. He stated they are always looking for projects stating they have hosted the football team and the marching band for breakfast as well as helped a sister church by providing a place for children to go to school while their school building was being repaired. He also stated they provide their building and grounds free to the community whenever possible.

C. ROLL CALL

Councilmembers Present:	Ray
	Leete
	Wald
	Waugh
	McKenzie
	Sholund
	Grider

Councilmembers Absent:	None
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D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Greg Woods, 1729 E. Cottonwood, Mustang, OK, addressed the Council regarding a neighbor's dead tree that poses a danger to him and his family as well as his property. He stated he had spoken to Code Enforcement, but nothing has been done regarding the tree. He stated he does not believe his neighbor lives there anymore and has just let the property deteriorate stating the property owner had parrots and when calling the police, they went to check stating no one was there, but two birds were dead.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

- F.1 Approval of 09/12/2023 City Council Minutes.
- F.2 Approval of 09/22/2023 City Council Special Meeting Minutes.
- F.3 *Claims List for FY2023.
- F.4 *Claims List for FY2024.
- F.5 Approval of Resolution No. 24-011 making Changes in the Library Fund Budget by making a Supplemental Appropriation to Increase the 2023-2024 Fiscal Year Budget by \$8,840.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman McKenzie**, to Approve the Consent Agenda Items F.1 thru F.5.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

G. INFORMATION/REPORTS

- G.1 City Manager Report

City Manager Rooney introduced *Fire Chief Carruth*.

Fire Chief Carruth swore in and directed the Oath of Office for new Firefighters:

- Dashawn McDowell
- Ashton Houser
- Jaxson Walker
- Brandon Bowen

- G.2 City Council

Mayor Grider asked the Councilmembers if they had anything to report in their respective Wards:

Councilman Sholund stated he received a few emails stating City Staff was already addressing them.

Councilman McKenzie did not have anything to report at this time.

Councilman Waugh did not have anything to report at this time.

Councilman Wald did not have anything to report at this time.

Councilman Leete stated he had received a phone call stating it would be addressed.

Vice Mayor Ray did not have anything to report at this time.

Mayor Grider stated he had attended an ACOG retreat today stating the City's *Project and Stormwater Manager, David Russell*, has been working on several grants with ACOG stating they complemented his hard work.

H. DISCUSSION ITEMS

- H.1 Public Hearing and Consideration of Specific Use Permit Application SUP-7-27-23-1-28, 435 W State Highway 152, Decisive Investments, LLC, in the C-3 Commercial General District, Requesting a Specific Use Permit for an Auto Repair Shop.

Senior City Planner Conner stated the property is currently a car wash, Mustang Star Car Wash, located on the north side of State Highway 152, just east of Fire Station No. 1. He stated the applicant is wishing to add an auto shop component to the location utilizing the existing tunnel as the shop. He stated the car wash is a permitted use at this location stating the auto shop is not and a Specific Use Permit (SUP) would be required stating it could be reviewed annually.

Conner stated one letter of opposition was received and provided to Council stating the letter was from the owner of the office building to the north of the car wash stating he was concerned about the noise, trash, and visibility of the office building from the highway.

Conner stated Planning Commission voted 6:1 for approval of the SUP stating Staff also recommends approval.

Discussion was held regarding the concerns of the office building owner and ways those concerns could be addressed. Other concerns included drainage from the tunnel stating currently, the water from the car wash runs into the City's sewer system and concerns that the oil and other auto fluids would also run into the sewer. **Conner** stated that would be addressed at the plans stage stating it would not be approved as it currently is designed.

Discussion was also held regarding the type of auto shop as well as parking due to the possible overflow of vehicles being repaired with **Conner** stating these are stipulations that may be added to the SUP.

Several Councilmembers stated they currently did not like the idea of adding an auto shop due to not knowing the type of repairs to be performed, the parking, how it would look right off of State Highway 152, etc. **City Attorney Miller** stated conditions such as these could be added to the SUP.

Other discussion included the nearby housing with it being stated the houses were there before the car wash. **City Manager Rooney** stated the property is zoned commercial, so the residents knew when purchasing the homes in that location that there would be commercial development. Another concern was an auto shop SUP being denied in another location and if approving this one could set some sort of precedent with **Rooney** stating for SUPs, each one is looked at individually stating there would be no precedent setting.

Mayor Grider opened the Public Hearing.

Michael Darnen, applicant, addressed the Council stating the reason to convert the tunnel to an auto shop was economic stating the tunnel car wash did not make money and difficult to compete with other surrounding car washes. He stated he did not want to leave the tunnel vacant and was trying to think of all perspectives. He stated he felt it would reduce traffic, noise level and public nuisance.

Questions were asked of the applicant:

- How would noise level reduce – Applicant stated the blowers in the car wash are very noisy and those would be removed stating a periodic impact gun would be less noise than the large blowers;
- What kind of auto repair shop, would there be a specialty – Applicant stated he was still researching the type of shop stating his goal was on the lighter level where same day repairs could be made such as battery, alternator, etc.
- What would be done to stop fluids from flowing into the sewer system – Applicant stated when converting the tunnel into an auto shop, all equipment would be removed and the trench would be filled and capped where no fluids would be going into a drain.
- Have you considered using two of the back bays first to see how business goes before converting the tunnel – Applicant stated that would require two lifts and much more money going into getting it started stating this business is very competitive.

- If SUP is approved for minor repair and restrictions on number of vehicles, would applicant be open to this – Applicant stated yes.

Mayor Grider closed the Public Hearing.

Discussion was held regarding if the item should be tabled to the next meeting and discussed the conditions that could be placed on the SUP if approved.

Rooney stated Staff would review the following items to bring to Council in November regarding conditions to be placed on the SUP if approved:

- Details regarding signage;
- Repair type – major or minor and if minor, the type of repairs;
- Number of parking spaces;
- Location of parking;
- Drainage;
- Hours;
- Site Map

MOTION was made by **Councilman Leete**, seconded by **Councilman McKenzie**, to Table the Specific Use Permit Application and Authorize Staff to Proceed as Discussed.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

- H.2 Consideration of Final Plat Application, FP-9-08-23-1-26, Mustang Highlands, Owned by Mustang Marketplace, LLC, Part of the SW/4 of Section 26 Township 11 North Range 5 West, 22 two-family lots, 9.13 acres.

Senior City Planner Conner provided descriptive information of the property stating the duplex development was located within the Borneman PUD. He stated the Planning Commission voted unanimously to approve the application with the contingency that the applicant must provide a separate easement dedication document acceptable by City Staff for the 10 ft Utility Easement outside the plat boundary along the East property line.

Discussion was held regarding easements already in place and location of the easements.

MOTION was made by **Councilman Waugh**, seconded by **Councilman Wald**, to Approve the Final Plat Application.

City Attorney Miller interjected that the approval should be placed on two conditions:

- The easement discussed above has been submitted to the City; and
- A requirement for the submission of an easement dedicated to the City for the entry to the Highlands

MOTION was Amended by **Councilman Waugh**, seconded by **Councilman Wald**, to Approve the Final Plat Application with the Conditions stated by *City Attorney Miller*.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

- H.3 *Consideration of Joint Resolution No. 24-012, a Joint Resolution of the City Council of the City of Mustang, Oklahoma and the Mustang Improvement Authority establishing Sanitation Rates; Providing an Effective Date; and Providing for Repealer.

City Attorney Miller stated at the September 22nd Special Meeting, a resolution was approved for sanitation rates stating some of the rates needed altered stating this resolution has the correct rates and replaces that resolution (Resolution No. 24-010).

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Sholund**, to Approve Resolution No. 24-012.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

- H.4 Consideration of Resolution No. 24-013, a Resolution of the City Council of the City of Mustang, Oklahoma, establishing the SH-152 Congestion Relief Project.

Project and Stormwater Manager Russell stated Staff would like to apply for federal and safety grant funding for completion of a traffic study on State Highway 152 and signal timing plans to synchronize the seven traffic lights along State Highway 152 to achieve more continuous traffic flow. He stated the estimated funding for this project would be \$700,000 stating it would be 100% funded through the federal program as a safety project.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Sholund**, to Approve Resolution No. 24-013.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

- H.5 Consideration of Resolution No. 24-014, a Resolution of the City Council of the City of Mustang, Oklahoma, establishing the Mustang Rd. & Plantation Terr. Intersection Modification & Signalization Project.

Project and Stormwater Manager Russell stated the City is once again requesting permission from ODOT to install a traffic light at Mustang Rd. and Plantation Terr. stating a similar resolution has been approved by Council before, but due to requirements laid out in potential funding opportunities, a more recent resolution is required. He stated ACOG will be joining the City to help with this request. **Russell** stated the estimated project cost is \$1.2M with 80% of that being reimbursed through grants. He stated if the project is approved, a resolution would be brought to Council with the funding information and project details.

MOTION was made by **Councilman Leete**, seconded by **Councilman Waugh**, to Approve Resolution No. 24-014.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

- H.6 *Consideration of Change Orders #1 & 2, SH-152 Sanitary Sewer Relocation Project, MUS-SS20-001, J/P27901.

Project and Stormwater Manager Russell stated during the preliminary construction staking, the contractor discovered an existing ONG line that conflicted with the proposed sanitary sewer location as well as identified a sanitary pressure line that was determined to be in conflict with the future SH-152 construction. He stated neither of the utilities were identified during the initial survey and were not anticipated during the planning stages. He stated as part of the solution, ODOT has authorized changes as specified in Change Orders #1 and #2 stating these change orders equate to a net change of \$40,547.50, or 4.45% of the original contract amount.

MOTION was made by **Councilman Sholund**, seconded by **Councilman McKenzie**, to Approve Change Orders 1 and 2 for the Project Labeled Sanitary Sewer Relocation.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

I. MATTERS FOR EXECUTIVE SESSION:

- I.1 *Consideration of Potential Purchase and Acceptance of Permanent Easements and Authorization for Mayor and City Staff to Execute Necessary Documents to Accomplish the Same; and proposed Executive Session as Authorized by 25 Okla. Stat. 307(B)(3).
- I.2 Consideration regarding City Manager's Employment Contract; and, proposed Executive Session as Authorized by 25 Okla. Stat. 307(B)(1).
- I.3 Consideration of pending class action litigation against 3M Company and E.I. Dupont de Nemours and Company involving pre- and Polyfluoroalkyl Substances (PFAS) contamination in In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-2873, United States District Court, District of South Carolina, and possible retention of McAfee & Taft to represent the interests of the City of Mustang in such litigation; and, Executive Session as Authorized by 25 Okla. Stat. 307(B)(4).

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Wald**, to Adjourn to Executive Session.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

TIME ADJOURNED to Executive Session: **8:02 p.m.**

Mayor Grider called the meeting back into Session.

TIME RETURNED to Executive Session: **9:26 p.m.**

In reference to Item I.1 –

MOTION was made by **Councilman Waugh**, seconded by **Councilman Sholund**, to Approve the Acceptance of Permanent Easements from Gilbert Krivanek and Alan Krivanek, and Authorization for the Mayor and Staff to Execute necessary documents to complete acceptance of the easements.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

In reference to Item I.2 –

MOTION was made by **Mayor Grider**, seconded by **Councilman McKenzie**, to Approve City Manager's Employment Contract as discussed in Executive Session.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

In reference to Item I.3 –

MOTION was made by **Councilman Leete**, seconded by **Councilman McKenzie**, to Authorize City Staff to Retain McAfee & Taft and Authorize Mayor to Execute Agreement with McAfee & Taft subject to Approval by the City Manager and City Attorney.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

J. ADJOURNMENT

MOTION was made by **Councilman Sholund**, seconded by **Councilman Wald**, to adjourn.

AYE: Ray, Leete, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

The meeting was adjourned at **9:27 p.m.**

Brian Grider, Mayor

Attest:

Lisa Martin, City Clerk



Agenda Item No: F.2

Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Ashley Neely

Submitting Department: Finance

Item Type: Approval

Agenda Section: CONSENT AGENDA

Subject Title:

*Claims List for FY2024.

Recommendation:

Approve

Initiator:

Ashley Neely

Background:

Claims List for FY24

Financial Impact:

\$486,349.34

Staff Comments:

Attachments:

[GF Claims List - FY24.pdf](#)

FUND: 01 - GENERAL FUND

SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 01 CITY ATTORNEY						
24-0724	01-B0222	BRADLEY WERNER, LLC	LEGAL SRVS - FRANCH RENWL	10/2023	23323	68.75
DEPARTMENT TOTAL:						68.75
DEPARTMENT: 11 CITY MANAGER						
24-0495	01-H0167	HEALTH CARE SERVICE CORPORACOBRA	INS ADMIN FEE	10/2023	202310199947	85.00
24-0137	01-M0180	MUSTANG CHAMBER OF COMMERCE	CHAMBER LUNCHEONS	10/2023	202310199952	40.00
24-0528	01-M0234	MUSTANG TIMES LLC	LEGAL PUBLICATIONS	9/2023	MT616207	168.00
DEPARTMENT TOTAL:						293.00
DEPARTMENT: 12 LIBRARY						
24-0224	01-B1023	BTAC UNITED ACQUISITION	HOLBOOKS	10/2023	2018556314	70.78
24-0221	01-C1068	CDW LLC	INK	9/2023	MD41224	212.56
24-0216	01-I0023	INGRAM INDUSTRIES INC.	BOOKS - YOUNG ADULT	10/2023	78258117	181.94
24-0217	01-I0023	INGRAM INDUSTRIES INC.	JUVENILE BOOKS	9/2023	78119124	200.85
24-0217	01-I0023	INGRAM INDUSTRIES INC.	JUVENILE BOOKS	10/2023	78258116	93.97
DEPARTMENT TOTAL:						760.10
DEPARTMENT: 13 PARKS AND RECREATION						
24-1053	01-B0201	NIC BAILEY	ORPS CONFERENCE PER DIEM	10/2023	202310199941	80.00
24-0286	01-C0106	CINTAS CORPORATION NO. 2	WHP BATHROOM SUPPLIES	8/2023	4163583415A	13.09
24-0286	01-C0106	CINTAS CORPORATION NO. 2	WHP BATHROOM SUPPLIES	10/2023	4169936053	26.18
24-0276	01-C0286	CIVICPLUS, LLC	CIVIC REC SOFTWARE FEES	9/2023	278814	535.47
24-1050	01-H0155	HEATHER HUFF	ORPS CONFERENCE PER DIEM	10/2023	202310199945	40.00
24-1051	01-H0229	MAKENZIE HUFF	ORPS CONFERENCE PER DIEM	10/2023	202310199949	40.00
24-0280	01-O0211	JONATHAN GRIDER	FITNESS EQUIPMENT REPAIRS	10/2023	6543	866.55
24-1033	01-RF0071	MARCUS DANIS	TRICK OR TROT REFUND	10/2023	202310199962	15.00
24-1034	01-RF0072	PHIL OPALKA	TRICK OR TROT REFUND	10/2023	202310199963	30.00
24-1035	01-RF0073	ANGELA EMERSON	TRICK OR TROT REFUND	10/2023	202310199964	35.00
24-1036	01-RF0074	LANI STEPHEN	TRICK OR TROT REFUND	10/2023	202310199965	30.00
24-1037	01-RF0075	TIM BURNS	TRICK OR TROT REFUND	10/2023	202310199966	15.00
24-1038	01-RF0076	JANINE KINCER	TRICK OR TROT REFUND	10/2023	202310199967	15.00
24-1039	01-RF0077	MELISSA MCLAURIN	TRICK OR TROT REFUND	10/2023	202310199968	15.00
24-1040	01-RF0078	ROBERT RIVAL	TRICK OR TROT REFUND	10/2023	202310199969	15.00
24-1041	01-RF0079	ANA SEVERSON	TRICK OR TROT REFUND	10/2023	202310199970	15.00
24-1042	01-RF0080	DAWN CLARKE	TRICK OR TROT REFUND	10/2023	202310199971	15.00
24-1043	01-RF0081	SOLANA CALLAWAY	TRICK OR TROT REFUND	10/2023	202310199972	30.00
24-1044	01-RF0082	AMY PANNELL	TRICK OR TROT REFUND	10/2023	202310199973	60.00
24-1045	01-RF0083	TINA PATTERSON	TRICK OR TROT REFUND	10/2023	202310199974	15.00
24-1056	01-RF0084	XOCHITL FLORES	ROOM RENTAL REFUND	10/2023	202310199975	90.00
24-1052	01-W0164	ASHLEY PATTEN	ORPS CONFERENCE PER DIEM	10/2023	202310199978	80.00
DEPARTMENT TOTAL:						2,076.29

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 15		GENERAL GOVERNMENT				
24-0954	01-C1068	CDW LLC	EXTREME CUST HW SUP RNW	9/2023	MG80145	2,645.12
24-0294	01-Q0082	QUADIENT LEASING USA, INC	SOFTWARE LEASE FOR MAIL S	10/2023	Q1002299	262.18
24-0323	01-S0085	SILVER STAR CONSTRUCTION	COSTREET & MOWING CONTRACTO	9/2023	34133	75,094.19
24-0333	01-S0173	STANDLEY SYSTEMS, LLC	COPIER LEASE/USAGE	7/2023	INV1520992	4,717.55
24-0333	01-S0173	STANDLEY SYSTEMS, LLC	COPIER LEASE/USAGE	8/2023	INV1547188	2,302.53
24-0333	01-S0173	STANDLEY SYSTEMS, LLC	COPIER LEASE/USAGE	9/2023	INV1559088	2,298.68
24-1023	01-S0306	SETH B SHAY	PEST CONTROL NEW FS	10/2023	202310199976	160.00
DEPARTMENT TOTAL:						87,480.25
DEPARTMENT: 18		TOWN CENTER				
24-0290	01-A0227	ALLIED ELEVATOR SERVICES,	IINSPECTION & MAINTENANCE	10/2023	2153561	665.00
24-0302	01-C0106	CINTAS CORPORATION NO. 2	JANITORIAL SUPPLIES	10/2023	4169936053A	1,164.37
24-0400	01-S0380	SUMMIT FIRE & SECURITY	FIRE ALARM REPAIRS	9/2023	573016523	803.50
DEPARTMENT TOTAL:						2,632.87
DEPARTMENT: 19		BALL COMPLEX				
24-0449	01-A2017	AMERICAN PIZZA PARTNERS, LP	PIZZA FOR CONCESSIONS	9/2023	202310199940	779.00
24-0722	01-B1019	BEN E. KEITH COMPANY	FOOD/CANDY/PPGOODS CONC	10/2023	66233066	456.99
24-0899	01-B1019	BEN E. KEITH COMPANY	FOOD/SUPPLIES CONCESSIONS	10/2023	66238034	688.65
24-0654	01-C0086	CHAPPELL SUPPLY & EQUIPME	POWER WASHER REPAIR	10/2023	0587805	150.66
24-0447	01-C0106	CINTAS CORPORATION NO. 2	JANITORIAL SUPPLIES	10/2023	4169935881	191.48
24-0902	01-C0106	CINTAS CORPORATION NO. 2	CONCESSIONS SUPPLIES	10/2023	4170625030	52.19
24-0451	01-F0078	DAIOHS USA, INC	CONCESSION SUPPLIES	10/2023	378096	132.22
24-0452	01-I1119	STEPHENSON WHOLESALE CO.,	CONCESSION SUPPLIES	10/2023	7769711	1,167.45
24-0969	01-J0150	MATTHEW SCOTT JONES	UIC FEE SUMMER ADULT COED	10/2023	4	480.00
24-0742	01-L0052	LOCKE SUPPLY CO	ZIP TIES, BATHROOM PARTS	10/2023	50710315-00	51.11
24-0454	01-P0144	BOTTLING GROUP, LLC	CONCESSION SUPPLIES	10/2023	69618613	136.60
24-0900	01-P0144	BOTTLING GROUP, LLC	CONCESSIONS BEVERAGES	10/2023	08935961	4,080.62
24-0455	01-P0214	PRESTIGE WORLDWIDE CONSULT	CONCESSION CUPS	9/2023	21	437.50
24-0990	01-S0265	SIMPLOT AB RETAIL INC	CHALK, FIELD DRI, SEED	10/2023	218070782	423.62
24-0691	01-S0355	SUNSHINE SWEETS, LLC	DIP N DOTS 4 CONCESSIONS	10/2023	I231011766	522.00
DEPARTMENT TOTAL:						9,750.09

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 21		FINANCE				
24-0188	01-00197	OKLAHOMA MUNICIPAL COURT	CLOMCCA WORKSHOPS	10/2023	202310199958	50.00
DEPARTMENT TOTAL:						50.00
DEPARTMENT: 31		COMMUNITY DEVELOPMENT				
24-0984	01-A0031	A-1 ELECTRIC, HEAT & AIR	ELECTRICAL PERMITS REFUND	10/2023	202310199939	1,749.00
24-0382	01-M0234	MUSTANG TIMES LLC	LEGALS	9/2023	MT616212	63.00
24-0379	01-00096	OKLAHOMA UNIFORM BUILDING	CBUILDING PERMIT FEES	9/2023	202310199956	220.00
DEPARTMENT TOTAL:						2,032.00
DEPARTMENT: 41		POLICE				
24-0025	01-A0039	A.S.C. INCORPORATED	MISC. VEHICLE PARTS	9/2023	185340	460.40
24-0029	01-A1117	AXON ENTERPRISES, INC	ANNUAL TASER AGREEMENT	10/2023	INUS191770	16,000.00
24-0816	01-C0232	COPS PRODUCTS	GUN HOLSTER	9/2023	202306283	359.94
24-0066	01-F0078	DAIOHS USA, INC	ICE MACHINE RENT/SERVICE	10/2023	377626	150.00
24-0076	01-J1071	JAN-PRO OF OKC	FACILITY CLEANING SERVICE	10/2023	INV12587	1,585.00
24-0081	01-M0170	DAVID L. MORRIS	VEHICLE MAINTENANCE	9/2023	238-09072023	360.00
24-0100	01-S0373	RPS AUTO LLC	PD VEHICLE OIL CHANGES	9/2023	00543-27968	268.11
24-0104	01-T0029	WEST PUBLISHING CORPORATION	CLEAR INVESTIGATIVE TOOL	10/2023	849047471	224.89
DEPARTMENT TOTAL:						19,408.34
DEPARTMENT: 42		ANIMAL WELFARE				
24-0420	01-J1071	JAN-PRO OF OKC	ANIMAL WELFARE CLEANING	9/2023	INV09283	219.44
24-0420	01-J1071	JAN-PRO OF OKC	ANIMAL WELFARE CLEANING	10/2023	INV12585	395.00
24-0423	01-00273	OKLAHOMA HUMANE SOCIETY	SPAY & NEUTER SERVICES	9/2023	2105890	195.00
24-0423	01-00273	OKLAHOMA HUMANE SOCIETY	SPAY & NEUTER SERVICES	10/2023	2109308	175.00
24-0424	01-01085	OKLAHOMA STATE UNIVERSITY	SPAY & NEUTER SERVICES	9/2023	5-556903-002	135.00
24-0427	01-P0181	ANTHONY E. LINGER	ALARM MONITORING	10/2023	20233212	41.00
DEPARTMENT TOTAL:						1,160.44
DEPARTMENT: 51		FIRE				
24-0342	01-A0039	A.S.C. INCORPORATED	VEHICLE REPAIR & MAINT	10/2023	186637	14.15
24-0343	01-A0110	ALL SEASON BUILDING SUPPLY	BUILDING REPAIR & MAINT	10/2023	353424	87.23
24-0985	01-C0052	LARRY WRIGHT	REPLACE FLUSH VALVE	10/2023	202310199942	225.00
24-0441	01-C0065	CASCO INDUSTRIES, INC.	BRASS FOR FIREFIGHTERS	9/2023	255510	76.00
24-0871	01-C0065	CASCO INDUSTRIES, INC.	PANTS/SHIRTS/LION CLASSB	9/2023	255510A	1,540.00
24-0904	01-C0065	CASCO INDUSTRIES, INC.	ANNUAL UNIFORM ORDER	10/2023	255831	1,155.00
24-0426	01-C0232	COPS PRODUCTS	WINTER COATS FOR NEW FF	9/2023	202306692	1,080.98
24-0621	01-C1136	CITY OF OKLAHOMA CITY	RADIO USAGE	9/2023	ITPSC-MSTN-FD-FY23	9,165.00
24-0345	01-00028	OMNIWARN LLC	STORM SIRENS MAINT	10/2023	1031	950.08
24-0993	01-P0133	POWER PRODUCTS UNLIMITED,	LBATTERIES FOR HANDHELDS	10/2023	0525103-IN	234.64
24-0906	01-S0088	SPECIAL OPS UNIFORMS, INC	ANNUAL UNIFORM ORDER	10/2023	343916	55.98
DEPARTMENT TOTAL:						14,584.06
FUND TOTAL:						140,296.19

10/19/2023 2:02 PM

P U R C H A S E O R D E R C L A I M R E G I S T E R

PAGE: 4

FUND: 05 - PARK IMPROVEMENT

SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 00		ADMINISTRATION				
24-0891	01-G0110	PLAYCORE WISCONSIN, INC.	BELT SEAT SWING	9/2023	3265006	303.37
24-0856	01-R1029	TIMOTHY GEORGE RAMEY	STORAGE BLDG ELECTRICAL	10/2023	202310199961	4,350.00
24-0327	01-S0085	SILVER STAR CONSTRUCTION	COMAINTENANCE CONTRACT	9/2023	34101-093023	89.98
DEPARTMENT TOTAL:						4,743.35
FUND TOTAL:						4,743.35

10/19/2023 2:02 PM
FUND: 11 - PARK'S DONATION

PURCHASE ORDER CLAIM REGISTER

PAGE: 5
SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 00		ADMINISTRATION				
24-1028	01-A0294	GEORGE E DECHER	SPECIAL EVENT INFLATABLES	10/2023	19447489	654.17
24-0680	01-O2067	OKLAHOMA DEPARTMENT OF CORRADOPT A BENCH		10/2023	113877	402.00
DEPARTMENT TOTAL:						1,056.17
FUND TOTAL:						1,056.17

FUND: 14 - STREET/DRAINAGE IMP

SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 14		ADMINISTRATION				
24-1013	01-K0073	GILBERT KIRVANEK	PARCEL 2 WATER LN EASEMNT	10/2023	202310199950	4,666.67
24-1014	01-K0074	ALAN KIRVANEK	PARCEL 2 WATER LN EASEMNT	10/2023	202310199951	2,333.33
24-0327	01-S0085	SILVER STAR CONSTRUCTION	COMAINTENANCE CONTRACT	9/2023	34101-093023	45,787.78
DEPARTMENT TOTAL:						52,787.78
FUND TOTAL:						52,787.78

