

BOARD OF CITY COMMISSIONERS

SPECIAL MEETING

September 28, 2021

2:00 P.M.

**Wheeler Event Center
103 North Wheeler
Sallisaw, OK**

A G E N D A

- 1. Meeting called to order**
- 2. Declaration of a quorum**
- 3. Consider Approval of Minutes of Regular Meeting of August 9, 2021**
- 4. Discuss and Consider Approval of Items Related to the Council Chamber Remodel Project**
 - (a) Accept Bids Received
 - (b) Award of Contract to MGS Construction of Sallisaw in the Amount of \$520,157.00
 - (c) Approval of Change Order No. 1; a Deduction of -\$21,225.00
- 5. Discussion and Study Session Concerning Extension of the 1/2 cent Sales Tax; Possible Direction to Staff.**
- 6. Administrative Reports**

7. Adjourn

Posted: SEPTEMBER 23, 2021

Time: 3:15 P.M.

Dianna Davis

MINUTES
BOARD OF CITY COMMISSIONERS
REGULAR MEETING
AUGUST 9, 2021

The Board of City Commissioners met in a regular meeting on August 9, 2021, in the Wheeler Event Center, 103 North Wheeler, Sallisaw. Notice of the meeting was given by e-mailing to Sequoyah County Times; by posting at city hall; by posting on the city's website; and, by giving notice to the City Clerk.

Members present: Ernie Martens, Mayor
Ronnie Lowe, Member, Ward 1
Josh Bailey, Member, Ward 2
Julian Mendiola, Member, Ward 3
Kristin Peerson, Member, Ward 4

Members absent: (None)

Staff present: Keith Skelton, City Manager
Dianna Davis, City Clerk
Robin Haggard, Director of Finance
Keith Miller, Building Development Director
Terry Franklin, Chief of Police
Lisa Gabbert, Administrative Clerk
George Bormann, Grants Admin/Eco Dev Dir
Jessica Robertson, Customer Service Supervisor
Todd Long, Sallisaw NOW
Amy Edwards, Sallisaw NOW
Devin Harriman, Patrolman

Others present: Mindy Long; Kelly Osburn; David and Susan Chandler; Robert Morris; Lynn Daggs, Lyndsey Daggs; Jennifer Jones; Mark Walters; Roy Faulkenberry; Laura Brown.

Mayor Martens called the meeting to order at 6:02 p.m. and declared a