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 01 CITY ATTORNEY						
24-0603	01-T0029	WEST PUBLISHING CORPORATION	WESTLAW PRO	10/2023	849082151	345.00
DEPARTMENT TOTAL:						345.00
DEPARTMENT: 13 PARK AND RECREATION						
24-0258	01-C1192	CENTRAL OKLAHOMA WINNELSON	BRITTANY PLAYGROUND	9/2023	11209501	57.32
24-0258	01-C1192	CENTRAL OKLAHOMA WINNELSON	BRITTANY PLAYGROUND	10/2023	11376201	128.18
24-0263	01-R0031	RAMEY STEEL CONSTRUCTION,	ISTORAGE BUILDING	8/2023	202310199960	3,255.00
DEPARTMENT TOTAL:						3,440.50
DEPARTMENT: 18 TOWN CENTER						
24-0264	01-R0031	RAMEY STEEL CONSTRUCTION,	ISTORAGE BUILDING	8/2023	202310199959	18,000.00
DEPARTMENT TOTAL:						18,000.00
DEPARTMENT: 42 ANIMAL WELFARE						
24-0598	01-S0206	STOLZ TELECOM, LLC	VEHICLE UPFIT FOR ACO TRU	10/2023	INV-003655	5,034.63
DEPARTMENT TOTAL:						5,034.63
DEPARTMENT: 72 WATER						
24-0618	01-C1197	CORE & MAIN LP	PARTS FOR WATER LINES	8/2023	T309505	1,369.55
24-0617	01-L0052	LOCKE SUPPLY CO	PARTS FOR WATER LINES	9/2023	50589022-00	197.39
24-0614	01-P0049	PIONEER SUPPLY, LLC	METERS & WATERLINE PARTS	10/2023	INV43191	239.67
DEPARTMENT TOTAL:						1,806.61
FUND TOTAL:						28,626.74

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 00		ADMINISTRATION				
24-1008	01-E0063	EXCEL THERAPY SPECIALISTS-OWC CLAIM #2022-14		10/2023	202310199944	257.42
24-1012	01-E0063	EXCEL THERAPY SPECIALISTS-OWC CLAIM #2023-08		10/2023	202310199943	670.09
24-0923	01-H0174	HEALTHSMART BENEFIT SOLUTIONWORKERS COMP SERVICE FEES		9/2023	202310199948	125.00
24-1010	01-M0267	MEDICAL CLAIMS REVIEW SERVIMEDICAL BILL AUDIT FEE		10/2023	202310199953	704.42
24-1009	01-M1237	MCBRIDE CLINIC ORTHOPEDIC HWC CLAIM 2022-13&2023-05		10/2023	202310199954	428.84
24-0489	01-O0181	STATE OF OKLAHOMA	MULTIPLE INJURY FUND	9/2023	202310199957	2,163.05
24-1011	01-W0108	SERVVRX, INC.	WC CLAIM #2009-07	10/2023	202310199977	2,856.26
DEPARTMENT TOTAL:						7,205.08
FUND TOTAL:						7,205.08

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 00		MAYOR AND COUNCIL				
24-0045	01-C0108	COWAN GROUP ENGINEERING, L	ENGINEERING FEES	10/2023	8008A	1,420.00
24-0973	01-C0108	COWAN GROUP ENGINEERING, L	ENGINEERING FEES	10/2023	8008B	6,178.00
DEPARTMENT TOTAL:						7,598.00
DEPARTMENT: 11		CITY MANAGER				
24-0118	01-J1071	JAN-PRO OF OKC	CLEANING SERVICES	11/2023	INV20694	880.00
24-0196	01-00207	OKLAHOMA MUNICIPAL MANAGEMEM	MEMBERSHIP FEE	7/2023	15445	5,000.00
DEPARTMENT TOTAL:						5,880.00
DEPARTMENT: 12		LIBRARY				
24-0224	01-B1023	BTAC UNITED ACQUISITION HOL	BOOKS	10/2023	5018573025	762.43
24-1001	01-C1068	CDW LLC	MEMORY FOR COMPUTER	10/2023	ML32704	60.74
24-0209	01-M0234	MUSTANG TIMES LLC	SUBSCRIPTION RENEWAL	10/2023	202311010063	35.00
DEPARTMENT TOTAL:						858.17
DEPARTMENT: 13		PARKS AND RECREATION				
24-1029	01-B1081	TRAVIS J. BRYCE	NERF DART BATTLES	10/2023	202310310059	375.00
24-0286	01-C0106	CINTAS CORPORATION NO. 2	WHP BATHROOM SUPPLIES	10/2023	4171353563A	116.65
24-1098	01-RF0085	KRISTEN ASHOSHON	MEMBERSHIP REFUND	10/2023	202311010068	70.00
24-0277	01-V0050	VERIZON COMMUNICATIONS INC.	WIFI HOT SPOTS	10/2023	9947455214	136.41
DEPARTMENT TOTAL:						698.06
DEPARTMENT: 15		GENERAL GOVERNMENT				
24-0500	01-C0286	CIVICPLUS, LLC	ANNUAL WEB HOSTING	11/2023	272304	950.00
24-0087	01-D0088	STATE OF OKLAHOMA - DEPART	MINMATE LABOR	10/2023	UNCCC-3061023	540.00
24-0350	01-P0051	THE PITNEY BOWES BANK, INC.	PREPAID POSTAGE	10/2023	202311010066	15,000.00
24-0206	01-P0151	PITNEY BOWES GLOBAL FINANC	ILEASE ON MAIL MACHINE	10/2023	3318244907	578.88
24-0321	01-S0306	SETH B SHAY	PEST CONTROL SERVICES	10/2023	202311010069	600.00
DEPARTMENT TOTAL:						17,668.88

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 18		TOWN CENTER				
24-0316	01-A0227	ALLIED ELEVATOR SERVICES,	ELEVATOR REPAIRS	10/2023	2153702	303.59
24-0302	01-C0106	CINTAS CORPORATION NO. 2	JANITORIAL SUPPLIES	10/2023	4171353563	1,012.53
24-0825	01-D0144	DON-CO SEWER & DRAIN	PLUMBING REPAIRS	10/2023	6491	165.00
24-0398	01-D0160	DANE & ASSOCIATES ELECTRIC	ELECTRICAL REPAIRS	10/2023	2023000389	290.00
24-0681	01-D0160	DANE & ASSOCIATES ELECTRIC	ELECTRIC REPAIRS	10/2023	2023000389A	236.25
24-0600	01-D0168	DH PACE COMPANY, INC.	DOOR REPAIRS	10/2023	SVC/270-65986	118.82
24-0911	01-D0168	DH PACE COMPANY, INC.	DOOR REPAIRS	10/2023	SVC/270-65986A	842.40
24-0308	01-E0115	ERC ACQUISITION, INC.	GYM WIPES	10/2023	919883	399.60
24-0309	01-H0165	HD SUPPLY, INC	JANITORIAL SUPPLIES	10/2023	769459306	389.47
DEPARTMENT TOTAL:						3,757.66
DEPARTMENT: 19		BALL COMPLEX				
24-0899	01-B1019	BEN E. KEITH COMPANY	FOOD/SUPPLIES CONCESSIONS	10/2023	66256961	3,379.63
24-0902	01-C0106	CINTAS CORPORATION NO. 2	CONCESSIONS SUPPLIES	10/2023	4171353543	382.96
24-0451	01-F0078	DAIOHS USA, INC	CONCESSION SUPPLIES	10/2023	379045	436.29
24-0900	01-P0144	BOTTLING GROUP, LLC	CONCESSIONS BEVERAGES	10/2023	96599305	2,875.09
DEPARTMENT TOTAL:						7,073.97
DEPARTMENT: 21		FINANCE				
24-0063	01-C0245	CRAWFORD & ASSOCIATES, P.C.	CONSULTING, GASB REVIEWS,	10/2023	17686	7,840.00
24-0301	01-Q0003	QUIK PRINT OF OKLAHOMA CITY	CITATION ENVELOPES	10/2023	761332	1,006.44
DEPARTMENT TOTAL:						8,846.44
DEPARTMENT: 31		COMMUNITY DEVELOPMENT				
24-1078	01-B0006	KARBS TOWING LLC	TOWING SERVICES	10/2023	22-41262	50.00
24-1065	01-S0371	SMITTY'S AUTO REPAIR INC.	BRAKES FOR INSP VEHICLE	10/2023	8065	754.70
24-0385	01-S0373	RPS AUTO LLC	BULK OIL & LUBE	10/2023	00543-29091	92.49
24-0374	01-V0050	VERIZON COMMUNICATIONS INC.	CELL PHONE SERVICE	10/2023	9947455214B	186.41
DEPARTMENT TOTAL:						1,083.60

FUND: 01 - GENERAL FUND

SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 41		POLICE				
24-0031	01-A0084	BADGEPASS, INC	BADGEPASS ANNL MAINT.	9/2023	INV108752	570.00
24-1049	01-B0294	BIOCHECK CORPORATION	MOLD TESTING	10/2023	12954	500.00
24-0612	01-C1001	CHARM-TEX, INC.	JAIL SUPPLIES	10/2023	0341256-IN	23.80
24-0898	01-H1012	L3HARRIS TECHNOLOGIES, INC.	800 MOBILE RADIOS	10/2023	93418104	3,138.00
24-0094	01-S0330	STREETS, LLC	HVAC MAINTENANCE AGREEMEN	10/2023	S43-43B-1023	5,284.00
24-0105	01-T0198	TOP TIER TACTICAL, SURVIVAL	REPLACEMENT VESTS	10/2023	2680-A	1,640.00
24-0108	01-T1055	BRANDONS TOWN PLAZA CLEANER	UNIFORM CLEANING	10/2023	SEPT2023	415.00
DEPARTMENT TOTAL:						11,570.80
DEPARTMENT: 42		ANIMAL WELFARE				
24-0412	01-D0090	OK DEPT. OF PUBLIC SAFETY	OLETS DATA TERMINALS	10/2023	LET-011806A	15.00
24-0423	01-O0273	OKLAHOMA HUMANE SOCIETY	SPAY & NEUTER SERVICES	10/2023	2113139	160.00
DEPARTMENT TOTAL:						175.00
DEPARTMENT: 51		FIRE				
24-0343	01-A0110	ALL SEASON BUILDING SUPPLY	BUILDING REPAIR & MAINT	10/2023	354534	15.73
24-0546	01-B0137	BOUND TREE MEDICAL LLC	EMS SUPPLIES	10/2023	85116020	124.92
24-1004	01-I1129	IMHOFF GARAGE DOORS	DOOR #4 REPLACEMENT	10/2023	23278	8,918.75
24-0409	01-N0003	NORTH AMERICAN FIRE EQUIPME	STRUCTURE BOOTS, PPE	10/2023	1234399	120.00
24-0844	01-O0215	OKLAHOMA STATE UNIVERSITY	NEW FIREFIGHTER	10/2023	0089303	2,450.00
24-0559	01-S1015	S&S TEXTILES, INC	CLASS C UNIFORM	10/2023	56983	985.18
24-0905	01-S1015	S&S TEXTILES, INC	ANNUAL UNIFORM ORDER	10/2023	56981	7,566.94
DEPARTMENT TOTAL:						20,181.52
DEPARTMENT: 61		STREETS				
24-0155	01-O0055	OKLAHOMA GAS & ELECTRIC COME	ELECTRIC SERVICE	10/2023	202311010065	124.05
DEPARTMENT TOTAL:						124.05
FUND TOTAL:						85,516.15

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 07		ADMINISTRATION				
24-1077	01-G0030	GENERAL FUND	ODL \$8,840 GRANT TRANSFER	11/2023	202310310062	760.00
DEPARTMENT TOTAL:						760.00
FUND TOTAL:						760.00

11/01/2023 10:41 AM

PURCHASE ORDER CLAIM REGISTER

PAGE: 5

FUND: 08 - PD TRAFFIC ENFORCEMENT

SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 41		POLICE ENFORCEMENT				
24-0055	01-D0090	OK DEPT. OF PUBLIC SAFETY	TERMINAL ACCESS	10/2023	LET-011806	585.00
DEPARTMENT TOTAL:						585.00
FUND TOTAL:						585.00

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 00	ADMINISTRATION					
24-1028	01-A0294	GEORGE E DECHER	SPECIAL EVENT INFLATABLES	10/2023	19447693	515.67
DEPARTMENT TOTAL:						515.67
FUND TOTAL:						515.67

11/01/2023 10:41 AM

PURCHASE ORDER CLAIM REGISTER

PAGE: 7

FUND: 13 - POLICE TECHNOLOGY FEES

SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 41		POLICE TECHNOLOGY				
24-0898	01-H1012	L3HARRIS TECHNOLOGIES, INC.800 MOBILE RADIOS			10/2023 93418104	2,979.48
DEPARTMENT TOTAL:						2,979.48
FUND TOTAL:						2,979.48

FUND: 14 - STREET/DRAINAGE IMP

SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 14		ADMINISTRATION				
24-0047	01-C0108	COWAN GROUP ENGINEERING, LLC	CITY EVALUATION - ENGINEE	10/2023	8009A	2,475.94
24-0973	01-C0108	COWAN GROUP ENGINEERING, L	ENGINEERING FEES	10/2023	8009G	1,460.29
DEPARTMENT TOTAL:						3,936.23
FUND TOTAL:						3,936.23

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 00		ADMINISTRATION				
24-0049	01-C0108	COWAN GROUP ENGINEERING, LLENGINEERING FEES		10/2023	8010	1,329.00
DEPARTMENT TOTAL:						1,329.00
FUND TOTAL:						1,329.00

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 00		MAYOR & COUNCIL				
24-0643	01-C2231	CORY'S AUDIO VISUAL SERVICE	PRODUCTION SYSTEM IN COUN	9/2023	10485	67,904.47
DEPARTMENT TOTAL:						67,904.47
DEPARTMENT: 11		CITY MANAGER				
24-0987	01-C1068	CDW LLC	CITY MGR KEYBOARD & MOUSE	10/2023	MK25005	50.99
24-1047	01-C1068	CDW LLC	FIREWALL MAINTENANCE	10/2023	MQ11015	2,425.86
DEPARTMENT TOTAL:						2,476.85
DEPARTMENT: 12		LIBRARY				
24-1048	01-C1068	CDW LLC	LENOVO THINKBOOK	10/2023	MP90391	907.34
DEPARTMENT TOTAL:						907.34
DEPARTMENT: 13		PARK AND RECREATION				
24-1102	01-G0110	PLAYCORE WISCONSIN, INC.	PLAYGROUND STRUCTURE	10/2023	167578-01-01	32,765.31
DEPARTMENT TOTAL:						32,765.31
DEPARTMENT: 19		BALL COMPLEX				
24-1088	01-C0108	COWAN GROUP ENGINEERING, L	ENGINEERING FEES	10/2023	8009C	580.00
DEPARTMENT TOTAL:						580.00
DEPARTMENT: 20		AQUATICS				
24-1072	01-A1120	AMUSEMENT RESTORATION COMP	ARE SURFACING SLIDE TOWER	10/2023	1378	11,900.00
DEPARTMENT TOTAL:						11,900.00
DEPARTMENT: 41		POLICE				
24-0840	01-A0035	ABSOLUTE TILE & FLOORS, LLC	FLOORING	10/2023	2125-01	29,000.00
DEPARTMENT TOTAL:						29,000.00

11/01/2023 10:41 AM
FUND: 39 - LIMITED PURPOSE

PURCHASE ORDER CLAIM REGISTER

PAGE: 11
SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 42		ANIMAL WELFARE				
24-0586	01-M0193	METRO SIGN	BUILDING SIGN	10/2023	08173FINAL	4,795.00
24-0598	01-S0206	STOLZ TELECOM, LLC	VEHICLE UPFIT FOR ACO TRU	10/2023	INV-003694	5,034.63
DEPARTMENT TOTAL:						9,829.63
DEPARTMENT: 72		WATER				
24-0617	01-L0052	LOCKE SUPPLY CO	PARTS FOR WATER LINES	10/2023	50863211-00	13.50
DEPARTMENT TOTAL:						13.50
FUND TOTAL:						155,377.10

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 00		ADMINISTRATION				
24-1090	01-E0063	EXCEL THERAPY SPECIALISTS-OWC CLAIM #2022-14		10/2023	202310310061	128.71
24-1114	01-E0063	EXCEL THERAPY SPECIALISTS-OWC CLAIM #2022-14		10/2023	202310310060	257.42
24-0923	01-H0174	HEALTHSMART BENEFIT SOLUTIONWORKERS COMP SERVICE FEES		10/2023	397708	125.00
24-1091	01-M1237	MCBRIDE CLINIC ORTHOPEDIC HWC CLAIM #2023-08		10/2023	202311010064	124.27
DEPARTMENT TOTAL:						635.40
FUND TOTAL:						635.40

NOV 2023 VISA

<u>DEPT</u>		
<u>501</u>	ATTORNEY	\$ 500.00
511	CITY MANAGER	\$ 3,000.00
512	LIBRARY	\$ 8,000.00
513	PARKS & RECREATION	\$ 10,000.00
515	GENERAL GOVERNMENT	\$ 3,000.00
518	TOWN CENTER	\$ 1,000.00
521	FINANCE	\$ 500.00
531	COMM. DEV.	\$ 2,000.00
541	POLICE	\$ 10,000.00
551	FIRE	\$ 10,000.00
TOTAL		\$ 48,000.00

The City Manager has the authority to approve all claim's up to \$50,000 per Ordinance #1153.



Agenda Item No: F.3

Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Julie Slupe

Submitting Department: Library

Item Type: Approval

Agenda Section: CONSENT AGENDA

Subject Title:

Approval to Turn Past Due Library Accounts over to Collection Agency.

Recommendation:

Approve.

Initiator:

Julie Slupe

Background:

Past Due Accounts for October 2023.

Financial Impact:

1,740.63

Staff Comments:

Attachments:

[October 2023 Collections City Council Copy.pdf](#)

[illegible]



Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Lisa Martin

Submitting Department: City Clerk

Item Type: Resolution

Agenda Section: CONSENT AGENDA

Subject Title:

Approval of Resolution No. 24-017, a Resolution of the City Council of the City of Mustang calling for a Municipal Election for the City of Mustang, Oklahoma, pursuant to Article 6 of the Charter of the City of Mustang, Oklahoma and providing for Dates for Elections and Filing Periods; Providing for Qualifications; and Providing for the Election to be Conducted by the Canadian County Election Board.

Recommendation:

Approve

Initiator:

Lisa Martin

Background:

The City must give notice to the Canadian County Election Board sixty (60) days prior to the primary election that is to be held on Tuesday, February 13, 2024. The general election, if necessary, shall be held on Tuesday, April 2, 2024 to elect the Mayor and the Councilmembers for Wards One and Three.

The filing period for the Councilmembers shall begin on Monday, December 4, 2023 at 8:00 a.m. and close on Wednesday, December 6, 2023 at 4:30 p.m. and the filing for office shall be with the Secretary of the Canadian County Election Board in El Reno.

Financial Impact:

Staff Comments:

Recommend Approval

Attachments:

[Resolution No. 24-017 - Calling for Election - Mayor and Wards 1 & 3.pdf](#)

RESOLUTION NO. 24-017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MUSTANG CALLING FOR A MUNICIPAL ELECTION FOR THE CITY OF MUSTANG, OKLAHOMA, PURSUANT TO ARTICLE 6 OF THE CHARTER OF THE CITY OF MUSTANG, OKLAHOMA AND PROVIDING FOR DATES FOR ELECTIONS AND FILING PERIODS; PROVIDING FOR QUALIFICATIONS; AND PROVIDING FOR THE ELECTION TO BE CONDUCTED BY THE CANADIAN COUNTY ELECTION BOARD

WHEREAS, the Charter of the City of Mustang provides for annual municipal elections for members of the City Council and Mayor; and

WHEREAS, the County Election Board will hold the election.

NOW, THEREFORE, BE IT RESOLVED by the City Council and Mayor of the City of Mustang, Oklahoma as follows:

That a primary election shall be held on **Tuesday, February 13, 2024** to nominate candidates for **Mayor** and for **Councilmembers** for **Ward One and Ward Three** for a three-year term. The **Mayor** will be elected at large and **Councilmembers** will be elected by qualified voters in their respective Wards.

That a general election shall be held on **Tuesday, April 2, 2024** to elect the candidates for **Mayor** and **Councilmembers** for **Ward One and Ward Three**. The **Mayor** will be elected at large and the **Councilmembers** will be elected by qualified voters in their respective Wards.

That the elections shall in all respects be governed by the Charter of the City of Mustang, Oklahoma concerning candidate's qualifications, and shall be nonpartisan.

That if there should be no candidates or questions to be voted upon at the primary or general election, then said election shall not be held.

That the period for filing for the office of Councilmembers shall begin on **Monday, December 4, 2023 at 8:00 a.m. and close on Wednesday, December 6, 2023 at 4:30 p.m.*** Filing for office shall be with the Secretary of the Canadian County Election Board in El Reno, Oklahoma.

On the dates of the election as designated by the Canadian County Election Board the polls shall remain open continuously from 7:00 a.m. to 7:00 p.m.

BE IT FURTHER RESOLVED, that absentee ballots will be provided in accordance with state law.

Resolution No. 24-017
Page Two

This is to certify that the above and foregoing Resolution was duly **ADOPTED AND APPROVED** by the City Council and Mayor of the City of Mustang this 7th day of **November, 2023.**

Brian Grider
Mayor

Attest:

Lisa Martin
City Clerk

*NOTE: Filing begins no earlier than 8:00 a.m. on the first Monday in December and ends no later than 4:30 p.m. on the next succeeding Wednesday (three full days) with the Secretary of the County Election Board prior to the primary election. Also, 60 days notice of Election must be given to the Election Board by filing approved copies of this Resolution.



Agenda Item No: F.5

Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Janet Watts

Submitting Department: Finance

Item Type: Resolution

Agenda Section: CONSENT AGENDA

Subject Title:

Approval of Resolution No. 24-018 making Changes in the Flex Spending fund Budget by Making a Supplemental Appropriation to Increase the 2023-2024 Fiscal Year Budget by \$50,000.

Recommendation:

Approve.

Initiator:

Janet Watts, Finance Director

Background:

Participants are contributing up to the annual maximum amount due to the IRS increased (health FSAs) in calendar year 2023

Financial Impact:

\$50,000

Staff Comments:

Attachments:

[Resolution 24-018 - Supplemental Appropriation - Flex Spending Fund.pdf](#)

RESOLUTION NO. 24-018

A RESOLUTION TO MAKE CHANGES IN THE FLEX SPENDING FUND BUDGET BY MAKING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 2023-2024 FISCAL YEAR BUDGET BY \$50,000.

WHEREAS, Participants are contributing up to the annual maximum amount due to the IRS increased (health FSAs) in calendar year 2023;

WHEREAS, the Council desires to appropriate funds;

NOW THEREFORE, BE IT RESOLVED, by the Council that the following supplemental appropriation be made:

SUPPLEMENTAL APPROPRIATION

Revenues:	
Employee Withholdings (10-45199)	\$50,000
Expenditures:	
Increase to Fund Balance (10-500-5555)	<u>\$50,000</u>
Total	<u>\$50,000</u>

This is to certify that the above and foregoing Resolution was dully **ADOPTED** and **APPROVED** by the Mayor and City Council this **7th** day of **November 2023**.

Mayor

ATTEST:

City Clerk



Agenda Item No: F.6

Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Janet Watts

Submitting Department: Finance

Item Type: Resolution

Agenda Section: CONSENT AGENDA

Subject Title:

Approval of Resolution No. 24-019 making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2023-2024 Fiscal Year Budget by \$19,378.

Recommendation:

Approve.

Initiator:

Janet Watts, Finance Director.

Background:

The Police Department has been awarded \$19,378 from the Oklahoma District Attorneys Council for fiscal year 2024. The grant will be used to purchase a fingerprint machine.

Financial Impact:

\$19,378

Staff Comments:

Attachments:

[Resolution No. 24-019 - Supplemental Appropriation - General Fund.pdf](#)

RESOLUTION NO. 24-019

A RESOLUTION TO MAKE CHANGES IN THE GENERAL FUND BUDGET BY MAKING A SUPPLEMENTAL APPROPRIATION TO INCREASE THE 2023-2024 FISCAL YEAR BUDGET BY \$19,378.

WHEREAS, The Police Department has been awarded \$19,378 from Oklahoma District Attorneys Council for fiscal year 2024. The grant will be used to purchase a fingerprint machine.

WHEREAS, the Council desires to appropriate funds;

NOW THEREFORE, BE IT RESOLVED, by the Council that the following supplemental appropriation be made:

SUPPLEMENTAL APPROPRIATION

Revenues:	
Grants Other (01-45111)	\$ 19,378
Expenditures:	
Equipment (01-541-5371)	<u>\$ 19,378</u>
Total	<u>\$ 19,378</u>

This is to certify that the above and foregoing Resolution was dully **ADOPTED** and **APPROVED** by the Mayor and City Council this **7th** day of **November 2023**.

Mayor

ATTEST:

City Clerk



Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Laura Anderson

Submitting Department: Human Resources

Item Type: Approval

Agenda Section: CONSENT AGENDA

Subject Title:

Approval of Retirement from OMRF for Kelly Gitchel, Police Records Clerk, retiring December 28, 2023 after thirty and a half years of service to the City of Mustang.

Recommendation:

Approve or Deny

Initiator:

Laura Anderson, Human Resources Director

Background:

The Oklahoma Municipal Retirement Fund requires all OKMRF retirement applications to be submitted to the City Council. Ms. Gitchel meets all the qualifications set forth by the plan to receive her retirement at this time.

Financial Impact:

None

Staff Comments:

Staff recommends approval.

Attachments:



Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Melissa Helsel

Submitting Department: Community Development

Item Type: Approval

Agenda Section: CONSENT AGENDA

Subject Title:

*Acceptance of Maintenance Bonds for Water, Sanitary Sewer and Paving/Drainage Infrastructure in Hunter's Hill 5 Addition.

Recommendation:

Acceptance or Rejection of Maintenance Bonds

Initiator:

Melissa Helsel

Background:

The water and sanitary sewer lines have been inspected, tested and approved for Hunter's Hill Addition, Section 5. The paving and drainage has also been inspected, tested and approved. Inspection fees and park fees have been paid.

Financial Impact:

0

Staff Comments:

Staff recommends acceptance of the water, sanitary sewer and paving/drainage bonds for Hunter's Hill 5 Addition.

Attachments:

[Hunters Hill 5 Water Bonds 11-7-23.pdf](#)

[Hunters Hill 5 Sewer Bonds 11-7-23.pdf](#)

[Hunters Hill 5 Paving Bonds 11-7-23.pdf](#)

WATER AND SEWER MAINTENANCE BOND

Bond #RCB0044254

KNOW ALL MEN BY THESE PRESENTS:

That we, 4M Trenching, LLC, as Principal, and RLI Insurance Company as surety, are held and firmly bound unto the CITY OF MUSTANG, a Municipal Corporation, and City of the first class, or the State of Oklahoma, in the full and just sum of Three Hundred Forty Thousand One Hundred Eighty Eight & 37/100, (\$ 340,188.37), such sum being equal to 110% of the contract price, for a period of two (2) years, for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors, and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

Dated this 23rd day of January, 2023. The conditions of this obligation are such that whereas, said Principal has constructed in the CITY OF MUSTANG: Project WA# 22605300 Water Line Improvements to Hunter's Hill Section 5 all in compliance with the plans and specifications therefore, made a part of said contract and on file at the City Of Mustang and to maintain the said improvement in the amount set forth against any failure due to workmanship or material for a period of 110% for two (2) years from the date of acceptance by the Council of the City of Mustang.

NOW, THEREFORE, if said Principal shall pay or cause to be paid to the City all damages, loss and expense which may result by reason of failure due to defective materials and/or workmanship in connection with said work occurring within a period of two (2) years from and after acceptance of said project by the City, then this obligation shall be null and void, otherwise, to be and remain in full force and effect.

It is further agreed that if the said Principal or Surety herein shall fail to maintain said improvements against any failure due to defective workmanship and/or material for a period of two (2) years and at any time repairs shall be necessary that the cost of making said repairs shall be determined by Council of the CITY OF MUSTANG, or some person or persons designated by them to ascertain the same, and if upon thirty (30) days notice, that said amount ascertained shall not be paid by the Principal or Surety herein, or if the necessary repairs are not made, that said amount shall become due upon the expiration of thirty (30) days and suit may be maintained to recover the amount so determined in any court of competent jurisdiction. And that the amount so determined shall be conclusive upon the parties as to the amount due on this bond for the repair or repairs included therein, and that the cost of all repairs shall be so

determined from time to time during the life of this bond as the condition of the improvements may require.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said contract and no deviations from the plan or mode of procedure herein fixed shall have effect of releasing the sureties, or any of them, from the obligations of this bond.
Water and Sewer Maintenance Bond

IN THE WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers; and the said surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its Attorney-in-Fact, duly authorized so to do, the day and year first above written.

Attest:



4M Trenching, LLC
Principal

By:  Manager/President

Witness:


Carey Kennemer

RLI Insurance Company
Surety

By: 
Attorney-in-Fact Vicki Wilson

Approved as to form this _____ day of _____, 20_____.

City Attorney

REVIEWED AND APPROVED by the Council of the City Of Mustang this
_____ day of _____, 20_____.

Attest: _____
Mayor

City Clerk

POWER OF ATTORNEY

RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Travis E. Brown, Mark D. Nowell, Christopher W. Webb, Ryan N. Teubner, Deborah L. Raper, Kent Jay Bradford, Kyle Pat Bradford, Shelli R. Samsel, Dwight A. Pilgrim, Vicki Wilson, Clayton Howell, Austin Greenhaw, Gary Liles, Randy D. Webb, Bobby Joe Young, Aaron Woolsey, Carey L. Kennemer, Joshua Bryan, jointly or severally

in the City of Oklahoma City, State of Oklahoma its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 26th day of October, 2022.



**RLI Insurance Company
Contractors Bonding and Insurance Company**

By:

Barton W. Davis

Vice President

State of Illinois
County of Peoria

} SS

On this 26th day of October, 2022, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By:

Catherine D. Glover

Catherine D. Glover

Notary Public



CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 23rd day of January, 2023.

**RLI Insurance Company
Contractors Bonding and Insurance Company**

By:

Jeffrey D. Dick

Corporate Secretary



4MTRENC-01

THOLEMAN

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/23/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Rich & Cartmill, Inc. 9401 Cedar Lake Avenue Oklahoma City, OK 73114	CONTACT Terry Holeman		
	PHONE (A/C, No, Ext): (405) 418-8626	FAX (A/C, No):	
	E-MAIL ADDRESS: tholeman@rcins.com		
INSURED 4M Trenching, LLC 5321 SW 11th Street Oklahoma City, OK 73128-2415	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Continental Ins Co		35289
	INSURER B : Continental Casualty Co		20443
	INSURER C : Columbia Casualty Company		31127
	INSURER D :		
	INSURER E :		
INSURER F :			

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC OTHER:	X		C2095322440	8/8/2022	8/8/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			C2095322437	8/8/2022	8/8/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$ 10,000			C2095322454	8/8/2022	8/8/2023	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) ☐ Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WC5090789242	2/1/2022	2/1/2023	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Pollution Liability			6072011239	8/8/2022	8/8/2023	Ea Occurrence 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Project: 22605300 Sewer line to Hunter's Hill Section 5

Additional insured applies to general liability if required by written contract.

CERTIFICATE HOLDER

CANCELLATION

City of Mustang 1201 N Mustang Rd Mustang, OK 73064	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

SCHEDULE OF PRICES

<u>Approximate Quantities</u>	<u>Unit</u>	<u>Item</u>	<u>Unit Price</u>	<u>Total Price</u>
1,280	L.F.	12" Water Line (C-900 PVC)	\$ 75.00	\$ 96,000.00
1,774	L.F.	8" Water Line (C-900 PVC)	\$ 41.00	\$ 72,734.00
3,054	L.F.	12" Gauge Trace Wire or Locator Tape	\$ 0.90	\$ 2,748.00
20	L.F.	Steel Encasement for 8" Water line	\$ 101.00	\$ 2,200.00
6	EA.	Fire Hydrant	\$ 4,030.00	\$ 24,180.00
6	EA.	Fire Hydrant Riser	\$ 480.00	\$ 2,880.00
1	EA.	12" x 12" Tee	\$ 1,490.00	\$ 1,490.00
1	EA.	12" x 8" Tee	\$ 1,240.00	\$ 1,240.00
2	EA.	12" x 6" Tee	\$ 1,030.00	\$ 2,060.00
1	EA.	8" x 8" Tee	\$ 885.00	\$ 885.00
4	EA.	8" x 6" Tee	\$ 753.00	\$ 3,012.00
3	EA.	12" Gate Valve & Box	\$ 3,590.00	\$ 10,770.00
6	EA.	8" Gate Valve & Box	\$ 1,950.00	\$ 11,700.00
6	EA.	6" Gate Valve & Box	\$ 1,170.00	\$ 7,020.00
2	EA.	12" x 8" Reducer	\$ 629.00	\$ 1,258.00
2	EA.	12"x11-1/4° Bend w/Thrust Blks	\$ 860.00	\$ 1,720.00
4	EA.	8"x45° Vert Bend w/Thrust Blks	\$ 868.00	\$ 3,472.00
6	EA.	8"x22-1/2° Bend w/ Thrust Blks	\$ 543.00	\$ 3,258.00
2	EA.	8"x11-1/4° Bend w/ Thrust Blks	\$ 543.00	\$ 1,086.00
1	EA.	8" Plug w/2" Blow Off	\$ 3,382.00	\$ 3,382.00
1	EA.	Rem 12" Plug w/2" Blow Off	\$ 272.00	\$ 272.00
3	EA.	Rem 8" Plug w/2" Blow Off	\$ 272.00	\$ 816.00
4	EA.	Wet Connection	\$ 75.00	\$ 300.00
1	EA.	12" Solid Sleeve	\$ 852.00	\$ 852.00
3	EA.	Wet Connection	\$ 564.00	\$ 1,692.00
35	EA.	SSS	\$ 597.00	\$ 20,895.00
1	EA.	SSS By Tap	\$ 597.00	\$ 597.00

SCHEDULE OF PRICES--Continued

<u>Approximate Quantities</u>	<u>Unit</u>	<u>Item</u>	<u>Unit Price</u>	<u>Total Price</u>
30	EA.	SLS	\$ 876.00	\$ 26,280.00
69	C.Y.	Type 'A' Aggregate Backfill	\$ 60.00	\$ 4,140.00
555	C.Y.	Sand Embedment	\$ 0.01	\$ 5.55
1	L.S	Testing & Disinfecting	\$ 497.00	\$ 497.00
TOTAL WATER LINE IMPROVEMENTS			\$ 309,262.15	

NOTE: The contractor shall dispose of water flushed from water mains in a location and manner approved by the owner and engineer. The water shall be directed away from the street cut.

The entire excavation for lines crossing streets shall be sand backfilled. However, the sand backfill pay quantity for a long service will be based on a 6" wide trench, 30" deep to a point 7' back of the curb.

Fire hydrants shall be furnished with a 4.5' bury. Any extension within the 4.5' bury will not be a pay item.

The contractor herewith agrees to complete all work hereby within 40 working days from the date of Engineer's Notice to Proceed. **NOTE: The water and sewer line bids are generally tied and the work shall be performed simultaneously. The completion time is the combined time for both the water and sewer line construction.** Contractor further agrees to commence said work by Late December start date.

The undersigned bidder understands that he shall:

Receive ninety percent (90%) partial estimates for work completed, excluding material on hand, on a monthly basis with the balance due on acceptance by the Developer, Engineer, and the City.

The Contractor shall provide to the Engineer for review on or before the 25th of each month an invoice for progressive work performed to date. The Owner shall pay to the contractor by the tenth of each month 90% of the monthly estimate. The final estimate shall be paid within ten (10) days upon Engineer approval of the final invoice for payment and notice by the City that the construction improvements are complete.

WATER AND SEWER MAINTENANCE BOND

Bond #RCB0044255

KNOW ALL MEN BY THESE PRESENTS:

That we, 4M Trenching, LLC, as Principal, and RLI Insurance Company as surety, are held and firmly bound unto the CITY OF MUSTANG, a Municipal Corporation, and City of the first class, or the State of Oklahoma, in the full and just sum of One Hundred Ninety Three Thousand Two Hundred Thirty Five & 52/100-----, (\$ 193,235.52), such sum being equal to 110% of the contract price, for a period of two (2) years, for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors, and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

Dated this 23rd day of January, 2023. The conditions of this obligation are such that whereas, said Principal has constructed in the CITY OF MUSTANG: Project #22605300 Sanitary Sewer Line Improvements to Hunter's Hill Section 5 all in compliance with the plans and specifications therefore, made a part of said contract and on file at the City Of Mustang and to maintain the said improvement in the amount set forth against any failure due to workmanship or material for a period of 110% for two (2) years from the date of acceptance by the Council of the City of Mustang.

NOW, THEREFORE, if said Principal shall pay or cause to be paid to the City all damages, loss and expense which may result by reason of failure due to defective materials and/or workmanship in connection with said work occurring within a period of two (2) years from and after acceptance of said project by the City, then this obligation shall be null and void, otherwise, to be and remain in full force and effect.

It is further agreed that if the said Principal or Surety herein shall fail to maintain said improvements against any failure due to defective workmanship and/or material for a period of two (2) years and at any time repairs shall be necessary that the cost of making said repairs shall be determined by Council of the CITY OF MUSTANG, or some person or persons designated by them to ascertain the same, and if upon thirty (30) days notice, that said amount ascertained shall not be paid by the Principal or Surety herein, or if the necessary repairs are not made, that said amount shall become due upon the expiration of thirty (30) days and suit may be maintained to recover the amount so determined in any court of competent jurisdiction. And that the amount so determined shall be conclusive upon the parties as to the amount due on this bond for the repair or repairs included therein, and that the cost of all repairs shall be so

determined from time to time during the life of this bond as the condition of the improvements may require.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said contract and no deviations from the plan or mode of procedure herein fixed shall have effect of releasing the sureties, or any of them, from the obligations of this bond.
Water and Sewer Maintenance Bond

IN THE WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers; and the said surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its Attorney-in-Fact, duly authorized so to do, the day and year first above written.

Attest:	<u>4M Trenching, LLC</u> Principal
<u>Manuel Racz</u>	By: <u>[Signature]</u> Manager/President
Witness:	<u>RLI Insurance Company</u> Surety
<u>Carey Kennemer</u> Carey Kennemer	By: <u>Vicki Wilson</u> Attorney-in-Fact Vicki Wilson

Approved as to form this _____ day of _____, 20____.

City Attorney

REVIEWED AND APPROVED by the Council of the City Of Mustang this _____ day of _____, 20____.

Attest:

Mayor

City Clerk

POWER OF ATTORNEY

RLI Insurance Company **Contractors Bonding and Insurance Company**

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Travis E. Brown, Mark D. Nowell, Christopher W. Webb, Ryan N. Teubner, Deborah L. Raper, Kent Jay Bradford, Kyle Pat Bradford, Shelli R. Samsel, Dwight A. Pilgrim, Vicki Wilson, Clayton Howell, Austin Greenhaw, Gary Liles, Randy D. Webb, Bobby Joe Young, Aaron Woolsey, Carey L. Kennemer, Joshua Bryan, jointly or severally

in the City of Oklahoma City, State of Oklahoma its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 26th day of October, 2022.



RLI Insurance Company
Contractors Bonding and Insurance Company

By: Barton W. Davis Vice President

State of Illinois }
County of Peoria } SS

On this 26th day of October, 2022, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: Catherine D. Glover
Catherine D. Glover Notary Public



CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 23rd day of January, 2023.

RLI Insurance Company
Contractors Bonding and Insurance Company
By: Jeffrey D. Dick Corporate Secretary



4MTRENC-01

THOLEMAN

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

1/23/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Rich & Cartmill, Inc. 9401 Cedar Lake Avenue Oklahoma City, OK 73114	CONTACT NAME: Terry Holeman	
	PHONE (A/C, No, Ext): (405) 418-8626	FAX (A/C, No):
INSURED 4M Trenching, LLC 5321 SW 11th Street Oklahoma City, OK 73128-2415	E-MAIL ADDRESS: tholeman@rcins.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Continental Ins Co	
	INSURER B : Continental Casualty Co	
	INSURER C : Columbia Casualty Company	
	INSURER D : INSURER E : INSURER F :	
NAIC #		
35289		
20443		
31127		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PROJECT ☐ LOC OTHER:	X		C2095322440	8/8/2022	8/8/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 15,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY			C2095322437	8/8/2022	8/8/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ EXCESS LIAB ☐ DED ☒ RETENTION \$ 10,000 ☒ OCCUR ☐ CLAIMS-MADE			C2095322454	8/8/2022	8/8/2023	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐	N/A	WC5090789242	2/1/2022	2/1/2023	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Pollution Liability			6072011239	8/8/2022	8/8/2023	Ea Occurrence 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Project: WA22605300 - Water line improvements to Hunters' Hill Section 5

Additional insured applies to general liability if required by written contract.

CERTIFICATE HOLDER

City of Mustang 1201 N Mustang Rd Mustang, OK 73064	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

Bids To Be Submitted to:
MANCO ENTERPRISES, LLC.

SUBMIT PROPOSAL BID
By 3 o'clock



Crafton Tull & Associates
300 Pointe Parkway Blvd
Yukon, OK 73099
Ph: 787-6270/Fax: 787-6276

Day: Thursday
Date: October 6th, 2022
Job No. 22605300

**PROPOSAL
FOR
SANITARY SEWER LINE IMPROVEMENTS**

Date: October 6, 2022

Proposal of 4M Trenching, LLC

	Name	
<u>5321 SW 11th Street Oklahoma City, OK. 73128</u>	<u>405-942-4175</u>	
Address	Telephone	

to furnish and deliver all materials and do and perform all work in accordance with the plans, specifications and contract of MANCO ENTERPRISES, LLC. for the construction of SANITARY SEWER IMPROVEMENTS, this work being situated at the following location:

**HUNTER'S HILL SEC 5. in the vicinity of
NW OF CLEAR SPRINGS RD & SW 74TH STREET.,
CANADIAN COUNTY, MUSTANG, OK**

To: **MANCO ENTERPRISES, LLC.**
c/o Crafton Tull & Associates

Gentlemen:

The undersigned bidder has carefully examined the form of Contract, the General Drawings, the General Conditions, the Specifications and the special Conditions for the hereinbefore described improvements and the site of the work; and will provide all necessary machinery, tools, apparatus, and other means of construction, and do all the work and furnish all materials called for by said specifications, General Conditions and Drawings, in the manner prescribed herein and in said Contract, and in accordance with the requirements of the Engineer under them.

In addition to the Plans, Specifications and Contract provided herewith, all workmanship and materials shall also conform to the City Standard Specifications, Drawings and Details.

The undersigned bidder understands that the quantities of work as shown herein are approximate only and are subject to increase or decrease, and offers to do the work whether the quantities are increased or decreased at the prices stated in the following proposal:

**Sanitary Sewer Improvements
HUNTER'S HILL SECTION 5
JOB NO. 22605300**

**Proposal
Page 2**

SCHEDULE OF PRICES

<u>Approximate Quantities</u>	<u>Unit</u>	<u>Item</u>	<u>Unit Price</u>	<u>Total Price</u>
2,934	L.F.	8" Sanitary Sewer Pipe (SDR-35PVC)	\$ 23.10	\$ 67,775.40
11	EA.	Manhole Complete 0-6' Deep 4' Dia. (I.D)	\$ 2,570.00	\$ 28,270.00
25	V.F.	Extra Depth Manhole Wall	\$ 157.00	\$ 3,925.00
1	V.F.	Raise Existing Manhole Wall	\$ 125.00	\$ 125.00
1	EA.	Plug & Abandon Existing WYE	\$ 59.00	\$ 59.00
52	EA.	4" on 8" WYE	\$ 94.00	\$ 4,888.00
5	EA.	Saddle WYE	\$ 800.00	\$ 4,000.00
72	EA.	4" on 1/8° Bend	\$ 14.00	\$ 1,008.00
537	L.F.	4' Riser Pipe	\$ 10.00	\$ 5,370.00
80	L.F.	4" PVC Service line	\$ 24.00	\$ 1,920.00
5	EA.	Remove 4" on 1/8° Bend	\$ 5.90	\$ 29.50
5	EA.	Remove 4" Cap	\$ 5.90	\$ 29.50
39	L.F.	Remove 4' Riser Pipe	\$ 0.75	\$ 29.25
20	L.F.	Steel Encasement for 8" Main	\$ 124.00	\$ 2,480.00
354	L.F.	0' – 6' Trench	\$ 10.00	\$ 3,540.00
1,120	L.F.	6' – 8' Trench	\$ 10.00	\$ 11,200.00
1,239	L.F.	8' – 10' Trench	\$ 11.00	\$ 13,629.00
221	L.F.	10' – 12' Trench	\$ 12.00	\$ 2,652.00
510	C.Y.	Crushed Rock Bedding	\$ 40.00	\$ 20,400.00
35	C.Y.	Type 'A' Aggregate Backfill	\$ 59.00	\$ 2,065.00
1	L.S.	Leakage Testing	\$ 930.00	\$ 930.00
1	L.S.	Deflection Test	\$ 473.00	\$ 473.00
1	L.S.	Manhole Test	\$ 871.00	\$ 871.00

TOTAL BID FOR SANITARY SEWERIMPROVEMENTS

\$ 175,668.65

STREETS MAINTENANCE BOND

KNOW AL MEN BY THESE PRESENTS:

Bond No.: 9393640

That we, Schwarz Paving Company, Inc., as Principal, and Fidelity and Deposit Company of Maryland as surety, are held and firmly bound unto the CITY OF MUSTANG, a Municipal Corporation, and City of the first class, of the State of Oklahoma, in the full and just sum of 100% or Seven Hundred Twenty Four Thousand Three Hundred Forty and No/100 (\$ 724,340.00), such sum being equal to the contract price for a period of one (1) year and thereafter for a period of four (4) years for the sum of (\$ 72,434.00), such sum being not less than 10% of the contract price, for the payment of which, will and truly be made, we, and each of us, bind ourselves, our heirs, executors, and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

Dated this 10 day of May, 20 23.
The conditions of this obligation are such that whereas, said Principal has by contract between Manco Enterprises, LLC,
And Schwarz Paving Company, Inc. dated this 10th
Day of May, 20 23, constructed in THE CITY OF
MUSTANG: Hunters Hill, Section 5 Paving & Drainage Improvements

All in compliance with the plans and specification therefore, made a part of said contract and file at the City of Mustang and to maintain the said improvements in the amount set forth against any failure due to workmanship or material for a period of 100% for one (1) year and 10% for a period of four (4) years from the date of acceptance by the Council of the City of Mustang.

It is further agreed that if the said Principal or Surety herein shall fail to maintain said improvements against any failure due to defective workmanship and/or material for a period of five (5) years and at any time repairs shall be necessary that the cost of making said repairs shall be determined by Council of THE CITY OF MUSTANG, or some person or persons designated by them to ascertain the same, and if, upon thirty (30) days notice, that said amount ascertained shall not be paid by the Principal or Surety herein, or if the necessary repairs are not made, that said amount shall become due upon the expiration of thirty (30) days and suit may be maintained to recover the amount so determined in any court of competent jurisdiction and that the amount so determined shall be conclusive upon the parties as to the amount due on this bond for the repair or repairs included therein, and that the cost of all repairs shall be so determined from time to time during the life of this bond as the condition of the improvements may require.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said contract and no deviations from the plan or mode of

procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligation of this bond.

IN WITNBESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers; an the said surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its Attorney-in-Fact, duly authorized so to do, the day and year first above written.



Attest:

[Signature]

Schwarz Paving Company, Inc.

Principal

By:

John Mayfield, President

Fidelity and Deposit Company of Maryland

Surety

Attest:

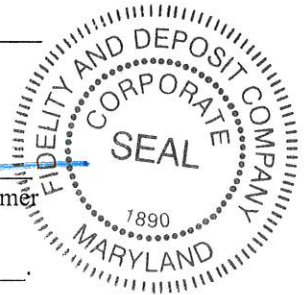
[Signature: Jana Taylor]

Witness, Jana Taylor

By:

[Signature: Dillon B. Rosenhamer]

Attorney-In-Fact, Dillon B. Rosenhamer



Approved as to form this _____ day of _____ 20 ____.

City Attorney

Reviewed and approved by the Council of the City of Mustang this _____ day
Of _____, 20 ____.

Mayor

Attest:

City Clerk

**ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Illinois, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Illinois (herein collectively called the "Companies"), by **Robert D. Murray, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint Michael F. ROSS, John G. HESTER, Debbie JOHNS, Jeffrey J. BURTON, Dillon B. ROSENHAMER, Carrie J. TRUE, Jana M. TAYLOR, Cassidy SCOTT of Oklahoma City, Oklahoma, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 02nd day of September, A.D. 2022.



ATTEST:
ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: *Robert D. Murray*
Vice President

By: *Dawn E. Brown*
Secretary

**State of Maryland
County of Baltimore**

On this 02nd day of September, A.D. 2022, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **Robert D. Murray, Vice President and Dawn E. Brown, Secretary** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2023

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 10 day of may, 2023



MJ Pethick

By: Mary Jean Pethick
Vice President

TO REPORT A CLAIM WITH REGARD TO A SURETY BOND, PLEASE SUBMIT A COMPLETE DESCRIPTION OF THE CLAIM INCLUDING THE PRINCIPAL ON THE BOND, THE BOND NUMBER, AND YOUR CONTACT INFORMATION TO:

Zurich Surety Claims
1299 Zurich Way
Schaumburg, IL 60196-1056
Ph: 800-626-4577

If your jurisdiction allows for electronic reporting of surety claims, please submit to:
reportsfclaims@zurichna.com

Authenticity of this bond can be confirmed at bondvalidator.zurichna.com or 410-559-8790



Agenda Item No: F.9

Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Melissa Helsel

Submitting Department: Community Development

Item Type: Approval

Agenda Section: CONSENT AGENDA

Subject Title:

*Acceptance of Sanitary Sewer Bonds for Project at Clear Springs Rd. and State Highway 152 to Serve Yall's Paw Place.

Recommendation:

Acceptance or Rejection of Bonds

Initiator:

Melissa Helsel

Background:

The sanitary sewer line project has been completed at Clear Springs Road and State Highway 152 to serve the properties on the southwest corner of that intersection. Inspections and tests have been completed and approved.

The contractor initially submitted a bond in the wrong amount, and has added a surety rider for the correct amount.

Financial Impact:

0

Staff Comments:

Staff recommends acceptance of the bonds in the amount of \$58,446.30

Attachments:

[San Sewer Bonds Yalls Paws 11-7-23.pdf](#)

WATER AND SEWER MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Grooms & Pollard Utility Services, LLC, as Principal, and RLI Insurance Company as surety, are held and firmly bound unto the CITY OF MUSTANG, a Municipal Corporation, and City of the first class, or the State of Oklahoma, in the full and just sum of Fifty-three Thousand One Hundred, (~~Thirty-three & 00/100~~ \$\$53,133.00), such sum being equal to 110% of the contract price, for a period of two (2) years, for the payment of which, well and truly to be made, we, and each of us, bind ourselves, our heirs, executors, and assigns, themselves, and its successors and assigns, jointly and severally, firmly by these presents.

Dated this 24th day of August, 2023. The conditions of this obligation are such that whereas, said Principal has constructed in the CITY OF MUSTANG: Sanitary Sewer to serve Yall's Paw Place all in compliance with the plans and specifications therefore, made a part of said contract and on file at the City Of Mustang and to maintain the said improvement in the amount set forth against any failure due to workmanship or material for a period of 110% for two (2) years from the date of acceptance by the Council of the City of Mustang.

NOW, THEREFORE, if said Principal shall pay or cause to be paid to the City all damages, loss and expense which may result by reason of failure due to defective materials and/or workmanship in connection with said work occurring within a period of two (2) years from and after acceptance of said project by the City, then this obligation shall be null and void, otherwise, to be and remain in full force and effect.

It is further agreed that if the said Principal or Surety herein shall fail to maintain said improvements against any failure due to defective workmanship and/or material for a period of two (2) years and at any time repairs shall be necessary that the cost of making said repairs shall be determined by Council of the CITY OF MUSTANG, or some person or persons designated by them to ascertain the same, and if upon thirty (30) days notice, that said amount ascertained shall not be paid by the Principal or Surety herein, or if the necessary repairs are not made, that said amount shall become due upon the expiration of thirty (30) days and suit may be maintained to recover the amount so determined in any court of competent jurisdiction. And that the amount so determined shall be conclusive upon the parties as to the amount due on this bond for the repair or repairs included therein, and that the cost of all repairs shall be so

determined from time to time during the life of this bond as the condition of the improvements may require.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said contract and no deviations from the plan or mode of procedure herein fixed shall have effect of releasing the sureties, or any of them, from the obligations of this bond.
Water and Sewer Maintenance Bond

IN THE WITNESS WHEREOF, the said Principal has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized officers; and the said surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its Attorney-in-Fact, duly authorized so to do, the day and year first above written.

Attest:



Witness:


Becky Killman

Grooms & Pollard Utility Services, LLC

Principal

By:


David Pollard/Managing Member

RLI Insurance Company

Surety

By:


Attorney-in-Fact Carey L. Kennemer

Approved as to form this _____ day of _____, 20____.

City Attorney

REVIEWED AND APPROVED by the Council of the City Of Mustang this
_____ day of _____, 20____.

Attest:

Mayor

City Clerk

POWER OF ATTORNEY

RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Travis E. Brown, Mark D. Nowell, Christopher W. Webb, Ryan N. Teubner, Deborah L. Raper, Kent Jay Bradford, Kyle Pat Bradford,
Shelli R. Samsel, Dwight A. Pilgrim, Vicki Wilson, Clayton Howell, Austin Greenhaw, Gary Liles, Randy D. Webb, Bobby Joe Young,
Aaron Woolsey, Carey L. Kennemer, Joshua Bryan, jointly or severally

in the City of Oklahoma City, State of Oklahoma its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 26th day of October, 2022.



RLI Insurance Company
Contractors Bonding and Insurance Company

By: Barton W. Davis
Barton W. Davis Vice President

State of Illinois }
County of Peoria } SS

On this 26th day of October, 2022, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: Catherine D. Glover
Catherine D. Glover Notary Public



CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 24th day of August, 2023.

RLI Insurance Company
Contractors Bonding and Insurance Company

By: Jeffrey D. Fick
Jeffrey D. Fick Corporate Secretary

SURETY RIDER

TO BE ATTACHED TO AND FORM PART OF
Maintenance Bond

(Type of bond)

Bond Number RCB0048424

IN FAVOR OF City of Mustang

(Obligees)

ON BEHALF OF Grooms & Pollard Utility Services, LLC

(Principal)

EFFECTIVE August 24, 2023

(Original Effective Date)

IT IS AGREED THAT, in consideration of the original premium charged for this bond, and any additional premium that may be properly chargeable as a result of this rider,

1. The Surety hereby gives its consent to:

☒

INCREASE

☐

CHANGE THE NAME OF THE PRINCIPAL

☐

DECREASE

☐

CHANGE THE ADDRESS OF THE PRINCIPAL

☐

CHANGE THE EFFECTIVE DATE

☐

CHANGE THE EXPIRATION DATE

☐

OTHER _____

(of) the attached bond

FROM: \$53,133.00

TO: \$58,446.30

EFFECTIVE: _____

2. PROVIDED, however, that this attached bond shall be subject to all its agreements, limitations, and considerations except as herein expressly modified, and that the liability of the Surety under the attached bond and under the attached bond as changed by this rider shall not be cumulative.

3. Signed and sealed this 24th day of August, 2023.

ACCEPTED BY:

RLI Insurance Company

SURETY

By: Carey L. Kennemer

(TITLE)

Carey L. Kennemer

ATTORNEY-IN-FACT

POWER OF ATTORNEY

RLI Insurance Company Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

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Shelli R. Samsel, Dwight A. Pilgrim, Vicki Wilson, Clayton Howell, Austin Greenhaw, Gary Liles, Randy D. Webb, Bobby Joe Young,
Aaron Woolsey, Carey L. Kennemer, Joshua Bryan, jointly or severally

in the City of Oklahoma City, State of Oklahoma its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Twenty Five Million Dollars (\$25,000,000.00) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

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"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 26th day of October, 2022.



RLI Insurance Company
Contractors Bonding and Insurance Company

By: Barton W. Davis
Barton W. Davis Vice President

State of Illinois }
County of Peoria } SS

CERTIFICATE

On this 26th day of October, 2022, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: Catherine D. Glover
Catherine D. Glover Notary Public



I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 24th day of August, 2023.

RLI Insurance Company
Contractors Bonding and Insurance Company
By: Jeffrey D. Dick
Jeffrey D. Dick Corporate Secretary



GROO&PO-01

STAYLOR

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/24/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Rich & Cartmill, Inc. 9401 Cedar Lake Avenue Oklahoma City, OK 73114	CONTACT NAME: Suzy Taylor		
	PHONE (A/C, No, Ext): (405) 463-7523	FAX (A/C, No):	
	E-MAIL ADDRESS: staylor@rcins.com		
INSURED Grooms & Pollard Utility PO Box 13420 Oklahoma City, OK 73113	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Continental Casualty Co		20443
	INSURER B: National Fire Ins Co of Hart		20478
	INSURER C: Continental Ins Co		35289
	INSURER D: COMPSOURCE MUTUAL INS CO		36188
	INSURER E: COLUMBIA INSURANCE GROUP		27812
	INSURER F:		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC OTHER:	X	X	6080037963	3/1/2023	3/1/2024	EACH OCCURRENCE \$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 15,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
B	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY	X	X	6080037946	3/1/2023	3/1/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
C	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$			6080037932	3/1/2023	3/1/2024	EACH OCCURRENCE \$ 8,000,000
							AGGREGATE \$ 8,000,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N ☒ Y N/A		X	03218930	3/1/2023	3/1/2024	☒ PER STATUTE ☐ OTH-ER
							E.L. EACH ACCIDENT \$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
							E.L. DISEASE - POLICY LIMIT \$ 1,000,000
E	Pollution Liability			6081445328 6080037963	3/1/2023 3/1/2023	3/1/2024 3/1/2024	Pollution Liability 2,000,000
							Lease/Rented 700,000
A	Equipment						

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Project: Industrial Gasket Sewer Line

As required by written contract, subject to policy terms and exclusions, the Certificate Holder, City of Mustang, is included as an Additional Insured as respects General Liability and Auto Liability. As required by written contract, subject to policy terms and exclusions, Waiver of Subrogation applies in favor of Certificate Holder as respects General Liability, Auto Liability and Work Comp.

CERTIFICATE HOLDER

CANCELLATION

City of Mustang 1501 North Mustang Road Mustang, OK 73064	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE <i>Bobby J. Young</i>



Grooms & Pollard Utilities

Bid Proposal

THIS AGREEMENT is made and entered into this 21st day of April between **Grooms& Pollard Utility Services**, hereinafter called "Contractor", and **C Jazz LLC** hereinafter called "Owner".

In consideration of the mutual agreements and covenants herein set forth, the parties agree as follows:

1. Contractor agrees to install in and upon the property located at **Yall's Paw Place** in accordance with standard practices and product specifications and will supply all work and materials therefore.
2. Upon receipt, Owner agrees to pay Contractor the total sum of **\$SeeBelow** for the attached scope of work.
3. Contractor agrees to warrant all installation, labor and materials against defective workmanship for a period of **one (1) year** from the date of completion.
4. Contractor agrees to complete the installation within **20** working days of starting date provided however, the Contractor shall not be responsible for delay due to labor strikes, weather or any other reason beyond the Contractor's control. Not included in the bid is the excavation or removal of ledge or rock to obtain required depth for pipe installation, if encountered a renegotiation of price will be in order. Not included is the pumping or cleanup from rain or subsurface water. Not included is the protection of work completed that is damaged by persons other than the contractor.
5. Any alteration or deviation from the provisions herein involving extra cost will be executed only after agreement between the parties and will become an extra charge over and above the amount specified in paragraph 2 herein.
6. Contractor shall be responsible for any loss, damage, or injury caused by Contractor during the installation of said systems.
7. Bid is conditional upon the parties reaching mutually agreeable terms and conditions.

Grooms & Pollard Utility Services, LLC
PO Box 13420, Oklahoma City, OK 73113
405.286.8034, Fax 405.286.8036



Grooms & Pollard Utilities

SCOPE OF WORK

Job: Yall's Paw Place

Base Bid

a) Install of Sanitary Sewer \$53,133.00

Description	Unit	Quantity	Unit Price	Total
8" Sanitary Sewer	LF	127	\$75.00	\$9,525.00
STD 4' Dia Manhole	EA	1	\$5,200.00	\$5,200.00
Extra Depth Manhole	VF	3	\$305.00	\$915.00
8"x6" Wye	EA	1	\$120.00	\$120.00
1/8" Bend	EA	3	\$85.00	\$255.00
6" Riser	VF	11	\$45.00	\$495.00
6" Service Line	LF	42	\$67.00	\$2,814.00
Crushed Rock Bedding	CY	26	\$45.00	\$1,170.00
Type A Backfill	CY	127	\$47.00	\$5,969.00
Trenching Depth 8-10	LF	69	\$19.00	\$1,311.00
Trenching Depth 10-12	LC	58	\$23.00	\$1,334.00
Saw-Cut Remove & Repair Asphalt	SY	178	\$105.00	\$18,690.00
Saw-Cut Remove & Repair Concrete	SY	7	\$115.00	\$805.00
Saw-Cut Remove & Repair Sidewalk	SY	7	\$90.00	\$630.00
Saw-Cut Remove & Repair Curb	SY	10	\$90.00	\$900.00
Manhole Testing	LS	1	\$1,500.00	\$1,500.00
Deflection Test	LS	1	\$1,500.00	\$1,500.00
			SUB TOTAL	\$53,133.00

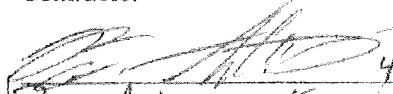
Exclusions

- a) Excludes Erosion Control
- b) Excludes Bonds if required bonds available at 1.5%
- c) Excludes Removal/Replacement of Concrete/Asphalt
- d) Excludes City of Mustang Water and Sanitary Impact/Meter Fees

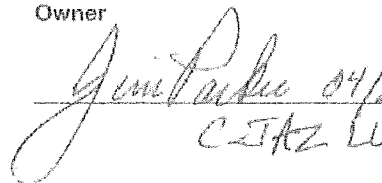
General Notes

- a) Pricing is based on one mobilization
- b) Pricing Includes Staking and Haul off of spoils
- c) Price is valid for 30 days or duration of the project whichever is of the lesser duration

Contractor

 4/26/23
Ben Arthur Estimator

Owner

 04/25/2023
CJAZ LLC

Grooms & Pollard Utility Services, LLC
PO Box 13420, Oklahoma City, OK 73113
405.286.8034, Fax 405.286.8036



Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Lisa Martin

Submitting Department: Managerial Department

Item Type: Approval

Agenda Section: CONSENT AGENDA

Subject Title:

*Approval of Schedule of Meetings for City Council, Boards and Commissions, and Holidays for the City of Mustang / MIA for the Year 2024.

Recommendation:

Approval

Initiator:

Lisa Martin

Background:

All schedules of meetings for the City Council/MIA, Boards and Commissions, and the Holiday Schedule for the City of Mustang are to be submitted to the City Clerk and approved by the City Council by December 15th of every year. This item is to meet this requirement.

Financial Impact:

\$0.00

Staff Comments:

Staff recommends approval.

Attachments:

[2024 Schedule of Meetings and Holidays.pdf](#)

**2024 SCHEDULE OF MEETINGS
MUSTANG CITY COUNCIL AND MUSTANG IMPROVEMENT AUTHORITY
MUSTANG MUNICIPAL BUILDING
1501 N. MUSTANG ROAD
MUSTANG, OKLAHOMA
1ST TUESDAY OF EACH MONTH @ 7:00 p.m.***

DATE

Tuesday, 01/09/24**

Tuesday, 02/06/24

Tuesday, 03/05/24

Tuesday, 04/02/24

Tuesday, 05/07/24

Tuesday, 06/04/24

Tuesday, 07/02/24

Tuesday, 08/06/24

Tuesday, 09/03/24

Tuesday, 10/01/24

Tuesday, 11/05/24

Tuesday, 12/03/24

**Per the City Code - Section 2-31 – Time and Place of Meetings – The Council of the City shall hold regular meetings at 7:00 p.m. on the first Tuesday of every month; provided that, if such a Tuesday falls on a Holiday, the regular meeting shall be held at that time on the next day which is not a holiday.*

***The date of the January meeting was moved to January 9, 2024 by Ordinance No. 1294.*

*Approved by City Council and Filed in the Office of the
City Clerk on Tuesday, November 7, 2023*

Lisa Martin, City Clerk

MUSTANG PLANNING COMMISSION 2024 MEETING SCHEDULE

(SECOND TUESDAY EVERY MONTH 7:00 P.M.)

TUESDAY	JANUARY 16*
TUESDAY	FEBRUARY 13
TUESDAY	MARCH 12
TUESDAY	APRIL 9
TUESDAY	MAY 14
TUESDAY	JUNE 11
TUESDAY	JULY 9
TUESDAY	AUGUST 13
TUESDAY	SEPTEMBER 10
TUESDAY	OCTOBER 8
TUESDAY	NOVEMBER 12
TUESDAY	DECEMBER 10

*Moved to January 16, 2024 due to City Council moving their meeting to January 9, 2024.

MUSTANG BOARD OF ADJUSTMENT 2024 MEETING SCHEDULE

SECOND AND FOURTH TUESDAY EVERY MONTH 6:00 P.M. (AS NEEDED)

TUESDAY	JANUARY 16*	JANUARY 30*
TUESDAY	FEBRUARY 13	FEBRUARY 27
TUESDAY	MARCH 12	MARCH 26
TUESDAY	APRIL 9	APRIL 23
TUESDAY	MAY 14	MAY 28
TUESDAY	JUNE 11	JUNE 25
TUESDAY	JULY 9	JULY 23
TUESDAY	AUGUST 13	AUGUST 27
TUESDAY	SEPTEMBER 10	SEPTEMBER 24
TUESDAY	OCTOBER 8	OCTOBER 22
TUESDAY	NOVEMBER 12	NOVEMBER 26
TUESDAY	DECEMBER 10	DECEMBER 24

*Moved to January 16, 2024 and to January 30, 2024 due to City Council moving their meeting to January 9, 2024.

MUSTANG TRAFFIC COMMISSION 2024 MEETING SCHEDULE

(FIRST WEDNESDAY EVERY MONTH 11:00 A.M.)

WEDNESDAY	JANUARY 3
WEDNESDAY	FEBRUARY 7
WEDNESDAY	MARCH 6
WEDNESDAY	APRIL 3
WEDNESDAY	MAY 1
WEDNESDAY	JUNE 5
WEDNESDAY	JULY 3
WEDNESDAY	AUGUST 7
WEDNESDAY	SEPTEMBER 4
WEDNESDAY	OCTOBER 2
WEDNESDAY	NOVEMBER 6
WEDNESDAY	DECEMBER 4

Mustang Library Board of Trustees

2024 Meeting Dates

The Mustang Public Library Board meets monthly on the 4th Thursday at 5:15 p.m. except where indicated by *

January 25, 2024

February 22, 2024

March 28, 2024

April 25, 2024

May 16, 2024*

June 27, 2024

July 25, 2024

August 22, 2024

September 26, 2024

October 24, 2024

November 28, 2024

Mustang Library Friends of the Library

2024 Meeting Dates

The Mustang Library Friends of the Library Board meets monthly on the 1st Monday at 5:30 p.m. except where indicated by *

January 8, 2024*

February 5, 2024

March 4, 2024

April 1, 2024

May 6, 2024

June 3, 2024

August 5, 2024

September 9, 2024*

October 7, 2024

November 4, 2024

Leisure Services Board Meetings 2024

The Mustang Leisure Services Board meets quarterly in Town Center at 6:00 PM in Town Center on the fourth Monday of each designated month.

January 22, 2024

April 22, 2024

July 22, 2024

October 28, 2024

CITY OF MUSTANG
PERSONNEL BOARD
MEETING SCHEDULE FOR 2024

<u>Day</u>	<u>Date</u>	<u>Time</u>
Monday	March 4 th	7:00pm
Monday	June 3 rd	7:00pm
Monday	August 26 th	7:00pm
Monday	December 2 nd	7:00pm

CITY OF MUSTANG

2024 HOLIDAY SCHEDULE

For Non-uniformed, Uniformed Staff and First Responders

<u>DAY</u>	<u>DATE</u>	<u>HOLIDAY</u>
MONDAY	January 1 st	NEW YEAR'S DAY
MONDAY	January 15 th	MARTIN LUTHER KING JR DAY
MONDAY	February 19 th	PRESIDENT'S DAY
MONDAY	May 27 th	MEMORIAL DAY
WEDNESDAY	June 19 th	JUNETEENTH DAY
THURSDAY	July 4 th	INDEPENDENCE DAY
MONDAY	September 2 nd	LABOR DAY
MONDAY	November 11 th	VETERANS DAY
THURSDAY	November 28 th	THANKSGIVING
FRIDAY	November 29 th	DAY AFTER THANKSGIVING
TUESDAY	December 24 th	CHRISTMAS EVE
WEDNESDAY	December 25 th	CHRISTMAS DAY

City Hall will be closed in observance of the above holidays.



Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Ryan Connor

Submitting Department: Community Development

Item Type: Approval

Agenda Section: DISCUSSION ITEMS

Subject Title:

Public Hearing and Consideration of Specific Use Permit Application SUP-7-27-23-1-28, 435 W State Highway 152, Decisive Investments, LLC, in the C-3 Commercial General District, Requesting a Specific Use Permit for an Auto Repair Shop. Item Tabled From 10/10/2023 City Council Meeting.

Recommendation:

Approve or Deny Specific Use Permit

Initiator:

Ryan Conner, City Planner

Background:

The City Council voted to Table this item to the November 7th meeting in order to have a better prepared proposal and site plan. The City Council also requested that the following items be addressed in addition to the site plan:

1. Off-street parking and limitations on the long-term storage of vehicles associated with the Auto Repair.
2. The types of services that will be performed and the types of the vehicles that would be serviced in the Auto Repair.
3. The Hours of Operation for the Auto Repair.
4. The signage for the Auto Repair.
5. Drainage and stormwater control aspects for the Auto Repair.

Staff has worked with the applicant to prepare a draft version of the Specific Use Permit with the added stipulations to address those items. Staff also worked with the applicant on a site plan that shows more detail to the site and what changes to the property would happen in terms with the Auto Repair. These items are included in the agenda packet.

As a reminder, Planning Commission met at the September 19th meeting where they voted 6 votes to 1 vote to recommend approval of the Specific Use Permit for an Auto Repair Shop.

Project Description: The applicant has submitted a request for a Specific Use Permit for an Auto Repair Shop to be configured into the building area of an already existing car wash on the property at 435 W State Highway 152 (Mustang Star Car Wash). Located within the C-3, Commercial General District, the car wash is a

permitted use by right but an Auto Repair Shop is only permitted within that District through an approved Specific Use Permit according to the Commercial Table of Permitted Uses.

The Specific Use Permit process requires a public hearing in front of both the Planning Commission and City Council prior to approval and can have special conditions placed on the permit if the subject use were to be found appropriate for the area. Specific Use Permits can also be reviewed annually if there are found to be issues with surrounding uses or on stipulations placed on the permit. Section 122-58 (b) of the Municipal Code states:

...The planning commission may impose conditions including, but not limited to, bonding, insurance, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, lighting, noise levels, signage, landscaping, parking and loading, compatibility, and land use intensity/density as may be indicated depending upon the proposed use and its potential effect on adjacent areas or the community.

The subject property is located on an approximately 1.05 acre tract of land with frontage along W. State Highway 152 with an entrance off the highway and through a side access drive on the West side of the property. The site is just to the East of the Mustang Fire Station #1 and adjacent to commercial properties on the other sides. The South Pines residential neighborhood is the closest residential use nearby but the Cedarwood Office Park is between the neighborhood and the subject property.

An opposition letter was received before the October 10th City Council meeting and has been made part of this packet. It was from the property owner of the Cedarwood Office Park and concerns they had with the Car Wash property and what future expansions could cause to their business.

The applicant explained to the City Council at the meeting on October 10th that his plan is to renovate the existing drive-thru car wash tunnel into an Auto Repair garage to service vehicles. City Council requested specific items to be addressed by the applicant and voted to Table the item to investigate their decision more. Staff worked with the applicant and came up with the following conditions that could be added as stipulations:

1. Off-street parking shall accommodate no more than 20 and no less than 12 parking spaces to be utilized by customers for the Auto Repair and for overnight storage of occasional vehicles dropped off after hours and/or waiting to be picked up by customers. Location of parking spaces shall be designated by the approved site plan. Storage of non-operating vehicles shall be prohibited.
2. Auto Repair use shall be limited to services for vehicles of class sizes 1 – 3 of the US DOT Federal Highway Administration's definitions of vehicle classifications and shall exclude vehicles of class sizes 4-15 of the US DOT Federal Highway Administration's definitions of vehicle classifications. Repairs shall include, but not limited to, light maintenance activities where vehicle parts are sold and installed such as engine tune-ups, oil change or lubrication, carburetor cleaning, muffler replacement, and brake repair. Services shall NOT include major automotive repairs such as engine removal, engine overhauls, engine replacements, transmission removal, transmission overhaul, transmission replacements, major engine work that requires disassembly of engines beyond the long block state – i.e. no head gaskets, or other major repair or replacement of or to engines or transmissions.
3. The Hours of Operation for said Auto Repair shall be limited to Monday-Saturday 7am – 7pm and Sundays 9am – 5pm
4. The Signage for said Auto Repair shall be limited to additional space on existing free-standing pole sign and building signage consistent with Chapter 94 of the City of Mustang Municipal Code of Ordinances pertaining to Signs.
5. Said property shall comply with all aspects of Chapter 50 of the City of Mustang Municipal Code of Ordinances pertaining to Stormwater and Drainage controls.

Staff and the applicant chose to include the vehicle classification types based on DOT Federal Highway Administration Standards as to not create any ambiguity in relation to describing the types of vehicles that could be serviced by the auto repair. By only allowing Class Types 1-3 from the DOT FHWA's list, it essentially takes away the ability for commercial and larger vehicles like semi-tractors from being able to utilize the Auto Repair. There are graphics and descriptions included in this agenda item that further explain and visually show these vehicle class types.

A site plan was also prepared and made part of this Agenda item that shows the existing site and where the renovation to the building would be. The new site plan shows the parking spaces in front of the building as well.

Character of Neighborhood: The area surrounding the subject property is commercial in nature. There is an office park to the North and the Cotton Eyed Joe's Sno Cone stand to the East. The Fire Station is to the immediate West.

Zoning and Uses of Property Nearby: The properties to the North and East are zoned C-3, Commercial General. The properties to the South across the highway are zoned C-5, Commercial Intensive. The property to the West is the Mustang Fire Station #1.

Conformance with Long-Range Plan: The long-range plan calls for Office/Medical Uses for this area, which is characterized by professional and medical uses to support businesses in the area. The Car Wash is more of a retail use for this area and the Auto Repair Shop should not add more of a footprint.

Utilities and Services: Utilities would be provided for the use.

Financial Impact:

0

Staff Comments:

Staff recommends approval of the Specific Use Permit with the conditions as stated on the draft SUP License and site plan.

Attachments:

(1) [Map for Zoning Letter.pdf](#)

(2) [Decisive Investments LLC - SUP Application.pdf](#)

(3) [10-26-23 - SUP License - Mustang Star Car Wash - Auto Repair - SUP-7-27-23-1-28.pdf](#)

(4) [10-19-2023 Mustang Star Site Plan \(Aerial\).pdf](#)

(5) [Office of Highway Policy Information - Policy _ Federal Highway Administration.pdf](#)

(6) [FHWA Vehicle Classification Chart \(PDF\).pdf](#)

(7) [Opposition Letter to Item H.1 - Specific Use Permit for an Auto Repair Shop - Received 10-5-2023.pdf](#)

(8) [PC Minutes 9-19-2023 - Item #1 - Specific Use Permit - Auto Repair Shop.pdf](#)

435 W St Hwy 152 - Specific Use Permit



**SPECIFIC USE PERMIT
APPLICATION**

City of Mustang, Oklahoma
1501 N. Mustang Rd.
Mustang, Oklahoma 73064
Phone: (405) 376-9873

Receipt No. 1594642 Date of Application: 7-27-23

This application is to be accompanied by a \$200.00 fee and a certified list of property owners within 300 feet of the perimeter of the subject property.

NAME OF APPLICANT: Decisive Investments LLC

ADDRESS: PO Box 18105 CITY OKC ST OK ZIP 73154

TELEPHONE NO. 405-464-1221

ADDRESS OF SUBJECT PROPERTY:

435 W State Hwy 152, Mustang, OK 73064

PROPERTY OWNER NAME:

Decisive Investments LLC

LEGAL DESCRIPTION: PLEASE ATTACH

CURRENT ZONING: C-3

PROPOSED USE: Auto Repair Shop

I, the undersigned, do hereby respectfully make application to and appeal to the Planning Commission/City Council for a review of land use to:

Mechanic / Tire Shop


Signature of Applicant


Signature of Owner

THE CITY OF MUSTANG

SPECIFIC USE PERMIT 7-27-23-1-28

LICENSE HOLDER: DECISIVE INVESTMENTS LLC

LOCATION: 435 W ST. HWY 152

ZONING: C-3, COMMERCIAL GENERAL DISTRICT

SPECIFIC USE – AUTO REPAIR

THIS SPECIFIC USE PERMIT SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF CHAPTER 122-57 THROUGH 122-61, ARTICLE II, DIVISION II (SPECIFIC USE PERMITS).

ADDITIONAL TERMS AND CONDITIONS PLACED UPON THIS SPECIFIC USE PERMIT ARE SET FORTH BELOW:

1. Off-street parking shall accommodate no more than 20 and no less than 12 parking spaces to be utilized by customers for the Auto Repair and for overnight storage of occasional vehicles dropped off after hours and/or waiting to be picked up by customers. Location of parking spaces shall be designated by the approved site plan. Storage of non-operating vehicles shall be prohibited.
2. Auto Repair use shall be limited to services for vehicles of class sizes 1 – 3 of the US DOT Federal Highway Administration's definitions of vehicle classifications and shall exclude vehicles of class sizes 4-15 of the US DOT Federal Highway Administration's definitions of vehicle classifications. Repairs shall include, but not limited to, light maintenance activities where vehicle parts are sold and installed such as engine tune-ups, oil change or lubrication, carburetor cleaning, muffler replacement, and brake repair. Services shall NOT include major automotive repairs such as engine removal, engine overhauls, engine replacements, transmission removal, transmission overhaul, transmission replacements, major engine work that requires disassembly of engines beyond the long block state – i.e. no head gaskets, or other major repair or replacement of or to engines or transmissions.
3. The Hours of Operation for said Auto Repair shall be limited to Monday-Saturday 7am – 7pm and Sundays 9am – 5pm
4. The Signage for said Auto Repair shall be limited to additional space on existing free-standing pole sign and building signage consistent with Chapter 94 of the City of Mustang Municipal Code of Ordinances pertaining to Signs.
5. Said property shall comply with all aspects of Chapter 50 of the City of Mustang Municipal Code of Ordinances pertaining to Stormwater and Drainage controls.

KNOW ALL MEN BY THESE PRESENTS THAT:
THE CITY COUNCIL OF THE CITY OF MUSTANG
APPROVED SAID SPECIFIC USE PERMIT ON 11/7/2023 WITH
THE CONDITIONS AS STATED ON THIS PERMIT:

APPLICANT NAME: DECISIVE INVESTMENTS LLC
ATTENTION: MICHAEL DUNN

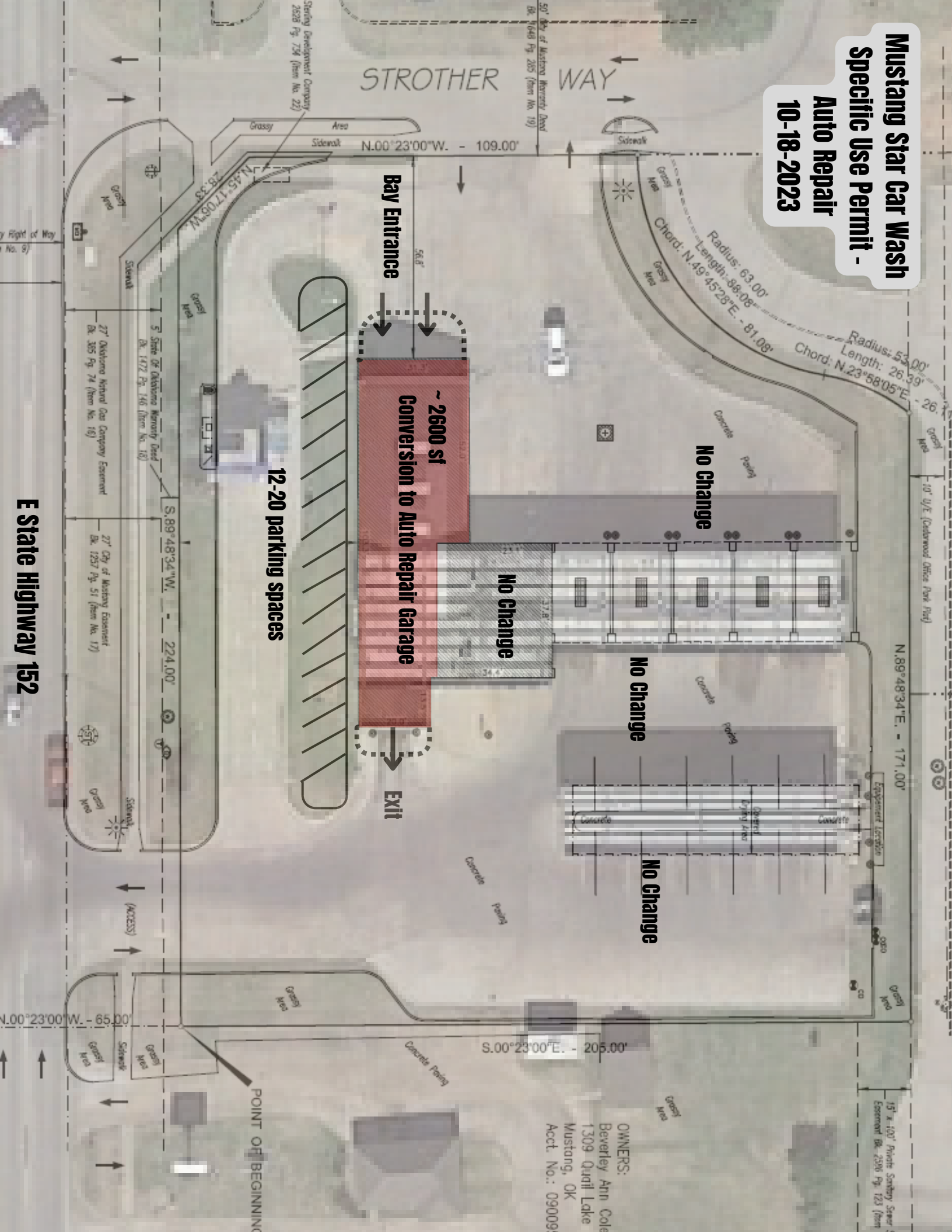
DATE ISSUED: 11/7/2023

CITY CLERK

MAYOR

**Mustang Star Car Wash
Specific Use Permit -**

**Auto Repair
10-18-2023**



OWNERS:
Beverly Ann Cole
1309 Quail Lake
Mustang, OK
Acct. No.: 09009

E State Highway 152

U.S. Department of Transportation

Federal Highway Administration

1200 New Jersey Avenue, SE
Washington, DC 20590
202-366-4000

Policy and Governmental Affairs **Office of Highway Policy Information**

Traffic Monitoring Guide

Appendix C. VEHICLE TYPES

Motorcycles – All two or three-wheeled motorized vehicles. Typical vehicles in this category have saddle type seats and are steered by handlebars rather than steering wheels. This category includes motorcycles, motor scooters, mopeds, motor-powered bicycles, and three-wheel motorcycles.

Passenger Cars – All sedans, coupes, and station wagons manufactured primarily for the purpose of carrying passengers and including those passenger cars pulling recreational or other light trailers.

Other Two-Axle, Four-Tire Single Unit Vehicles – All two-axle, four-tire, vehicles, other than passenger cars. Included in this classification are pickups, panels, vans, and other vehicles such as campers, motor homes, ambulances, hearses, carryalls, and minibuses. Other two-axle, four-tire single-unit vehicles pulling recreational or other light trailers are included in this classification. Because automatic vehicle classifiers have difficulty distinguishing class 3 from class 2, these two classes may be combined into class 2.

Buses – All vehicles manufactured as traditional passenger-carrying buses with two axles and six tires or three or more axles. This category includes only traditional buses (including school buses) functioning as passenger-carrying vehicles. Modified buses should be considered to be a truck and should be appropriately classified.

In reporting information on trucks, the following criteria should be used:

- Truck tractor units traveling without a trailer will be considered single-unit trucks;
- A truck tractor unit pulling other such units in a saddle mount configuration will be considered one single-unit truck and will be defined only by the axles on the pulling unit;
- Vehicles are defined by the number of axles in contact with the road. Therefore, floating axles are counted only when in the down position; and
- The term "trailer" includes both semi- and full trailers.

Two-Axle, Six-Tire, Single-Unit Trucks – All vehicles on a single frame including trucks, camping and recreational vehicles, motor homes, etc., with two axles and dual rear wheels.

Three-Axle Single-Unit Trucks – All vehicles on a single frame including trucks, camping and recreational vehicles, motor homes, etc., with three axles.

Four or More Axle Single-Unit Trucks – All trucks on a single frame with four or more axles

Four or Fewer Axle Single-Trailer Trucks – All vehicles with four or fewer axles consisting of two units, one of which is a tractor or straight truck power unit.

Five-Axle Single-Trailer Trucks – All five-axle vehicles consisting of two units, one of which is a tractor or straight truck power unit.

Six or More Axle Single-Trailer Trucks – All vehicles with six or more axles consisting of two units, one of which is a tractor or straight truck power unit.

Five or Fewer Axle Multi-Trailer Trucks – All vehicles with five or fewer axles consisting of three or more units, one of which is a tractor or straight truck power unit.

Six-Axle Multi-Trailer Trucks – All six-axle vehicles consisting of three or more units, one of which is a tractor or straight truck power unit

Seven or More Axle Multi-Trailer Trucks – All vehicles with seven or more axles consisting of three or more units, one of which is a tractor or straight truck power unit.

Figure C-1 lists the 13 vehicle category classifications used by FHWA.

FIGURE C-1 FHWA 13 VEHICLE CATEGORY CLASSIFICATION

Class 1 Motorcycles		Class 7 Four or more axle, single unit	
Class 2 Passenger cars		Class 8 Four or less axle, single trailer	
			
			
			
Class 3 Four tire, single unit		Class 9 5-Axle tractor semitrailer	
			
			
Class 4 Buses		Class 10 Six or more axle, single trailer	
			
		Class 11 Five or less axle, multi trailer	
Class 5 Two axle, six tire, single unit		Class 12 Six axle, multi-trailer	
			
		Class 13 Seven or more axle, multi-trailer	
Class 6 Three axle, single unit			
			
			

Source: Federal Highway Administration

Certain truck configurations utilize axles that can be lifted when the vehicle is empty or lightly loaded. The position of these axles — sometimes called lift axles, drop axles, or tag axles — affects the classification category into which the vehicle falls. To maintain consistency between visual and axle-based counts, the TMG recommends that only axles that are in the dropped position be considered when classifying the vehicle. While this promotes consistency, it may induce difficulty when interpreting summary classification statistics at certain locations. For example, a site may exhibit directional differences in vehicle classification even though the same trucks may be travelling one direction loaded (with axles down) and the other direction empty (with axles lifted).

Page last modified on November 7, 2014

FHWA Vehicle Classifications



1. Motorcycles
2 axles, 2 or 3 tires



2. Passenger Cars
2 axles, can have 1 - or 2-axle trailers



3. Pickups, Panels, Vans
2 axles, 4-tire single units
Can have 1 or 2 axle trailers



4. Buses
2 or 3 axles, full length



5. Single Unit 2-Axle Trucks

2 axles, 6 tires (dual rear tires), single-unit



6. Single Unit 3-Axle Trucks

3 axles, single unit



7. Single Unit 4 or More-Axle Trucks

4 or more axles, single unit



8. Single Trailer 3- or 4-Axle Trucks

3 or 4 axles, single trailer



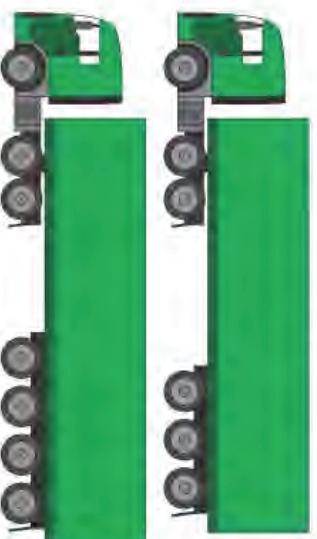
9. Single Trailer 5-Axle Trucks

5 axles, single trailer



10. Single Trailer 6 or More-Axle Trucks

6 or more axles, single trailer



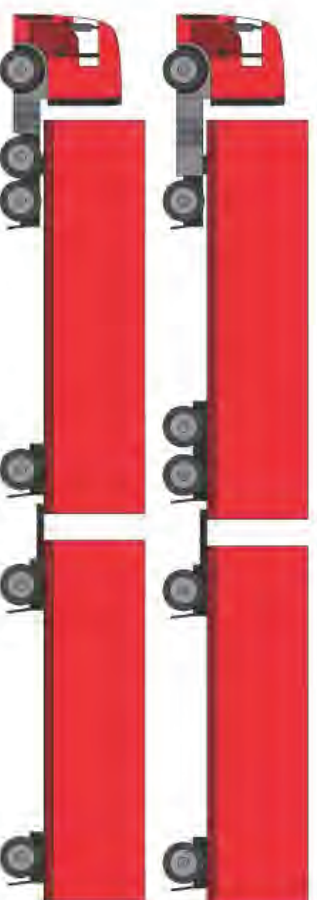
11. Multi-Trailer 5 or Less-Axle Trucks

5 or less axles, multiple trailers



12. Multi-Trailer 6-Axle Trucks

6 axles, multiple trailers



13. Multi-Trailer 7 or More-Axle Trucks

7 or more axles, multiple trailers



For Item H.1

*Letter received by staff after agenda packet was completed.
- Ryan Conner, City Planner*

Kevin D. Whitman
10201 Fawn Trail Road
Mustang, OK 73064

October 5th, 2023

City of Mustang Planning Commission
1501 N. Mustang Road
Mustang, OK 73064
Attn: Ryan Conner

Re: application permit regarding auto repair shop permit at the current Mustang Car Wash, Iron Horse Car Wash and the Mustang Star Car Wash

Mr. Conner,

As the current owner of properties located at 151 and 143 N. Cedar Branch Way there are a few topics and concerns of interest that need to be addressed concerning new permits.

1. Our renters, herein referred to as CNET Inc., solely perform consulting services for Federal and State Banks. As such, their customers visit these locations for Disaster Recovery tests and other professional services. We continue to have problems with the exposure to trash regarding the "green" dumpster which is rented by the car wash and is placed right outside of 3 of the main office doors at 143 N. Cedar Branch Way, Ste. 101, 103 and 105. It is not secured so it appears to be open for public use. At least weekly a certain Mustang resident rifles through the trash dumpster in search of aluminum cans and leaves trash laying out in the grass in which CNET Inc.'s employees have to pick up. Additionally, mattresses, couches and chairs occasionally "show up". Said dumpster also partially blocks the view of their buildings from Highway 152. It's really quite embarrassing as their customers and/or employees may be visiting. This is not the "Professional" image that my client needs to project.
2. Several years ago I was able to obtain a reduction in property taxes after the original car wash was expanded to block one of my buildings, 151 N. Cedar Branch Way, almost completely from view on Highway 152, which severely impedes my rental property value. What needs to be avoided is any further blockage of visibility due to signs, derelict or broken vehicles as is often seen at car repair facilities, along with engines, rearends, transmissions and all the oil leakage associated with automobiles and parts.
3. Security is of prime importance to us so any and all loitering should be avoided either by employees or customers. The area should be well lit along with 24 hour CCTV recording.
4. The current storage area behind the car wash needs to be relocated so as NOT to be seen from CNET Inc.'s front windows or seen by any of their customers. (see picture attached)
5. The large electric motors powering the vacuum cleaners are a nuisance as well. They are directly outside and in front of my renters building at 143 N. Cedar Branch way. They are extremely noisy and are quite noticeable to my renters customers when demonstrating services for customers.

6. According to the Oklahoma Secretary of State, Michael Dunn, is the Managing member of Decisive Trucking and a Managing Partner of Mustang Star Car Wash. The Decisive Trucking address is advertised at the car wash physical address. So, which permit is registered with the City of Mustang? Decisive Trucking, LLC, Decisive Investments LLC or The Mustang Star Car Wash. Since Decisive Trucking owns 10 trucks, I am generally concerned that this permit leads into the servicing of these vehicles at the Car Wash location. Also concerning would parking and storage of commercial trucks and trailers as there are 6 Auto repair center facilities less than ½ mile form the car wash location. Is the "Specific Use Permit" Application for "Auto Repair Shop" apply to the Mustang Star Car Wash or Decisive Trucking Trucking? Does the classification of "Auto Repair Shop" in the Mustang City ordinances clearly specify which services may be performed? i.e. Consumer auto or truck, Commercial auto or truck, Semi tractor truck or trailers? Since Decisive Trucking LLC was established 3/2023, where are the currently advertised 10 tractors stored or parked?

Thanks for your consideration,

Kevin D. Whitman
405-203-9496

Legal Name

Decisive Trucking Lic

Phone Number

(918) 804-4900

EIN Number

922613849

Location

435 W State Highway 152 Mustang, Ok 73064-3913, Us

**DECISIVE TRUCKING LLC****Details**

Filing Number: 3513310113

Name Type: Legal Name

Status: In Existence

Corp type: Domestic Limited Liability Company

Jurisdiction: Oklahoma

Formation Date: 2 Mar 2023

Registered Agent Information

Name: MICHAEL DUNN

Effective: 2 Mar 2023

Address: 435 W STATE HIGHWAY 152

City, State, ZipCode: MUSTANG OK 73064

Decisive Trucking LLC (Oklahoma Transport Company)

[Home](#) · [USA Trucking Companies](#) · [Oklahoma](#) · [Mustang](#) · [Decisive Trucking LLC](#)

Company Overview

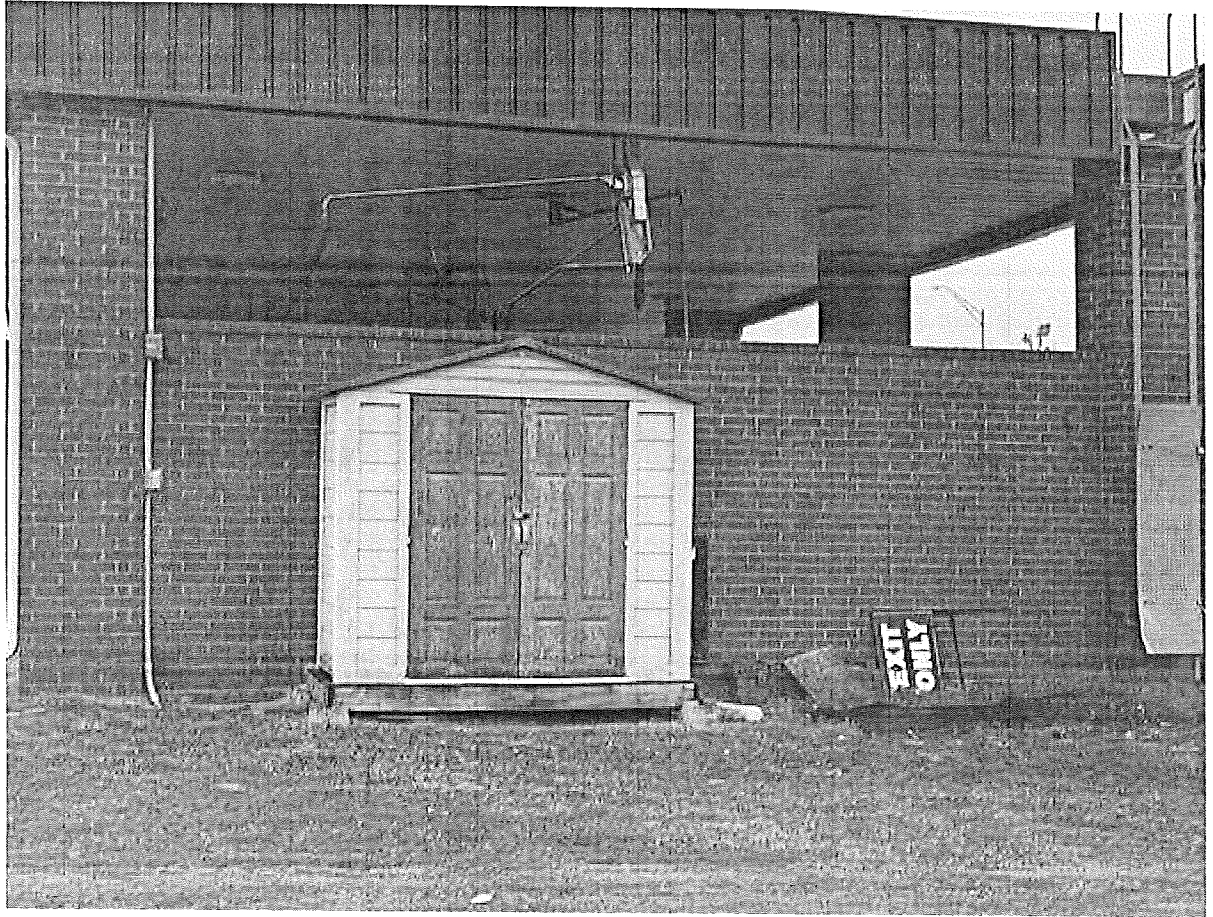
Decisive Trucking LLC is an active DOT registered motor carrier operating under USDOT Number 4037111.

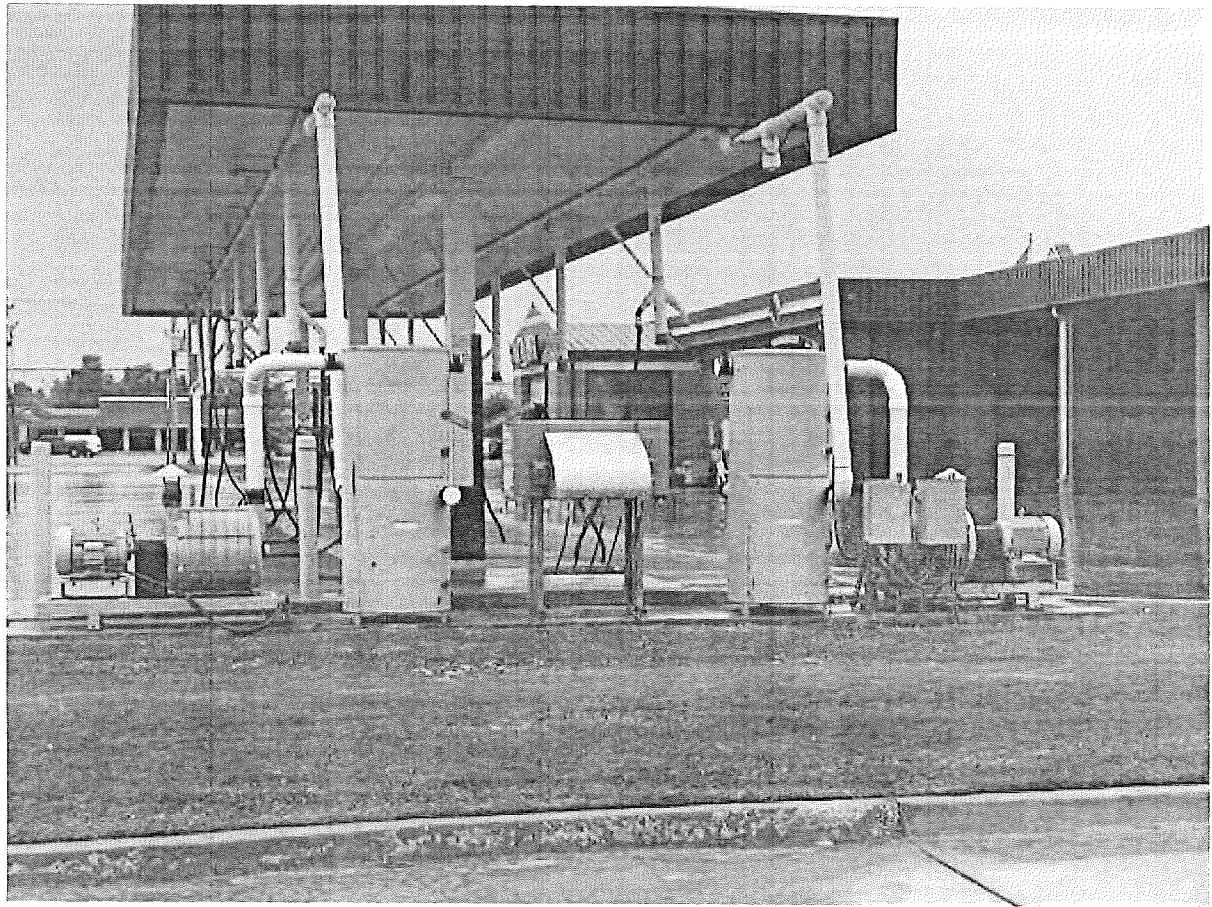
Total Trucks	10
Tractors Owned	10
Trailer Owned	10
Total Drivers	10
<u>USDOT</u>	4037111
MCS-150 Mileage Year	
<u>MCS-150 DATE</u>	20230302
<u>MCS-150 MILEAGE</u>	
Does Decisive Trucking LLC transport Hazardous Material?	No
<u>Carrier Operation</u>	Intrastate Non-Hazmat
Decisive Trucking LLC in business since	20230302

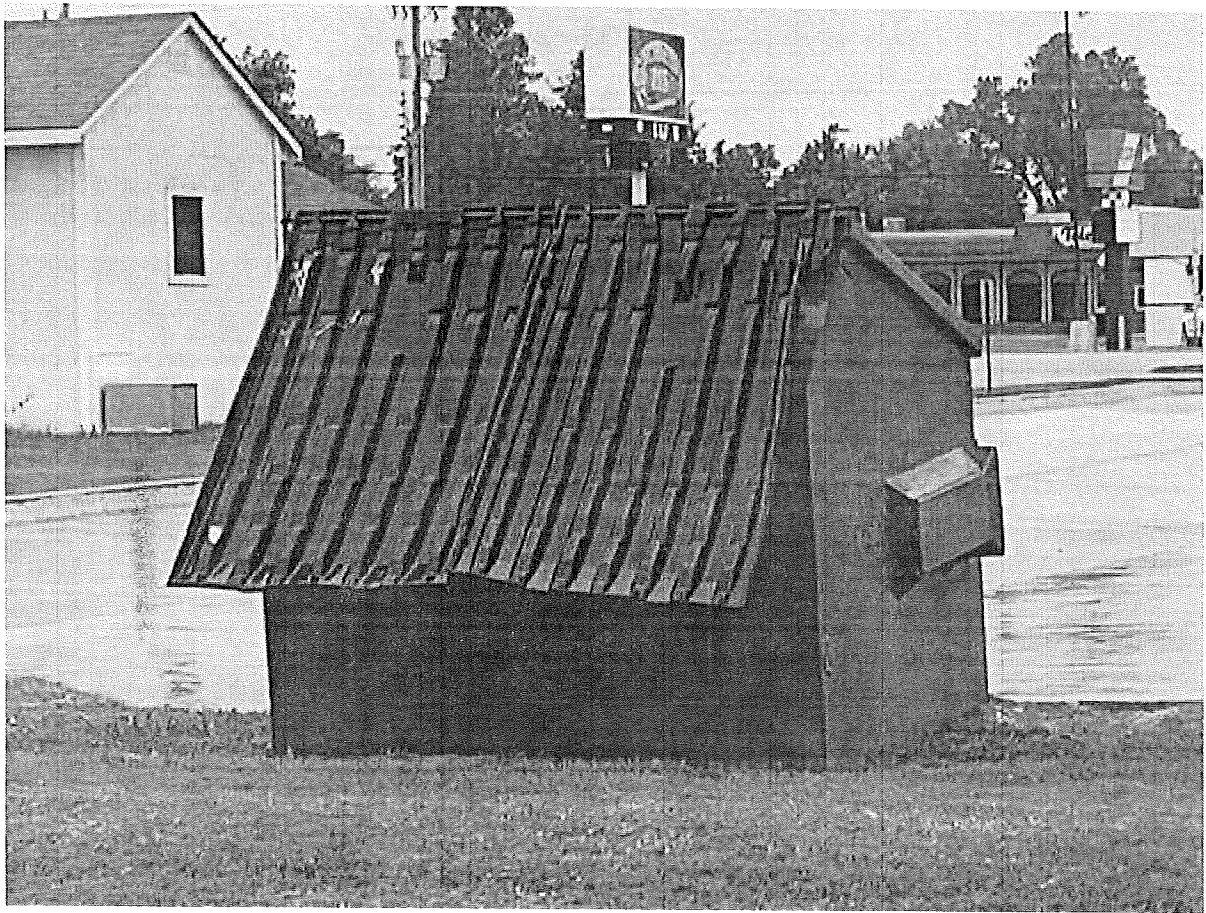
Company Contact Information

Decisive Trucking LLC 
435 W State Highway 152
Mustang, OK 73064-3913

Mailing Address:
Po Box 18105
Oklahoma City, OK 73154-0105
☎ 918-804-4900







PLANNING COMMISSION MINUTES SEPTEMBER 19, 2023

The Mustang Planning Commission met in a regular session on Tuesday, September 19th, 2023 at 7:00 p.m. at the Mustang Municipal Building, City Council Chambers at 1501 N. Mustang Road.

I. CALL MEETING TO ORDER: Chairman Billy McDaniel called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

MEMBERS PRESENT: Jay Adams, Brant O'Daniel, Susan Dobbins, Jesse Bratton, Billy McDaniel, Jerry Brown, John Gassen.

MEMBERS ABSENT: None.

STAFF PRESENT: Ryan Conner, Radika Wheeler, Justin Goodwin.

CITY ATTORNEY: Jonathan Miller was in attendance.

IV. APPROVAL OF MINUTES: Commissioner John Gassen made a motion to approve the minutes from the July 18th 2023 meeting. Commissioner Susan Dobbins seconded the motion. The motion was approved unanimously.

V. INTRODUCTION OF GUESTS AND VISITORS/HEARING OF CITIZENS AND DELEGATES

None

VI. PUBLIC HEARING, DISCUSSION, CONSIDERATION AND RECOMMENDATION ON:

Chairman Billy McDaniel opened the public hearing for the first item.

1. Specific Use Permit – SUP-7-27-23-1-28

Applicant:	Decisive Investments LLC
Owner:	Decisive Investments LLC
Location:	435 W State Highway 152
Current Zoning:	C-3, Commercial General District
Requested Use:	Auto Repair Shop

Chairman Billy McDaniel asked **City Planner Ryan Conner** for the staff report.

Mr. Conner addressed the Planning Commission with the staff report explaining the Specific Use Request. He gave a background of the location for the request and how the currently operating car wash at this location, The Mustang Star Car Wash, has requested a Specific Use Permit to operate an Auto Repair Shop on the premises. **Mr. Conner** said the plan from the applicant was to utilize one of the existing bays of the car wash in which to reconfigure for a repair workshop for vehicles. **Mr. Conner** said the code would not allow an Auto Body Shop or other uses because a Repair Shop is specifically listed in the permitted uses table. **Mr. Conner** explained the future land use of this property and the existing zoning uses nearby being commercial uses and the Mustang Fire Station #1 next door. He went on to say that the use of a repair shop would not seem to cause any foreseeable nuisances in which this added specific use permit would cause to the already existing area. **Mr. Conner** said that the specific use permit could allow for the Planning Commission to look at this scenario and place additional conditions if they found it necessary. **Mr. Conner** stated that the staff recommendation is for approval.

Commissioner Jerry Brown asked **Mr. Conner** about the application page filled out by the applicant for the specific use permit and how he mentioned tires as well to the request.

Mr. Conner stated that this request was for an Auto Repair Shop and that he didn't think a Tire Shop would be part of that request.

Mr. Brown said he is familiar with tire shops and that he wanted to be sure of this request is specific for just repair and not tires because of the outside storage and care that needs to be taken into consideration with tires. He asked **Mr. Conner** about the other tire shops in town and if those have any special requirements on their upkeep.

Mr. Conner was not sure if there was anything specific in the zoning ordinance about upkeep for a tire shop.

Mr. Brown was curious if the tire shop component would change things on their end for the decision making process.

Mr. Conner said everything has been advertised as an auto repair shop so the tire shop component should not be in this item before the Commission tonight.

Commissioner Dobbins asked if the owners of the office park nearby were given notice.

Mr. Conner said that yes, a notice for the 300 ft list was sent out.

Michael Darnen - 435 W State Highway 152, applicant addressed the Planning Commission. He spoke about the long term intent of the business might include tires, but for the short term he intends to have just the auto repair. He said if that were to complicate the matter on the agenda, he would come back at a later date to discuss the tires with the Commission.

Mr. Brown asked if there would need to be anything specific in a motion to limit the request to just an auto repair shop.

Jonathan Miller, City Attorney said that the motion would just need to be specific to a

specific use permit for an auto repair shop.

Chairman Billy McDaniel asked the applicant how he was going to set up the auto repair shop on the site.

Mr. Darnen said the plan is to use car wash tunnel area is to be the area in which the repair shop would be converted to. He said there would be no significant change to the exterior of the building.

Commissioner John Gassen asked about the amount of overnight parking for vehicles that are being serviced for the repair shop and if that would cause any issues for the area.

Mr. Darnen said he doesn't expect that to be an issue because the type of work they will be doing on cars wouldn't take significant amounts of time so he did not foresee very many cars requiring to be in the lot over not, maybe a few.

Commissioner Jay Adams made a motion to close the public hearing with **Vice-Chairman Jesse Bratton** seconding that motion. The motion was approved unanimously.

Commissioner Brown made a Motion to approve the specific use permit limited to the use of an auto repair shop and excluding the use of a tire shop. **Commissioner Adams** seconded the motion.

The vote was as follows:

Commissioner Adams – Yea
Commissioner O'Daniel – Yea
Commissioner Brown – Yea
Commissioner Gassen – Yea
Commissioner/Secretary Dobbins – Nay
Vice-Chairman Bratton – Yea
Chairman McDaniel – Yea

Motion approved 6 votes to 1. This item will be held at the October 10th City Council meeting.



Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Ryan Connor

Submitting Department: City Planner

Item Type: Approval

Agenda Section: DISCUSSION ITEMS

Subject Title:

Public Hearing and Consideration of Specific Use Permit Application SUP-9-01-23-1.25, 1707 E State Highway 152, Phoenix Doan, in the C-3 Commercial General District, Requesting a Specific Use Permit for a Medical Marijuana Retailer.

Recommendation:

Approve or Deny Specific Use Permit

Initiator:

Ryan Conner, City Planner

Background:

Planning Commission met at the October 17th meeting where they voted 4 votes to 1 vote to recommend approval of the Specific Use Permit for the Medical Marijuana Retailer (Dispensary) with certain conditions:

1. Said Medical Marijuana Retailer shall have installed an industry standard and staff approved odor control filtration device specific to controlling associated odors from Medical Marijuana and related products contained within the location.
2. The Hours of Operation for said Medical Marijuana Retailer shall be limited to 9am to 9pm.
3. The Signage for said Medical Marijuana Retailer shall be consistent with Chapter 94 of the City of Mustang Municipal Code of Ordinances pertaining to Signs but shall further be excluded the use of strobing or flashing signs or devices on said location.

Project Description: The applicant has submitted a request for a Specific Use Permit for a Medical Marijuana Retailer (Dispensary) at the building suite addressed as 1707 E St. Hwy 152. This location is in a building at the NE corner of N. Morgan Rd and E State Hwy 152. The building currently has the Filly Star gas station/food mart on the West end of the building and what would be the new dispensary on the East end of the building that used to comprise two units but would be planned to be converted into just one unit. There is another building directly to the East that while not attached, is practically in the same complex. That building comprises the Wholesale Priced Liquor store and the flight school. This area is all zoned C-3, Commercial General District.

The location for this planned dispensary is actually in the same building suite that a different Medical Marijuana Retailer (dispensary) operated at previously. Up until mid to late 2021, Herbal Releaf Medical Marijuana Dispensary had a business license and State license for a Medical Marijuana Retailer here. For an unknown reason the business ceased and did not renew their State license or City license for the 2022 business license year. Prior to 2021 when the business was in operation, the Mustang municipal code allowed Medical Marijuana Retailers as a permitted use by right in the C-3 Zoning District, so the business did not need to seek a Specific Use Permit for approval. Ordinance #1221 adopted in April of 2021 by the City Council amended the code in regards to the Marijuana industry by requiring all applications (Retailers, Growers, and Processors) to acquire a Specific Use Permit in order to operate. Because the previous dispensary did not renew their license, any new application like the one before the Planning Commission now, must go through all aspects of the municipal code and the specific use permit process.

The Specific Use Permit process requires a public hearing in front of both the Planning Commission and City Council prior to approval and can have special conditions placed on the permit if the subject use were to be found appropriate for the area. Specific Use Permits can also be reviewed annually if there are found to be issues with surrounding uses or on stipulations placed on the permit. Section 122-58 (b) of the Municipal Code states:

...The planning commission may impose conditions including, but not limited to, bonding, insurance, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, lighting, noise levels, signage, landscaping, parking and loading, compatibility, and land use intensity/density as may be indicated depending upon the proposed use and its potential effect on adjacent areas or the community.

The subject application as mentioned would be inside the East end of the building next to the Filly Star gas station/food mart. There is an auto body shop to the North of the building and vacant C-5 zoned land to the East of the building. There is a Coldwell Banker business on the South side of the Highway across the street along with the Children's Universe Child Care Facility. There is a Residential property and the New Beginnings Family Church West across N Morgan Rd from the subject building.

A question about the separation distances a dispensary must have in relation to protected uses came up after the submission of this item. Our local code seems to be in line with the State's code in which daycares and churches are not considered one of the uses in which the 1,000 Ft setback separation can be applied. Section 22-221 (a) of our municipal code states – "A medical marijuana retailer permit will not be granted to any applicant where the proposed location would be located within 1,000 feet of any private or public preschool, elementary, secondary, vocational or trade school, college or university."

When comparing the term "Preschool" with the OMMA rules and regulations it states in Section 442:10-1-4. Definitions -.. "Preschool" means a public early childhood education program offered under 70 O.S. §§ 11-103.7 and 1-114 (B) or similar program offered by a private school whose primary purpose is to offer educational (or academic) instruction. Preschool does not include a homeschool, daycare, or child care facility licensed under the Oklahoma Child Care Facilities Licensing Act, 10 O.S. § 401 et seq"

Therefore, staff's interpretation would not preclude the applicant from seeking the Specific Use Permit for the dispensary in this location.

Staff has received two opposition letters/emails from property owners within the 300 ft list. The owner of the child care center across the street and the owner of the vacant commercial land to the East of the subject property. These letters are included in the packet.

Planning Commission spoke at length on their decision to ultimately recommend approval of the application with the conditions on the odor filtration, hours of operation, and signage. The fact that the location once held a dispensary prior to the code change requiring a Specific Use Permit might have been a large factor.

Character of Neighborhood: The area surrounding the subject property is commercial in nature with everything but the NW corner of N Morgan Rd and E State Hwy 152 having a residential use and a church nearby.

Zoning and Uses of Property Nearby: The properties to the North and East are zoned C-5, Commercial Intensive with the properties to the South are zoned C-3, Commercial General. The property to the West is zoned R-E, Rural Estates across N. Morgan Rd.

Conformance with Long-Range Plan: The long-range plan calls for Retail Neighborhood for this area. The dispensary would fall under this category.

Utilities and Services: Utilities would be provided for the use.

Financial Impact:

0

Staff Comments:

Staff makes a recommendation of approval with the conditions that Planning Commission stipulated which were:

1. Said Medical Marijuana Retailer shall have installed an industry standard and staff approved odor control filtration device specific to controlling associated odors from Medical Marijuana and related products contained within the location.
2. The Hours of Operation for said Medical Marijuana Retailer shall be limited to 9am to 9pm.
3. The Signage for said Medical Marijuana Retailer shall be consistent with Chapter 94 of the City of Mustang Municipal Code of Ordinances pertaining to Signs but shall further be excluded the use of strobing or flashing signs or devices on said location.

Attachments:

(1) [1707 E State Highway 152 SUP Map.pdf](#)

(2) [Application_1707 E SH 152 SUP.pdf](#)

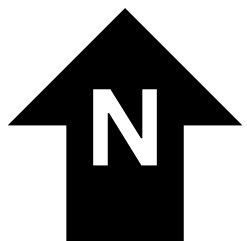
(3) [10-26-23 - SUP License - 1707 E SH 152 - Medical Marijuana Retailer.pdf](#)

(4) [Opposition Letter - Larry Hunter - Owner of Vacant Commercial Property to the East.pdf](#)

(5) [Opposition Letter - Todd Stone - 1712 and 1716 E SH 152.pdf](#)

(6) [PC Minutes 10-17-2023.pdf](#)

1707 E St Hwy 152 - Specific Use Permit



**Proposed Medical Marijuana
Retailer (Dispensary)**

**SPECIFIC USE PERMIT
APPLICATION**

City of Mustang, Oklahoma
1501 N. Mustang Rd.
Mustang, Oklahoma 73064
Phone: (405) 376-9873

Receipt No. 1601539 Date of Application: 09/01/2023

This application is to be accompanied by a \$200.00 fee and a certified list of property owners within 300 feet of the perimeter of the subject property.

NAME OF APPLICANT: PHOENIX DOAN

ADDRESS: 1707 EAST STATE HWY 152 CITY MUSTANG ST OK ZIP 73064

TELEPHONE NO. 918-521-1762

ADDRESS OF SUBJECT PROPERTY:
1707 EAST STATE HWY 152, MUSTANG, OK 73064

PROPERTY OWNER NAME: VAN NGUYEN

LEGAL DESCRIPTION: PLEASE ATTACH

CURRENT ZONING: C-4

PROPOSED USE: MEDICAL MARIJUANA DISPENSARY

I, the undersigned, do hereby respectfully make application to and appeal to the Planning Commission/City Council for a review of land use to:

Phoenix Doan
Signature of Applicant

Van Nguyen
Signature of Owner

THE CITY OF MUSTANG

SPECIFIC USE PERMIT – SUP-9-01-23-1-25

LICENSE HOLDER: VAN MARIA NGUYEN & ADELPHIA NGUYEN

LOCATION: 1707 E SH 152

ZONING: C-3, COMMERCIAL GENERAL DISTRICT

SPECIFIC USE – MEDICAL MARIJUANA RETAILER

THIS SPECIFIC USE PERMIT SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF CHAPTER 122-57 THROUGH 122-61, ARTICLE II, DIVISION II (SPECIFIC USE PERMITS) AND CHAPTER 22-201 THROUGH 22-221, ARTICLE V, DIVISIONS I-II (MEDICAL MARIJUANA GENERALLY AND MEDICAL MARIJUANA RETAILER PERMITS).

ADDITIONAL TERMS AND CONDITIONS PLACED UPON THIS SPECIFIC USE PERMIT ARE SET FORTH BELOW:

- 1. Said Medical Marijuana Retailer shall have installed an industry standard and staff approved odor control filtration device specific to controlling associated odors from Medical Marijuana and related products contained within the location.**
- 2. The Hours of Operation for said Medical Marijuana Retailer shall be limited to 9am to 9pm.**
- 3. The Signage for said Medical Marijuana Retailer shall be consistent with Chapter 94 of the City of Mustang Municipal Code of Ordinances pertaining to Signs but shall further be excluded the use of strobing or flashing signs or devices on said location.**

**KNOW ALL MEN BY THESE PRESENTS THAT:
THE CITY COUNCIL OF THE CITY OF MUSTANG
APPROVED SAID SPECIFIC USE PERMIT ON 11/7/2023 WITH
THE CONDITIONS AS STATED ON THIS PERMIT:**

APPLICANT NAME: PHOENIX DOAN

DATE ISSUED: 11/7/2023

CITY CLERK

MAYOR

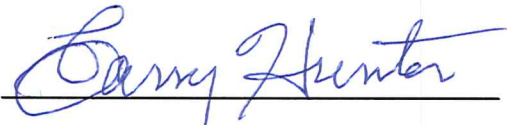
Attention: Melissa Helsel, Community Development
Ryan Conner, City Planner, Director of Mustang Planning Commission

In reference to: Application of Phoenix Doan for a medical marijuana dispensary
Address of property; 1707 East State Highway 152, Mustang Oklahoma 73064.

In Response to: The notice of hearing that I, Larry and Nelda Hunter received that the planning commission and the city council of the city of Mustang deny this requested specific use permit for the sale of medical marijuana for these reasons.

1. The "Childrens Universe" a daycare and preschool operation just across Highway 152 to the South.
2. The "Tilt Dance Co" to the North on the same block; less than 1,000 ft.
3. The Beginnings is a family church to the West which is less than 1,000 ft.
4. The 3 acres to the east, which is zoned commercial, which we are to build several office buildings; (which is in the 1700 block)
5. We already have 8 (eight) dispensaries in our city of "6" miles long and "2" miles wide.
6. People for years have been moving to Mustang for its schools, churches, and a safe community, Blessed with high caliber people.

We respectfully appreciate your consideration of our request.


Larry Hunter

10-10-2023

Date


Nelda Hunter

10-10-2023

Date

Ryan Conner

From: Todd Stone <stone4okc@gmail.com>
Sent: Thursday, October 5, 2023 2:26 PM
To: Ryan Conner
Subject: Zoning Case @ 1707 East State Hwy 152

Caution! This message was sent from outside your organization.

Ryan Conner,

Firstly, thank you for your service to the community. I received a notice for a zoning change at the above mentioned location that would allow for a marijuana dispensary. I own the properties across the street at 1712 and 1716. Those properties both operate as daycare centers for the youth of Mustang. I understand the issues surrounding these types of zoning cases but just wanted to make sure that you were aware of this. Thank you and if you have any questions please feel free to contact me.

--

Todd Stone
OKC City Council Ward 4
405-215-2567

PLANNING COMMISSION MINUTES OCTOBER 17, 2023

The Mustang Planning Commission met in a regular session on Tuesday, October 17th, 2023 at 7:00 p.m. at the Mustang Municipal Building, City Council Chambers at 1501 N. Mustang Road.

I. CALL MEETING TO ORDER: Chairman Billy McDaniel called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

MEMBERS PRESENT: Jay Adams, Susan Dobbins, Jesse Bratton, Billy McDaniel, John Gassen.

MEMBERS ABSENT: Brant O'Daniel, Jerry Brown.

STAFF PRESENT: Ryan Conner, Radika Wheeler, Justin Goodwin.

CITY ATTORNEY: Jonathan Miller was in attendance.

IV. APPROVAL OF MINUTES: Commissioner Jesse Bratton made a motion to approve the minutes from the September 19th 2023 meeting. Commissioner John Gassen seconded the motion. The motion was approved unanimously.

V. APPOINTMENTS

1. Appoint a new Commissioner to serve on Traffic Commission to fill vacancy

Commissioner Jay Adams made a motion to table the appointment in order to make that decision when all members are present. Commissioner Jesse Bratton seconded the motion. The motion was approved unanimously.

VI. INTRODUCTION OF GUESTS AND VISITORS/HEARING OF CITIZENS AND DELEGATES

None.

VII. PUBLIC HEARING, DISCUSSION, CONSIDERATION AND RECOMMENDATION ON:

Chairman Billy McDaniel opened the public hearing for the first item.

1. Preliminary Plat – PP-8-23-23-2-35 - Monocoupe Commercial Park

Item Tabled from the September 19th Planning Commission Meeting

Applicant:	Johnson & Associates, INC
Owner:	Ellison Investments LLC
Location:	Near the SW Corner of E. St. Hwy 152 & S Monocoupe Ln
Current Zoning:	PUD – C-3, Commercial General District & R-1 Single Family District
Tract Info:	3.29 acres – 2 lots – Commercial Area Only

City Planner Ryan Conner introduced the item and explained how it was a tabled item from the regular November Planning Commission requiring some changes. He said however that the applicant requested the item to be withdrawn from consideration as they now plan to potentially rearrange other aspects of the development in conjunction with future infrastructure. Planning Commission acknowledged the request of withdrawal by the applicant. No further action was taken.

Chairman McDaniel opened the second item on the agenda:

2. Specific Use Permit – SUP-9-01-23-1-25

Applicant:	Phoenix Doan
Owner:	Van Maria Nguyen & Adelphia Nguyen
Location:	1707 E State Highway 152
Current Zoning:	C-3, Commercial General District
Requested Use:	Medical Marijuana Retailer (Dispensary)

Ryan Conner, City Planner addressed the Commission with the Staff Report. He explained the request for the Medical Marijuana Retailer (dispensary) to be located at 1707 E SH 152. He went into detail on the surrounding areas with the commercial building in which the requested use would be located next to the Filly Star Gas Station and the Wholesale Priced Liquor Store. **Mr. Conner** also said to the North and East of the location is C-5 Zoned property and a daycare to the South on the other side of E State Highway 152. He mentioned that a Church is on the West side of N Morgan Rd not far from the location as well.

Mr. Conner stated that the location for the dispensary is at the same location in which a prior Medical Marijuana Dispensary had been located prior. The previous business did not renew their license after 2021 and in that same year the Municipal Code changed to require Dispensaries to obtain a Specific Use Permit in which to operate and how the previous Dispensary operated with a license prior to that change. **Mr. Conner** stated that this new request would still need to have all of the State licensing in place prior to the start of business if given approval by the City.

Mr. Conner spoke about the two opposition letters received from property owners within the 300 ft list. The first property owner against the proposition owns the vacant C-5 zoned property to the East where he intends to develop it at some point. The other opposition letter came from the owner of the daycare across the highway. **Mr. Conner** spoke briefing about the State and City requirements on distances that Medical Marijuana Retailers are supposed to have protected uses. He explained that the only protected use requiring a 1,000 ft setback separation is from schools and that the State requirements specifically mention that daycares or other child care facilities are not part of that requirement.

Mr. Conner next explained briefly how Specific Use Permits are given and controlled according the Code of Ordinances and how conditions can be stipulated on the items if the

Planning Commission felt that approval with said conditions were warranted. He finished with the staff recommendation, which was for approval based on the subject property having a previous Medical Marijuana Retailer at this location and this location being a future land use designation for commercial uses. He added that a condition of approval requiring an odor control filtration system be set up in order to control potentially noxious odors from leaving the property be discussed by the Commission.

Phoenix Doan, applicant, addressed the Planning Commission next. He stated that he is with the ownership group for the building and how he is wanting to apply for the dispensary permit. He acknowledged the part in the staff report about a filtration device or any additional security would not be an issue.

Chairman McDaniel asked if he was the owner of the previous dispensary at this location.

Mr. Doan said no, someone else rented that location of the previous dispensary.

Commissioner Dobbins asked about the existing State license with the Oklahoma Medical Marijuana Authority for his business.

Mr. Doan said they applied two years ago but had not opened up the dispensary for business yet as they were gearing toward renovations and preparing for what the business would entail.

Chairman McDaniel asked for anyone else wishing to speak on the matter to come forward.

Hearing none, **Commissioner Bratton** made a motion to close the public hearing with **Commissioner Gassen** seconding the motion. The motion was approved unanimously.

Chairman McDaniel started the discussion to discuss the aspect of dispensaries in Mustang currently. He said while there could be considered too many, he understood this location had a dispensary not too long ago and the State rules do allow him to apply for a license. He stated that because there was a dispensary here before, what would make it different for this one in his opinion.

Commissioner Jay Adams agreed with **Chairman McDaniel** but said the only difference is that now a Specific Use Permit is required for the dispensaries. He spoke to the effect of why the zoning code was changed and how he understands the State's definition on the 1,000 Ft separation rule but also how he finds it difficult to think a dispensary is a good idea right across the road from a daycare.

Chairman McDaniel agreed why the code was changed so that situations like this are still looked at and discussed.

Commissioner Bratton said they should consider the other businesses in the strip mall and how businesses that share a wall with a dispensary can sometimes have odor issues.

Commissioner Adams said the applicant owns the adjacent gas station but that the liquor store and aviation office is not owned by the applicant but is technically a different building separated by a few feet. He did say the consideration of the adjacent units it of utmost importance.

Commissioner Bratton spoke about one of the opposition letters from the daycare and how there is a preschool attached with it.

Commissioner Adams spoke to the part in the staff report that talks about the definitions of preschools and how those licensed under day care or child care homes are not a protected use.

Commissioner Dobbins asked if there have been other nuisance complaints from dispensaries in Mustang.

Mr. Conner said there have been a couple that he can recall and both related to the odor from the dispensary from neighboring businesses.

Commissioner Adams recalled a dispensary next to a nail shop that had issues with smells coming from the dispensary next door.

Commissioner Gassen discussed with the Commission his thoughts on dispensaries and how sometimes their images and artwork portrayed to the public can be misleading and how that can affect their locations.

Commissioner Adams agreed and wanted to have more discussion on the signage and display that dispensaries in other locations have. He spoke about a dispensary he has seen that had a multitude of flashing and strobing lights that was very distracting. He then asked the City Attorney about what they might be able to limit the dispensary in terms of allowed signage.

Commissioner Dobbins asked if the hours of operation could also be discussed in reference to the permit.

City Attorney Johnathan Miller said there is a section of the Sign Code that might have language about flashing signs and allowed display. He said if the Commission were to talk about parts of the signage allowed that went above what the code allowed but did not try to limit the image or expression of the signs themselves, he said that might be a condition that is fine to address.

City Planner Ryan Conner addressed the Commission and brought up Chapter 94 of the Code of Ordinances for Signage and a specific section that addresses the rules about flashing and strobing effects. He summarized that part of the Chapter and found that most of it relates to the Community Development Director's decision for flashing that is not otherwise considered a hazard to traffic or safety. His summarization addressed that the Planning Commission could take the approach to limit the flashing a strobing because of this section of the code.

Commissioner Adams asked the City Attorney about **Commissioner Dobbins'** question about limiting the hours of operation.

Mr. Miller could not find any rules that the Oklahoma Medical Marijuana Authority had on hours of operation and thus could be a factor that the Planning Commission could consider.

Commissioner Gassen asked the Commission about this Specific Use Permit and if it could be setting a precedence for dispensaries and if they should be careful in their consideration.

Commissioner Adams said it could very well be used as a reference point for future dispensaries but that every location could be different so that each case would hopefully be treated differently.

Chairman McDaniel noted this is the first dispensary to come up in a Specific Use Permit case and how they should be careful in their approach.

Commissioner Adams said that if the Commission is leaning toward approval with conditions, that hours of operation should be considered to be limited to 9am to 9pm only. He went on to say that the convenience store next door is not even open as long as that.

Chairman McDaniel said that the filtration system should also be considered.

Commissioner Adams agreed that a filtration system should be made part of this and asked about the standards for those.

Mr. Conner said there's not an exact City standard for filtration units but that staff could work with the applicant and find an industry standard version of a filtration unit and approve it alongside the applicant.

Commissioner Adams asked if the State had industry standards on filtration units.

Mr. Miller could not find anything within OMMA's rules or regulations.

Mr. Conner said in his opinion he thought the Commission could state that the filtration system be industry standard and be potentially reviewed as Specific Use Permits can be subject to annual reviews.

Commissioner Adams agreed and said it should be stated to be industry standard specifically for marijuana odor control for providing clean air.

Chairman McDaniel asked about the annual reviews for Specific Use Permits.

Mr. Conner stated that it's not an exact review each year but would be subject to such reviews and can be brought up at any time there might be deemed a violation or nuisance.

Commissioner Adams asked **Mr. Conner** if it was annual or a two-year review like it was done with Special Use Permits.

Mr. Conner said that is one of the differences between Specific Use Permits and Special Use Permits. Specific Use Permits can have annual reviews and Special Use Permits have two-year reviews.

Chairman McDaniel asked for any other discussion from the Commission.

Commissioner Dobbins made a Motion to approve the Specific Use Permit with the following conditions of approval:

1. Said Medical Marijuana Retailer shall have installed an industry standard and staff approved odor control filtration device specific to controlling associated odors from Medical Marijuana and related products contained within the location.
2. The Hours of Operation for said Medical Marijuana Retailer shall be limited to 9am to 9pm.
3. The Signage for said Medical Marijuana Retailer shall be consistent with Chapter 94 of the City of Mustang Municipal Code of Ordinances pertaining to Signs but shall further be excluded the use of strobing or flashing signs or devices on said location.

Commissioner Adams seconded the Motion.

Prior to the vote **Mr. Miller** reminded the Commission that the item will take four votes to pass.

Vote as followed:

Commissioner Adams – Aye
Commissioner Gassen – Aye
Commissioner Dobbins – Aye
Commissioner Bratton – Nay
Chairman McDaniel – Aye

Motion passed 4 votes to 1.

Chairman McDaniel said the item will next be heard by the City Council on November 7th.

VIII. NEW BUSINESS

None.

IX. COMMISSIONER, STAFF COMMENTS

Mr. Miller asked the Commission if they would be interested in having future training sessions at Planning Commission meetings. The Commission agreed they would be willing to hear about future trainings.

- X. ADJOURNMENT: Commissioner Adams** made a motion to adjourn.
Commissioner Bratton seconded the motion, which was approved unanimously. The meeting was adjourned at 7:40 pm.

CHAIRMAN

DATE

SECRETARY



Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Jon Miller

Submitting Department: Law

Item Type: Resolution

Agenda Section: DISCUSSION ITEMS

Subject Title:

Consideration of Resolution No.24-020, a Resolution of the City Council of the City of Mustang, Oklahoma, authorizing the City of Mustang to contract with the Oklahoma Tax Commission to utilize the Warrant Intercept Program to aid in the collection of unpaid penalties, costs, fines and fees in cases in Municipal Court, including the collection fee authorized by State law and City Ordinance; Providing an Effective Date; and Providing for Repealer.

Recommendation:

Approve resolution

Initiator:

Angela Wood, Court Clerk, and Jon Miller, City Attorney

Background:

The Oklahoma Tax Commission has adopted rules to implement what is termed the "Warrant Intercept Program," a program codified in 68 Okla. Stat. § 205.2. That program allows qualified entities who have uncollected debts from individuals, including unpaid court fines or costs, that exceed \$50.00 to file with the Oklahoma Tax Commission and request that the amount owed be deducted from any state income tax refund due to that individual. The municipal court is a qualified entity of that statute. The City of Mustang would like to utilize the Warrant Intercept Program to attempt to collect outstanding court costs and fines. The use of a debt collection service must be approved by the City Council.

Financial Impact:

Unknown

Staff Comments:

Staff recommends approval of the resolution.

Attachments:

[Resolution No. 24-020 - Warrant Intercept Program.pdf](#)

**CITY OF MUSTANG, OKLAHOMA
RESOLUTION NO. 24-020**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MUSTANG,
OKLAHOMA, AUTHORIZING THE CITY OF MUSTANG TO
CONTRACT WITH THE OKLAHOMA TAX COMMISSION TO UTILIZE
THE WARRANT INTERCEPT PROGRAM TO AID IN THE
COLLECTION OF UNPAID PENALTIES, COSTS, FINES AND FEES IN
CASES IN MUNICIPAL COURT, INCLUDING THE COLLECTION FEE
AUTHORIZED BY STATE LAW AND CITY ORDINANCE; PROVIDING
AN EFFECTIVE DATE; AND PROVIDING FOR REPEALER**

WHEREAS, the Charter of the City of Mustang, Article 5, Section 5.1, authorizes the City of Mustang to establish a municipal court to hear and determine cases arising out of violations of the Charter and ordinances of the City; and

WHEREAS, the City Council of the City of Mustang has established a municipal court in the Mustang Code of Ordinances (the "Code"), Chapter 26; and

WHEREAS, the City Council of the City of Mustang created the position of the court clerk in Sec. 26-36 of the Code and, among other duties, charged the court clerk with the responsibility for collecting fines imposed in municipal court; and

WHEREAS, the City of Mustang has unpaid penalties, costs, fines and fees in cases in municipal court that remain unpaid by the defendant; and

WHEREAS, the City of Mustang has unpaid penalties, costs, fines and fees in cases in municipal court that remain unpaid by the defendant; and

WHEREAS, it is the duty of the municipal court, through the municipal court clerk, to collect unpaid penalties, costs, fines and fees, as provided in Code Secs. 26-36 and 26-40; and

WHEREAS, the State of Oklahoma, pursuant to 68 Okla. Stat. § 205.2, authorized qualified entities seeking to collect a debt and unpaid municipal court fines or costs exceeding Fifty Dollars (\$50.00) from an individual who has filed a state income tax return to file a claim with the Oklahoma Tax Commission ("Commission") requesting that the amount owed be deducted from any state income tax refund due to that individual; and

WHEREAS, the Commission has implemented the provisions of 68 Okla. Stat. § 205.2, referred to as the "Warrant Intercept Program," to assist qualified entities in collecting unpaid debts, fines or costs; and

WHEREAS, a municipal court is a qualified entity under 68 Okla. Stat. § 205.2.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSTANG, OKLAHOMA, that the City of Mustang municipal court is hereby authorized to contract with the Commission or otherwise participate in the Warrant Intercept Program to aid in

the collection of unpaid penalties, costs, fines and fees in municipal court cases, and to collect, if available, the fees authorized by state law and City ordinances, including Code Sec. 26-40.

BE IT FURTHER RESOLVED that the City Manager or his designee is authorized to execute such documents as may be necessary to contract with and/or participate in the Commission Warrant Intercept Program, and to provide to the Commission such information as may be necessary or required in order for the Commission to identify any individual and to implement the Warrant Intercept Program.

SECTION 2. EFFECTIVE DATE.

This resolution shall be effective upon adoption and shall continue in effect unless or until amended or modified.

SECTION 3. REPEALER.

All resolutions or parts of resolution in conflict with the provisions of this resolution are hereby repealed.

ADOPTED AND APPROVED by the City Council of the City of Mustang, Oklahoma on the 7th day of November, 2023.

Brian Grider, Mayor

ATTEST:

Lisa Martin, City Clerk

Approved as to form:

Jonathan E. Miller, City Attorney



Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Jon Miller

Submitting Department: Managerial Department

Item Type: Ordinance

Agenda Section: DISCUSSION ITEMS

Subject Title:

Consideration of Ordinance No. 1294, an Ordinance of the City of Mustang, Oklahoma, changing the date for the January 2024 City Council Meeting; and providing for severability.

Recommendation:

Approve ordinance

Initiator:

Tim Rooney, City Manager

Background:

Under Ordinance 2-31, the January 2024 meeting will be held January 2, 2024. This ordinance will change the city council meeting date from January 2, 2024 to January 9, 2024. Planning Commission will be moved back one week to January 16, 2024.

Financial Impact:

None

Staff Comments:

Staff recommends approval.

Attachments:

[Ordinance No. 1294 - Council Meeting Date - Changing January 2024 Meeting Date.pdf](#)

ORDINANCE NO. 1294

AN ORDINANCE OF THE CITY OF MUSTANG, OKLAHOMA, CHANGING THE DATE FOR THE JANUARY 2024 CITY COUNCIL MEETING; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSTANG, OKLAHOMA, THAT:

Section 1: Purpose.

Chapter 2, Article II, Section 2-31(a) of the Code of Ordinances of the City of Mustang, Oklahoma, requires that the city council hold regular meetings at 7:00 p.m. on the first Tuesday of every month. The first Tuesday in January 2024 will fall on January 2, 2024. The City Council desires to move that meeting date to the following Tuesday, January 9, 2024.

Section 2. Enactment.

The January 2024 meeting of the Mustang City Council shall be held at 7:00 p.m. on January 9, 2024. Other meetings of the Mustang City Council shall be held in conformance with Section 2-31(a) of the Code of Ordinances of the City of Mustang, Oklahoma.

Section 3. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND APPROVED this 7th day of November, 2023.

Brian Grider, Mayor

ATTEST:

Lisa Martin, City Clerk

APPROVED as to form:

Jonathan E. Miller, City Attorney



Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Laura Anderson

Submitting Department: Human Resources

Item Type: Ordinance

Agenda Section: DISCUSSION ITEMS

Subject Title:

Consideration of Ordinance No. 1295, an Ordinance Adopting an Employee Retirement System, Defined Contribution Plan for the City Manager for the City of Mustang, Oklahoma; Providing Retirement Benefits for Eligible Employees of the City of Mustang, Oklahoma; Providing for Purpose and Organization; Providing for Definitions; Providing for Eligibility and Participation; Providing for Employer and Employee Contributions; Providing for Accounting, Allocation, and Valuation; Providing Benefits; Providing for Required Notice; Providing for Amendments and Termination; Providing for Transfer to and From Other Plans; Creating a Committee and Providing for Powers, Duties, and Rights of Committee; Providing for Payment of Certain Obligations; Providing for Duration and Payment of Expenses; Providing for Effective Date; Providing for Vesting Schedules; Providing for a Fund to Finance the System to be Pooled with Other Incorporated Cities, Towns and Their Agencies and Instrumentalities for Purposes of Administration, Management, and Investment as Part of the Oklahoma Municipal Retirement Fund; Providing for Payment of All Contributions Under the System to the Oklahoma Municipal Retirement Fund for Management and Investment; Providing for Non-Alienation of Benefits; Adopting those Amendments Mandated by the Internal Revenue Code; Providing for Repealer and Severability; and Declaring an Emergency.

Recommendation:

Approve or Deny

Initiator:

Laura Anderson, Human Resources Director

Background:

The City Manager contract approved by City Council on October 10, 2023 provided for a City Manager Option Defined Contribution Plan to allow the City to fund post retirement health insurance costs which will be based upon the Employee Only health insurance premium each July.

Financial Impact:

\$7,026.80

Staff Comments:

Staff recommends approval

Attachments:

ORDINANCE NO. 1295

AN ORDINANCE ADOPTING AN EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE CITY MANAGER FOR THE CITY OF MUSTANG, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF MUSTANG, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR NON-ALIENATION OF BENEFITS; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF MUSTANG, OKLAHOMA:

Section 1. That pursuant to the authority conferred by the laws of the State of Oklahoma, and for the purpose of encouraging continuity and meritorious service on the part of City employees and thereby promote public efficiency, there is hereby authorized created, established, and approved and adopted, effective as of **January 1, 2024**, the funded Plan designated "Employee Retirement System of City of Mustang, Oklahoma, Defined Contribution Plan," (hereinafter called System), an executed counterpart of which is marked Exhibit "A" (Joinder Agreement) and Exhibit "B" (Master Defined Contribution Plan) and attached hereto as part hereof.

Section 2. ADMINISTRATION. For the purpose of administration the System there is hereby established a Committee, which shall be the members of the City Council of City of Mustang, Oklahoma, as now existing or as from time to time duly elected or appointed and constituted. The powers and duties of the Committee shall be as set forth in the System instrument attached hereto as Exhibit "B".

Section 3. FUND. A fund is hereby provided for the exclusive use and benefit of the persons entitled to benefits under the System. All contributions to such fund shall be paid over to and received in trust for such purpose by the City. Such Fund shall be pooled for purposes of management and investment with similar funds of other incorporated cities, towns, and municipal trusts in the State of Oklahoma as a part of the Oklahoma Municipal Retirement Fund in accordance with the trust agreement of the Oklahoma

Municipal Retirement Fund, a public trust. The City shall hold such contributions in the form received, and from time to time pay over and transfer the same to the Oklahoma Municipal Retirement Fund, as duly authorized and directed by the Board of Trustees. The Fund shall be nonfiscal and shall not be considered in computing any levy when the annual estimate is made to the County Excise Board.

Section 4. APPROPRIATIONS. The City of Mustang, Oklahoma, is hereby authorized to incur the necessary expenses for the establishment, operation, and administration of the System, and to appropriate and pay the same. In addition, the City of Mustang, Oklahoma, is hereby authorized to appropriate annually such amounts as are required in addition to employee contributions to maintain the System and the Fund in accordance with the provisions of the Defined Contribution Plan. Any appropriation so made to maintain the System and Fund shall be for deferred wages or salaries, and for the payment of necessary expenses of operation and administration to be transferred to the trustees of the Oklahoma Municipal Retirement Fund for such purposes and shall be paid into the Fund when available, to be duly transferred to the Oklahoma Municipal Retirement Fund.

Section 5. EXECUTION. The Mayor and City Clerk be and they are each hereby authorized and directed to execute (in counterparts, each of which shall constitute an original) the System instrument, and to do all other acts and things necessary, advisable, and proper to put said System and related trust into full force and effect, and to make such changes therein as may be necessary to qualify the same under Sections 401(a) and 501(a) of the Internal Revenue Code of the United States. The counterpart attached hereto as Exhibit "A" and Exhibit "B", which has been duly executed as aforesaid simultaneously with the passage of this Ordinance and made a part hereof, is hereby ratified and confirmed in all respects.

This Committee is hereby authorized and directed to proceed immediately on behalf of the City of Mustang, Oklahoma, to pool and combine the Fund into the Oklahoma Municipal Retirement Fund as a part thereof, with similar funds of such other cities and towns, for purposes of pooled management and investment.

Section 6. REPEALER. Any Ordinance inconsistent with the terms and provisions of this Ordinance is hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

Section 7. SEVERABILITY. If, regardless of cause, any section, subsection, paragraph, sentence or clause of this Ordinance, including the System as set forth in Exhibit "A" and Exhibit "B", is held invalid or to be unconstitutional, the remaining sections, subsections, paragraphs, sentences, or clauses shall continue in full force and effect and shall be construed thereafter as being the entire provisions of this Ordinance.

Section 8. EMERGENCY. Whereas, in the judgment of the City Council of the City of Mustang, Oklahoma, the public peace, health, safety, and welfare of the City of Mustang, Oklahoma, and the inhabitants thereof demand the immediate passage of this Ordinance, an emergency is hereby declared, the

rules are suspended, and this Ordinance shall be in full force and effective on its passage, approvals and publication.

END

The undersigned hereby certifies that the foregoing Ordinance was introduced before the City Council of City of Mustang on the _____ day of _____, 20_____, and was duly adopted and approved by the Mayor and City Council, on the _____ day of _____, 20_____, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et. seq.).

City of Mustang

By _____
Mayor

ATTEST:

Clerk

Approved as to form and legality on _____, _____.

CITY ATTORNEY



Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Laura Anderson

Submitting Department: Human Resources

Item Type: Approval

Agenda Section: DISCUSSION ITEMS

Subject Title:

Consideration of Master Defined Contribution Plan Joinder Agreement between the City of Mustang and Oklahoma Municipal Retirement Fund.

Recommendation:

Approve or Deny

Initiator:

Laura Anderson, Human Resources Director

Background:

The City Manager contract approved by City Council on October 10, 2023 provided for a City Manager Option Defined Contribution Plan to allow the City to fund post retirement health insurance costs which will be based upon the Employee Only health insurance premium each July.

Financial Impact:

\$7,026.80

Staff Comments:

Staff recommends approval

Attachments:

[Master Defined COntribution Plan Joinder Agreement - OMRF for 11.07.23 Meeting.pdf](#)

**OKLAHOMA MUNICIPAL RETIREMENT FUND
MASTER DEFINED CONTRIBUTION PLAN
JOINDER AGREEMENT**

City of Mustang [a municipality or authority chartered, incorporated or formed under the laws of Oklahoma], a city, town, agency, instrumentality, or public trust located in the State of Oklahoma, with its principal office at Mustang, Oklahoma, hereby establishes a Defined Contribution Plan to be known as **City of Mustang Plan** (the “Plan”) in the form of the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan.

Except as otherwise provided herein, the definitions in Article II of the Plan apply.

1. Dates.

☒ **This instrument is a new Plan effective January 1, 2024 (“Effective Date”) [such date may not be earlier than the first day of the Plan Year in which it is executed].**

☐ This instrument is an amendment, restatement, and continuation of the Previous Plan, which was originally effective _____. The effective date of this Joinder Agreement is _____ (“Effective Date”) [date may not be prior to Plan Year of the date of execution], except as otherwise stated in the Plan and the Joinder Agreement.

2. Employee.

The word “Employee” shall mean:

☐ Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular full-time employee in accordance with the Employer’s standard personnel policies and practices, and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.

☐ Any person, other than a Leased Employee, who, on or after the Effective Date, is considered to be a regular employee in accordance with the Employer’s standard personnel policies and practices (including part-time, seasonal and temporary employees), and is receiving remuneration for such services rendered to the Employer (including any elected official and any appointed officer or employee of any department of the Employer, whether governmental or proprietary in nature), including persons on Authorized Leave of Absence. Employees shall not include independent contractors. Elected members of the City Council shall not be considered to be Employees solely by reason of their holding such office.

☒ **Any person who, ☒ on or after the Effective Date, ☐ as of , holds the position of:**

☒ **City Manager**, City or Town Administrator, President, Chief Executive Officer, General Manager, or District Manager, as applicable.

☐ Assistant City Manager ☐ Chief of Police ☐ Fire Chief

☐ Department Head or Department Manager ☐ Finance Director or Chief Financial Officer

☐ General Counsel or Municipal Attorney ☐ Municipal Judge

☐ _ (specify position)

The word “Employee” shall not include:

☒ **Any person who is currently accruing benefits under any other state or local retirement system.**

☐ Any person in the following position and who is covered under another retirement program or system approved by the City:

☐ City Manager, City or Town Administrator, President, Chief Executive Officer, General Manager, or District Manager, as applicable.

☐ Assistant City Manager ☐ Chief of Police ☐ Fire Chief

☐ Department Head or Department Manager

☐ Finance Director or Chief Financial Officer

☐ General Counsel or Municipal Attorney ☐ Municipal Judge

☐ _ (specify position)

☐ Any person who _ [description may include a position but not the name of an individual].

3. **Entry Date.**

Eligible Employees shall commence participation in the Plan: (Select only one)

- ☐ months (any number of months up to twelve) after the later of the Employee's Employment Commencement Date or the date the definition of Employee in Section 2 hereof was met, provided that the individual has met the definition of Employee in Section 2 hereof throughout such period.
- ☒ **On the Employee's Employment Commencement Date.** (If the Employer has opted out of Old Age and Disability Insurance (OADI), this option must be elected).

4. **Definition of Compensation.**

Compensation shall exclude the item(s) listed below:

- ☐ No exclusions.
- ☐ Overtime pay.
- ☐ Bonuses.
- ☐ Commissions.
- ☐ Longevity pay.
- ☒ **Severance pay.**
- ☒ **Fringe benefits, expense reimbursements, deferred compensation and welfare benefits.**
- ☒ **Accrued vacation or sick leave paid upon termination of employment and moving expenses.**
- ☐ Other: [must be definitely determinable]

5. **Plan Design.**

The Employer hereby elects the following Plan design:

- ☐ **Pick-up Option.** Each Employee shall be required to contribute to the Plan % of his or her Compensation. These contributions shall be picked up and assumed by the Employer and paid to the Fund in lieu of contributions by the Participant. No Participant shall have the option of receiving the contributed amounts directly as Compensation.

- ☐ **Thrift Plan Option.**

- ☐ A Participant may elect to contribute to the Plan for each Valuation Period an amount which is at least 1%, but no more than % of his Compensation ("Mandatory Contributions"). Mandatory Contributions shall be made by payroll deductions. A Participant shall authorize such deductions in writing on forms approved by, and filed with the Committee.

- ☐ The Employer shall contribute to the Fund an amount equal to % of the total Mandatory Contributions contributed by Participants.
- The Employer contribution shall be allocated in the proportion which the Mandatory Contributions of each such Participant for such Valuation Period bear to the total Mandatory Contributions contributed by all such Participants for such Valuation Period. Forfeitures attributable to Employer contributions under the Thrift Plan Option of this Section 5 shall be used to reduce Employer contributions under such Option.

- ☐ **Fixed Option.** The Employer shall contribute to the Fund an amount equal to % of the total covered Compensation of all Participants for the Valuation Period. The Employer contribution shall be allocated in the proportion which the Compensation of each such Participant for such Valuation Period bears to the Compensation paid to all such Participants for such Valuation Period.

- ☒ **Variable Option.**

- ☒ **The Employer intends to make a contribution to the Plan for the benefit of the Participants for each Valuation Period. The contribution may be varied from year to year by the Employer.** (Select one option below)

- ☐ **Option A:** The Employer contribution shall be allocated in the proportion that each such Participant's total points awarded bear to the total points awarded to all Participants with respect to such year. A Participant shall be awarded one point for each Year of Service.

- ☒ **Option B:** The Employer contribution shall be allocated in the proportion which the Compensation of each such Participant for such Valuation Period bears to the Compensation paid to all such Participants for such Valuation Period.

- ☐ **Option C:** A combination of Options A and B in the following ratios: % for Option A, and % for Option B.

☐ **401(k) Option.**

(This Option available only if elected prior to May 1, 1986)

☐ Participant Deferral Elections shall be allowed under the provisions of Section 4.8 of the Plan. Participants shall be allowed to defer no more than % of their Compensation for each election period.

☐ Section 4.8(d) of the Plan ("Roth Elective Deferrals") shall apply to contributions after (enter a date later than January 1, 2006, but not earlier than the date the Roth option was initially adopted), and the Plan will accept a direct rollover from another Roth elective deferral account under an applicable retirement plan as described in Code Section 402A(e)(1).

☐ **Matching Contribution Option.** The Employer shall contribute to the Fund an amount equal to % of the Participant's contributions under the Employer's Section 457(b) Deferred Compensation Plan. The Employer matching contribution shall be limited to % of the Participant's Compensation. Forfeitures attributable to Employer matching contributions under this Matching Contribution Option of Section 5 shall be used to reduce Employer matching contributions under such Option.

☐ **No Employer Contribution Option.**

6. Other Participant Contribution Options.

☒ **Voluntary Nondeductible Contributions by Participants shall be allowed under the provisions of Section 4.4 of the Plan.**

☐ A Participant may not withdraw Voluntary Nondeductible Contributions.

☐ Participants shall not contribute to the Plan.

7. Self-Directed Investments.

☒ **Are permitted.**

☐ Are not permitted.

8. Allocation of Forfeitures Available.

Forfeitures of Employer contributions attributable to the Fixed Option or Variable Option under Section 5 hereof:

☐ Shall be added to Employer contribution under such Option for the calendar quarter following the Participant's Break in Service.

☒ **Shall reduce the Employer contribution under such Option for the current or next following Plan Year.**

9. Service for Worker's Compensation Period.

If a Participant is on an Authorized Leave of Absence and is receiving worker's compensation during such Authorized Leave of Absence, such Participant

☒ **shall be credited with Service for such period for purposes of vesting only and not for purposes of allocations of Employer Contributions.**

☐ shall not be credited with Service for such period.

10. Vesting.

For purposes of vesting under Section 6.4 of the Plan, the Employer hereby elects the following Option:

☐ Option A

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 1	0%	100%
at least 1 but less than 2	10%	90%
at least 2 but less than 3	20%	80%
at least 3 but less than 4	30%	70%
at least 4 but less than 5	40%	60%
at least 5 but less than 6	50%	50%
at least 6 but less than 7	60%	40%
at least 7 but less than 8	70%	30%
at least 8 but less than 9	80%	20%
at least 9 but less than 10	90%	10%
10 or more	100%	0%

☐ Option B

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
Less than 3	0%	100%
at least 3 but less than 4	20%	80%
at least 4 but less than 5	40%	60%
at least 5 but less than 6	60%	40%
at least 6 but less than 7	80%	20%
7 or more	100%	0%

☐ Option C

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 5	0%	100%
at least 5 but less than 6	50%	50%
at least 6 but less than 7	60%	40%
at least 7 but less than 8	70%	30%
at least 8 but less than 9	80%	20%
10 or more	100%	0%

☒ Option D

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
Immediate 100% Vesting	100%	0%

☐ Option E

The Schedule indicated below (the sum of the Vested Percentage and Forfeited Percentage at each Year of Service must equal 100%) the vesting schedule must be at least as favorable as one of the safe harbor pre-ERISA schedules. The safe harbor vesting schedules are:

- 15-year cliff vesting schedule: The plan provides that a participant is fully vested after 15 years of creditable service (service can be based on years of employment, years of participation, or other creditable years of service).
- 20-year graded vesting schedule: The plan provides that a participant is fully vested based on a graded vesting schedule of 5 to 20 years of creditable service (service can be based on years of employment, years of participation, or other creditable years of service).
- 20-year cliff vesting schedule for qualified public safety employees: The plan provides that a participant is fully vested after 20 years of creditable service (service can be based on years of employment, years of participation, or other creditable years of service). This safe harbor would be available only with respect to the vesting schedule applicable to a group in which substantially all of the participants are qualified public safety employees (within the meaning of Section 72(t)(10)(B)).

<u>Years of Service</u>	<u>Vested Percentage</u>	<u>Forfeited Percentage</u>
less than 1	%	%
at least 1 but less than 2	%	%
at least 2 but less than 3	%	%
at least 3 but less than 4	%	%
at least 4 but less than 5	%	%
at least 5 but less than 6	%	%
at least 6 but less than 7	%	%
at least 7 but less than 8	%	%
at least 8 but less than 9	%	%
at least 9 but less than 10	%	%
10 or more	%	%

☐ Option F

To comply with the Internal Revenue Service Regulations promulgated pursuant to the Code Section 3121(b)(7)(F), Participants who are part-time, seasonal or temporary Employees will have immediate vesting.

(If this Option F is elected, one of the other Options above must also be elected for Participants who are not part-time, seasonal or temporary Employees).

11. Participant Loans.

- ☐ Participant loans shall be offered pursuant to Section 6.14 of the Plan.
☒ Participant loans shall not be offered.

12. Direct Transfer to Other Retirement Plan.

- ☒ Direct transfer of a Participant's accounts to another defined contribution plan sponsored by the Employer is not permitted.
☐ The Accounts of any Participant who (i) is 100% vested in his Accounts in this Plan; (ii) has ceased to be eligible for participation in this Plan; and (iii) who becomes eligible for participation in another defined contribution retirement plan sponsored by the Employer (the "Other Retirement Plan"), shall be directly transferred to the Other Retirement Plan as soon as practicable after the Plan Administrator provides written direction to the Trustee to such effect in a form acceptable to the Trustee.

13. Valuation Date. Except with respect to any Special Valuation Date determined in accordance with Section 5.10, the Valuation Date for the Plan shall be on each business day of the Plan Year for which Plan assets are valued on an established market.

14. The Employer has consulted with and been advised by its attorney concerning the meaning of the provisions of the Plan and the effect of entry into the Plan.

IN WITNESS WHEREOF the City of Mustang has caused its corporate seal to be affixed hereto and this instrument to be duly executed in its name and behalf by its duly authorized officers this _____ day of _____, _____.

City of Mustang

By: _____

Attest:

Title: _____

Title: _____

(SEAL)

The foregoing Joinder Agreement is hereby approved by the Oklahoma Municipal Retirement Fund this _____ day of _____, _____.

OKLAHOMA MUNICIPAL RETIREMENT FUND

By: _____

Title: _____

Attest:

Secretary

(SEAL)

Required Disclosures. This Joinder Agreement is to be used only with the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan. Failure to properly complete this Joinder Agreement may result in failure of the Plan to qualify under Code Section 401(a). In accordance with IRS Rev. Proc. 2017-41, the Provider (as defined in Rev. Proc. 2017-41) who has obtained Internal Revenue Service approval of the Oklahoma Municipal Retirement Fund Master Defined Contribution Plan has authority under the Plan document to amend the Plan on behalf of adopting employers for certain changes in the Code, regulations, revenue rulings, other statements published by the Internal Revenue Service, including model, sample or other required good faith amendments. The Provider will inform adopting employers of any such amendments or of the discontinuance or abandonment of the Pre-Approved Plan document. The name, address and telephone number of the Provider is: McAfee & Taft A Professional Corporation, 211 N. Robinson, Oklahoma City, OK 73102, telephone (405) 552-2231. Any inquiries by the adopting employer regarding the adoption of the Plan, the meaning of Plan provisions, or the effect of the Internal Revenue Service advisory letter on the Pre-Approved Plan may be directed to the Provider.

Reliance on Sponsor Opinion Letter. The Provider has obtained from the IRS an Opinion Letter (as defined in Rev. Proc. 2017-41) specifying the form of this Joinder Agreement and the basic plan document satisfy, as of the date of the Opinion Letter, Code §401. An adopting Employer may rely on the Preapproved Plan Sponsor's IRS Opinion Letter only to the extent provided in Rev. Proc. 2017 41. The Employer may not rely on the Opinion Letter in certain other circumstances or with respect to certain qualification requirements, which are specified in the Opinion Letter and in Rev. Proc. 2017 41 or subsequent guidance. In order to have reliance in such circumstances or with respect to such qualification requirements, the Employer must apply for a determination letter to Employee Plans Determinations of the IRS.



Agenda Item No: H.7

Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Laura Anderson

Submitting Department: Human Resources

Item Type: Approval

Agenda Section: DISCUSSION ITEMS

Subject Title:

Approval to move the Mustang 457(b) Retirement Plan investment and Service Provider from MissionSquare to VOYA.

Recommendation:

Approve or Deny

Initiator:

Laura Anderson

Background:

VOYA is the current investment and service provider for the Oklahoma Municipal Retirement Fund Defined Contribution Plan. We would like to move the Mustang 457(b) plan, which allows full time employees to set aside pretax income for retirement, from MissionSquare to VOYA for continuity purposes, improved customer service and lower fees with a target implementation date of January 2024.

Financial Impact:

0

Staff Comments:

Staff recommends approval

Attachments:



Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Tim Rooney

Submitting Department: Managerial Department

Item Type: Resolution

Agenda Section: DISCUSSION ITEMS

Subject Title:

Consideration of Resolution No. 24-015, a Resolution of the City Council of the City of Mustang, Oklahoma Declaring that Certain Property Described herein is not Needed or Necessary for Park or other Public Purposes and Abandoning Such Property for any Park or Other Public Purposes.

Recommendation:

Staff recommends approval of Resolution No. 24-015.

Initiator:

Timothy Rooney

Background:

In August of 2021, the City Council approved Resolution No. Resolution 22-009 - Abandoning Tract for Public Park or Other Public Purposes, Resolution 22-010 - Enter into Ground Lease, and Ordinance 1234 - Authorizing Ground Lease to Mustang Chamber of Commerce. Each of these documents were necessary in order for the City of Mustang to offer for lease a .10 acre tract of land to the Mustang Chamber of Commerce in order for the construction of their new office building just southeast of City Hall.

As can sometimes be the case with construction projects, tweaks and adjustments were needed to be made due to encountered utility locations after the above resolutions and ordinances were approved by the City Council in 2021. For instance, there is a large water main that would have required relocation as it was under the eastern third of the original site identified for the Chamber of Commerce building. By shifting the location northwest of the original site and reorienting the proposed site, not only was the cost of a water line relocation avoided, but also the location now is more in line with the existing City Hall structure should there ever be a need to connect the two structures. Rather than hold up construction of the facility and or provide additional cost to the Chamber of Commerce, the approval to move forward was provided by the Office of the City Manager provided the Chamber of Commerce obtained an updated as-built survey of the facility upon its completion with the original dimensions of the size of property to be leased (65' by 65' square) not changed in any way. That was recently accomplished by the Chamber of Commerce and is the updated legal description that is provided within Resolution No. 24-015, Ordinance No.1293, and is identified as Exhibit A in Resolution No. 24-016.

Note: There are three separate agenda items and actions that will be taken by the City Council. This is the first of three items. Staff is recommending approval of Resolution No.24-015, a Resolution of the City Council of the

City of Mustang, Oklahoma Declaring that Certain Property Described herein is not Needed or Necessary for Park or other Public Purposes and Abandoning Such Property for any Park or Other Public Purposes.

Financial Impact:

Remains the same as identified in 2021 (\$100 plus \$825 per year for the length of the term of the lease. However, by approving the new legal description and thus the amended location, significant utility relocation costs were saved.

Staff Comments:

I would like to thank the City Council for their ability to think outside of the box to address a need in Mustang while also strengthening community partnerships.

Attachments:

[Resolution No. 24-015 - Abandoning Tract for Public Park or other Public Purposes \(rev. 10-31-23\).pdf](#)

RESOLUTION NO.: 24-015

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MUSTANG,
OKLAHOMA DECLARING THAT CERTAIN PROPERTY DESCRIBED
HEREIN IS NOT NEEDED OR NECESSARY FOR PARK OR OTHER
PUBLIC PURPOSES AND ABANDONING SUCH PROPERTY FOR ANY
PARK OR OTHER PUBLIC PURPOSES**

WHEREAS, the City of Mustang, Oklahoma (hereinafter, the “City”) owns a tract of land consisting of approximately 120 acres located in the Northeast Quarter (NE/4) of Section 28, Township 11 North, range 5, West, I.M. (hereinafter, the “Northeast Quarter”), that was purchased by the City on November 30, 1993;

WHEREAS, the City purchased the Northeast Quarter using undesignated funds and the Northeast Quarter has not, by deed restriction or otherwise, been dedicated as a public park or for other public purposes;

WHEREAS, the City has used different portions of the Northeast Quarter for various purposes since its purchase in 1993, including some portions upon which the City has constructed City Hall housing municipal offices, Town Center housing a library, a conference center and recreational facilities, and some portions upon which the City has constructed baseball facilities, softball facilities, a splash pad, a frisbee golf course, and walking trails;

WHEREAS, the City has identified the following described tract immediately adjacent to City Hall as suitable for use as a location for the Mustang Chamber of Commerce to construct a new office location, to wit:

**A TRACT OF LAND LYING IN PART OF THE NORTHEAST QUARTER
(NE/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP ELEVEN (11)
NORTH, RANGE FIVE (5) WEST OF THE INDIAN MERIDIAN, CANADIAN
COUNTY, OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY
DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST
QUARTER (NE/4);**

THENCE S 00°00'00" E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE/4), A DISTANCE OF 676.26 FEET;
THENCE N 90°00'00" W, PERPENDICULAR TO THE EAST LINE OF SAID NORTHEAST QUARTER (NE/4), A DISTANCE OF 532.73 FEET TO THE POINT OF BEGINNING;
THENCE N 45°00'00" E A DISTANCE OF 65.00 FEET;
THENCE N 45°00'00" W A DISTANCE OF 65.00 FEET;
THENCE S 45°00'00" W A DISTANCE OF 65.00 FEET;
THENCE S 45°00'00" E A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.10 ACRES (4,225.00 SQ. FT.) AS DESCRIBED.

BASIS OF BEARINGS:

THE EAST LINE OF THE NORTHEAST QUARTER (NE/4) OF SECTION 28, T11N-R5W - HAVING AN ASSUMED BEARING OF S 00°00'00" E (hereinafter, the "Tract"); and

The Property described above shall include the right to access the Property through the existing driveways providing access to the City's municipal building contiguous to the Property and the right to use existing public parking in the City's parking facility adjacent to such municipal building.

WHEREAS, although the Tract is an open area and is adjacent to the frisbee golf course, the Tract is not currently used for park or other public purposes, has not been dedicated for park or other purposes and, to the extent there has been incidental use by residents or visitors from time to time because it is an open area, the City hereby declares that the Tract is not needed for park or other public purposes and any such use should be abandoned by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mustang, Oklahoma, that the Tract should be and hereby is abandoned for any park or other public use.

AND BE IT FINALLY RESOLVED THAT this resolution shall take effect and be in force from and after its passage, as proved by law.

ADOPTED by the City Council of the City of Mustang, Oklahoma, on this 7th day of November, 2023.

SIGNED by the Mayor of the City of Mustang, Oklahoma, on this 7th day of November, 2023.

THE CITY OF MUSTANG, OKLAHOMA

Brian Grider, Mayor

ATTEST:

Lisa Martin, City Clerk

Approved as to form:

Jonathan E. Miller, City Attorney



Agenda Item No: H.9

Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Tim Rooney

Submitting Department: Managerial Department

Item Type: Ordinance

Agenda Section: DISCUSSION ITEMS

Subject Title:

Consideration of Ordinance No. 1293, an Ordinance of the City of Mustang, Oklahoma, Authorizing the Lease of Certain Real Property to the Mustang Chamber of Commerce, Authorizing and Directing the Mayor to Execute Amendment No. 1 to Ground Lease Agreement and Other Documents to Complete the Transaction, and Providing for Severability.

Recommendation:

Staff recommends approval of Ordinance No. 1293.

Initiator:

Timothy Rooney

Background:

In August of 2021, the City Council approved Resolution No. Resolution 22-009 - Abandoning Tract for Public Park or Other Public Purposes, Resolution 22-010 - Enter into Ground Lease, and Ordinance 1234 - Authorizing Ground Lease to Mustang Chamber of Commerce. Each of these documents were necessary in order for the City of Mustang to offer for lease a .10 acre tract of land to the Mustang Chamber of Commerce in order for the construction of their new office building just southeast of City Hall.

As can sometimes be the case with construction projects, tweaks and adjustments were needed to be made due to encountered utility locations after the above resolutions and ordinances were approved by the City Council in 2021. For instance, there is a large water main that would have required relocation as it was under the eastern third of the original site identified for the Chamber of Commerce building. By shifting the location northwest of the original site and reorienting the proposed site, not only was the cost of a water line relocation avoided, but also the location now is more in line with the existing City Hall structure should there ever be a need to connect the two structures. Rather than hold up construction of the facility and or provide additional cost to the Chamber of Commerce, the approval to move forward was provided by the Office of the City Manager provided the Chamber of Commerce obtained an updated as-built survey of the facility upon its completion with the original dimensions of the size of property to be leased (65' by 65' square) not changed in any way. That was recently accomplished by the Chamber of Commerce and is the updated legal description that is provided within Resolution No. 24-015, Ordinance No.1293, and is identified as Exhibit A in Resolution No. 24-016.

Note: There are three separate agenda items and actions that will be taken by the City Council. This is the second of three items. Staff is recommending approval of Ordinance No. 1293, an Ordinance of the City of Mustang, Oklahoma, Authorizing the Lease of Certain Real Property to the Mustang Chamber of Commerce, Authorizing and Directing the Mayor to Execute Amendment No. 1 to Ground Lease Agreement and Other Documents to Complete the Transaction, and Providing for Severability.

Financial Impact:

Remains the same as identified in 2021 (\$100 plus \$825 per year for the length of the term of the lease. However, by approving the new legal description and thus the amended location, significant utility relocation costs were saved.

Staff Comments:

I would like to thank the City Council for their ability to think outside of the box to address a need in Mustang while also strengthening community partnerships.

Attachments:

[Ordinance No. 1293 - Authorizing Lease of Property to Chamber \(rev. 10-31-23\).pdf](#)

ORDINANCE NO. 1293

AN ORDINANCE OF THE CITY OF MUSTANG, OKLAHOMA, AUTHORIZING THE LEASE OF CERTAIN REAL PROPERTY TO THE MUSTANG CHAMBER OF COMMERCE, AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AMENDMENT NO. 1 TO GROUND LEASE AGREEMENT AND OTHER DOCUMENTS TO COMPLETE THE TRANSACTION, AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSTANG, OKLAHOMA:

SECTION 1. PURPOSE.

The City of Mustang ("City") owns real property around Mustang City Hall. The Mustang Chamber of Commerce ("Chamber") needs property on which to construct an office building for its use. On August 3, 2021, the City adopted a resolution setting forth the economic benefits to the City and its residents by having the Chamber construct its office in close proximity to Mustang City Hall so that new residents and businesses can obtain, in one central location, information to help and encourage them to locate, invest and grow within the City. The City also adopted a resolution declaring that a described parcel of real property is not used or needed for park purposes and abandoning any such use and authorizing the City to lease the parcel to Chamber as part of an economic incentive package under which the Chamber agrees to perform services to promote the economic interests of the City. The City also passed an ordinance authorizing the City to lease said parcel to Chamber. In the process of construction, the City and Chamber learned that existing sewer facilities required that the initial location for the Chamber building be moved, necessitating a change to the legal description of the property to be leased to Chamber. This ordinance authorizes the City to amend its lease to Chamber to include the real property on which the Chamber has constructed its building and confirm that the Chamber shall have access through the City's existing driveways and parking through the existing public parking lot.

SECTION 2: AUTHORIZATION.

The City Council of the City of Mustang, pursuant to Section 4-4 of the Charter of the City of Mustang, and Sec. 2-197(2) of the Code of Ordinances, hereby authorizes the lease to the Mustang Chamber of Commerce of the property described below, to wit:

A TRACT OF LAND LYING IN PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP ELEVEN (11) NORTH, RANGE FIVE (5) WEST OF THE INDIAN MERIDIAN, CANADIAN COUNTY, OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER (NE/4);
THENCE S 00°00'00" E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE/4), A DISTANCE OF 676.26 FEET;
THENCE N 90°00'00" W, PERPENDICULAR TO THE EAST LINE OF SAID NORTHEAST QUARTER (NE/4), A DISTANCE OF 532.73 FEET TO THE

POINT OF BEGINNING;
THENCE N 45°00'00" E A DISTANCE OF 65.00 FEET;
THENCE N 45°00'00" W A DISTANCE OF 65.00 FEET;
THENCE S 45°00'00" W A DISTANCE OF 65.00 FEET;
THENCE S 45°00'00" E A DISTANCE OF 65.00 FEET TO THE POINT OF
BEGINNING.

CONTAINING 0.10 ACRES (4,225.00 SQ. FT.) AS DESCRIBED.

BASIS OF BEARINGS:

THE EAST LINE OF THE NORTHEAST QUARTER
(NE/4) OF SECTION 28, T11N-R5W - HAVING AN
ASSUMED BEARING OF S 00°00'00" E

The Property described above shall include the right to access the Property through the existing driveways providing access to the City's municipal building contiguous to the Property and the right to use existing public parking in the City's parking facility adjacent to such municipal building.

The Mayor of the City of Mustang is hereby authorized and directed to execute Amendment No. 1 to the Ground Lease Agreement and such other documents as are necessary to complete the lease transaction.

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. EFFECTIVE DATE.

This ordinance shall be referred to a vote of the electors of the City if a legal and sufficient referendum petition is properly filed within thirty (30) days after its passage; otherwise, it shall go into effect thirty (30) days after its passage.

PASSED AND APPROVED this 7th day of November, 2023.

Brian Grider, Mayor

ATTEST:
[SEAL]

Lisa Martin, City Clerk

APPROVED as to form:

Jonathan E. Miller, City Attorney



Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Tim Rooney

Submitting Department: Managerial Department

Item Type: Resolution

Agenda Section: DISCUSSION ITEMS

Subject Title:

Consideration of Resolution No. 24-016, a Resolution of the City Council of the City of Mustang, Oklahoma, Authorizing the City to Enter into and the Mayor to Execute an Amendment to Ground Lease between the City of Mustang and the Mustang Chamber of Commerce.

Recommendation:

Staff recommends approval of Resolution No. 24-016.

Initiator:

Timothy Rooney

Background:

In August of 2021, the City Council approved Resolution No. Resolution 22-009 - Abandoning Tract for Public Park or Other Public Purposes, Resolution 22-010 - Enter into Ground Lease, and Ordinance 1234 - Authorizing Ground Lease to Mustang Chamber of Commerce. Each of these documents were necessary in order for the City of Mustang to offer for lease a .10 acre tract of land to the Mustang Chamber of Commerce in order for the construction of their new office building just southeast of City Hall.

As can sometimes be the case with construction projects, tweaks and adjustments were needed to be made due to encountered utility locations after the above resolutions and ordinances were approved by the City Council in 2021. For instance, there is a large water main that would have required relocation as it was under the eastern third of the original site identified for the Chamber of Commerce building. By shifting the location northwest of the original site and reorienting the proposed site, not only was the cost of a water line relocation avoided, but also the location now is more in line with the existing City Hall structure should there ever be a need to connect the two structures. Rather than hold up construction of the facility and or provide additional cost to the Chamber of Commerce, the approval to move forward was provided by the Office of the City Manager provided the Chamber of Commerce obtained an updated as-built survey of the facility upon its completion with the original dimensions of the size of property to be leased (65' by 65' square) not changed in any way. That was recently accomplished by the Chamber of Commerce and is the updated legal description that is provided within Resolution No. 24-015, Ordinance No.1293, and is identified as Exhibit A in Resolution No. 24-016.

Note: There are three separate agenda items and actions that will be taken by the City Council. This is the third of three items. Staff is recommending approval of Resolution No. 24-016, a Resolution of the City Council

of the City of Mustang, Oklahoma, Authorizing the City to Enter into and the Mayor to Execute an Amendment to Ground Lease between the City of Mustang and the Mustang Chamber of Commerce.

Financial Impact:

Remains the same as identified in 2021 (\$100 plus \$825 per year for the length of the term of the lease. However, by approving the new legal description and thus the amended location, significant utility relocation costs were saved.

Staff Comments:

I would like to thank the City Council for their ability to think outside of the box to address a need in Mustang while also strengthening community partnerships.

Attachments:

[Resolution No. 24-016 - Authorizing City to Enter into Amendment No. 1 to Ground Lease \(rev. 10-31-23\).pdf](#)

[Amendment No. 1 to Ground Lease Agreement \(rev. 10-31-23\).pdf](#)

[Chamber Original vs As Built.pdf](#)

RESOLUTION NO.: 24-016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MUSTANG, OKLAHOMA, AUTHORIZING THE CITY TO ENTER INTO AND THE MAYOR TO EXECUTE AN AMENDMENT TO GROUND LEASE BETWEEN THE CITY OF MUSTANG AND THE MUSTANG CHAMBER OF COMMERCE

WHEREAS, the City of Mustang (“City”), pursuant to Resolution No. 22-010 approved August 3, 2021, authorized the City to entered into a Ground Lease with the Mustang Chamber of Commerce (“Chamber”) to allow the Chamber to construct offices in close proximity to the City Hall so that new residents and businesses moving or relocating into the City would be able to access their business needs and obtain business information at one central location.

WHEREAS, during the process of construction it was learned that the new Chamber office could not be constructed in the original proposed location because of existing sewer and other facilities, and that the location needed to be relocated slightly west and north of the proposed construction site.

WHEREAS, the benefits of inducing the Chamber to locate its office in close proximity to City Hall and entering into a long-term agreement under which the Chamber will provide services to further the City’s economic development goals remains, and City reiterates all findings set forth in Resolution No. 21-010 and confirms that those benefits will still be served by amending the Ground Lease to move the location for the Chamber office building and confirm that the Chamber shall have access through the City’s existing driveways and parking through the existing public parking lot.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mustang, Oklahoma, that the City of Mustang desires to and hereby enters into an Amendment to the Ground Lease Agreement between the City and the Chamber to adjust the location of the

Chamber office building and confirm access through the City's existing driveways and parking in the existing public parking lot, and the Mayor is hereby authorized and directed to execute Amendment No. 1 to the Ground Lease between the City of Mustang and the Mustang Chamber of Commerce in the form attached hereto as Exhibit A.

AND BE IT FURTHER RESOLVED THAT this Resolution shall take effect and be in force from and after its passage, as provided by law.

ADOPTED by the City Council of the City of Mustang, Oklahoma, on this 7th day of November, 2023.

SIGNED by the Mayor of the City of Mustang, Oklahoma, on this 7th day of November, 2023.

THE CITY OF MUSTANG, OKLAHOMA

Brian Grider, Mayor

ATTEST: [SEAL]

Lisa Martin, City Clerk

Approved as to form:

Jonathan E. Miller, City Attorney

**AMENDMENT NO. 1 TO
GROUND LEASE AGREEMENT**

THIS AMENDMENT NO. 1 TO GROUND LEASE AGREEMENT ("Amendment") is made and entered into as of November ___, 2023, by and between the CITY OF MUSTANG, OKLAHOMA, an Oklahoma municipal corporation ("City") and the MUSTANG CHAMBER OF COMMERCE, an Oklahoma not-for-profit corporation ("Chamber").

In consideration of the recitals and the mutual promises, obligations and covenants set forth in the Ground Lease Agreement dated August 3, 2021 (the "Lease"), and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the City and Chamber agree that Exhibit "A" attached to the Lease should be and is hereby replaced in its entirety by Exhibit "A" attached hereto. In all other respects, the Lease is hereby ratified and confirmed by the parties hereto.

This Amendment is subject to passage and final effectiveness of an appropriate resolution and ordinance authorizing the provisions hereof.

Executed and effective as of the date set forth above.

CITY OF MUSTANG, OKLAHOMA

By: _____
Brian Grider, Mayor

ATTEST:

Lisa Martin, City Clerk(Seal)

STATE OF OKLAHOMA)
) SS:
COUNTY OF CANADIAN)

This instrument was acknowledged before me on this ___ day of November, 2023, by Brian Grider, Mayor of the City of Mustang, Oklahoma, an Oklahoma municipal corporation, on behalf of the City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

My Commission Expires:

Notary Public

Executed and effective as of the date set forth above.

MUSTANG CHAMBER OF COMMERCE

By: _____

STATE OF OKLAHOMA)
) SS:
COUNTY OF CANADIAN)

This instrument was acknowledged before me on this ____ day of November, 2023, by _____, _____ of the Mustang Chamber of Commerce, an Oklahoma corporation, on behalf of the Chamber.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

My Commission Expires:

Notary Public

EXHIBIT "A"

Legal Descriptions of the Property

A TRACT OF LAND LYING IN PART OF THE NORTHEAST QUARTER (NE/4) OF SECTION TWENTY-EIGHT (28), TOWNSHIP ELEVEN (11) NORTH, RANGE FIVE (5) WEST OF THE INDIAN MERIDIAN, CANADIAN COUNTY, OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER (NE/4);
THENCE S 00°00'00" E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE/4), A DISTANCE OF 676.26 FEET;
THENCE N 90°00'00" W, PERPENDICULAR TO THE EAST LINE OF SAID NORTHEAST QUARTER (NE/4), A DISTANCE OF 532.73 FEET TO THE POINT OF BEGINNING;
THENCE N 45°00'00" E A DISTANCE OF 65.00 FEET;
THENCE N 45°00'00" W A DISTANCE OF 65.00 FEET;
THENCE S 45°00'00" W A DISTANCE OF 65.00 FEET;
THENCE S 45°00'00" E A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.10 ACRES (4,225.00 SQ. FT.) AS DESCRIBED.

BASIS OF BEARINGS:

THE EAST LINE OF THE NORTHEAST QUARTER (NE/4) OF SECTION 28, T11N-R5W - HAVING AN ASSUMED BEARING OF S 00°00'00" E

THIS DESCRIPTION WAS PREPARED BY:

SHANE D. CARROLL, PLS #1981
ELEVATION LAND SURVEYING, CA #8524

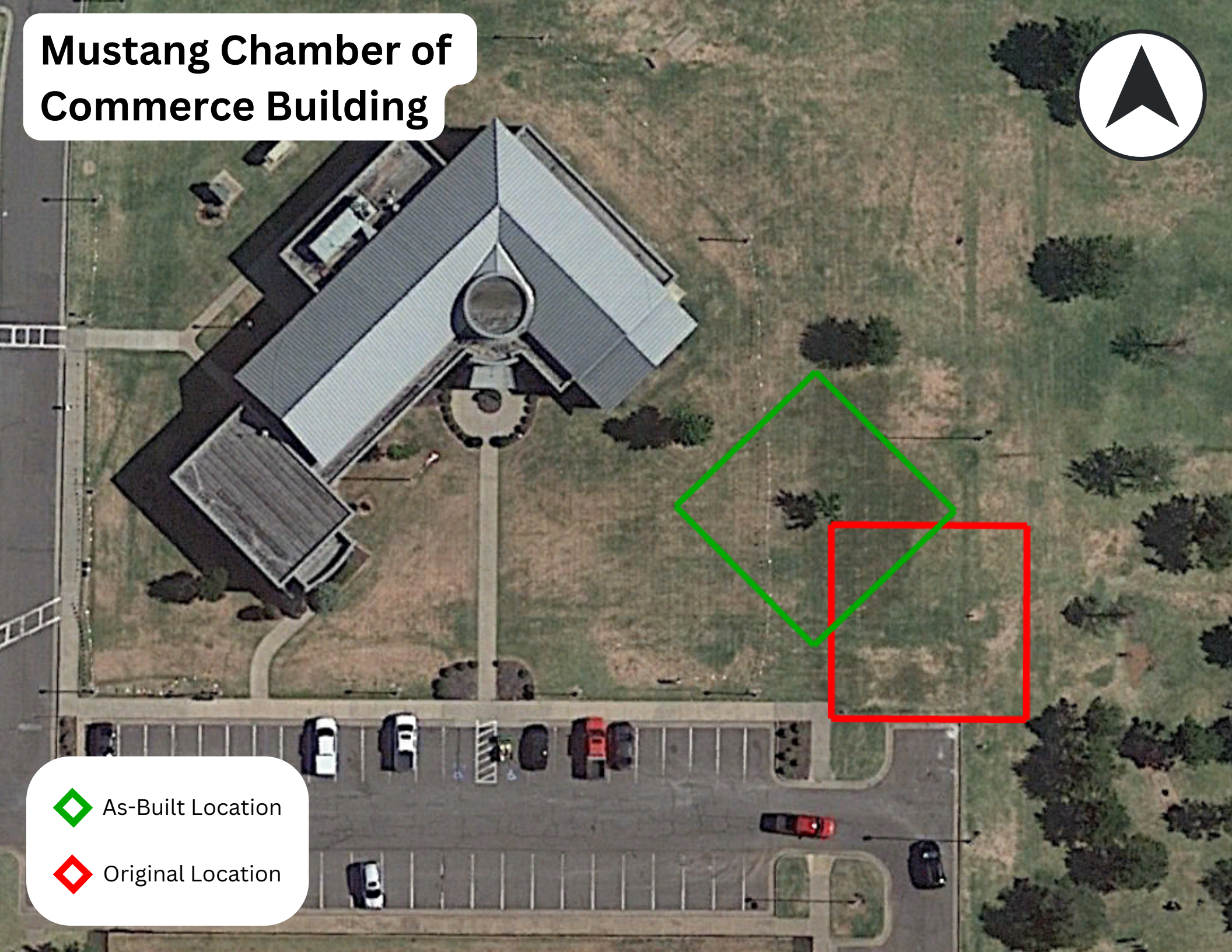
The Property described above shall include the right to access the Property through the existing driveways providing access to the City's municipal building contiguous to the Property and the right to use existing public parking in the City's parking facility adjacent to such municipal building.

Mustang Chamber of Commerce Building



◇ As-Built Location

◇ Original Location





Agenda Item No: I.1

Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Justin Battles

Submitting Department: Managerial Department

Item Type: Approval

Agenda Section: MATTERS FOR EXECUTIVE SESSION

Subject Title:

*Consideration of Potential Purchase and Acceptance of Permanent Easements and Authorization for Mayor and City Staff to Execute Necessary Documents to Accomplish the Same; and proposed Executive Session as Authorized by 25 Okla. Stat. 307(B)(3).

Recommendation:

Initiator:

Justin Battles

Background:

Discussion in Executive Session

Financial Impact:

Staff Comments:

Attachments:



Agenda Item No: I.2

Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Jon Miller

Submitting Department: Law

Item Type: Report

Agenda Section: MATTERS FOR EXECUTIVE SESSION

Subject Title:

Consideration of City of Mustang v. Pathfinder HDD LLC, Case No. CJ-2022-673, District Court, Canadian County, Oklahoma, and In re Pathfinder HDD, LLC, Case No.: 23-12342, United States Bankruptcy Court, Western District of Oklahoma; and, proposed executive session as authorized by 25 Okla. Stat. §307(B)(4).

Recommendation:

Adjourn to executive session for discussion

Initiator:

Jon Miller, City Attorney

Background:

City sued Pathfinder HDD, LLC to recover damage to sewer facilities City alleged was caused by boring work performed by Pathfinder. Pathfinder has since filed for bankruptcy protection. Remaining discussion will occur in executive session.

Financial Impact:

Unknown

Staff Comments:

Staff recommends adjourning to executive session for discussion.

Attachments:



Agenda Item No: I.3

Mustang City Council Agenda Item Report

Meeting Date: November 7, 2023

Submitted by: Jon Miller

Submitting Department: Law

Item Type: Report

Agenda Section: MATTERS FOR EXECUTIVE SESSION

Subject Title:

Consideration of Potential Claim by Mustang Lions Club; and, proposed executive session as authorized by 25 Okla. Stat. §307(B)(4).

Recommendation:

Adjourn to executive session for discussion.

Initiator:

Jon Miller, City Attorney

Background:

Discussion will occur in executive session.

Financial Impact:

None

Staff Comments:

Staff recommends adjourning to executive session for discussion.

Attachments: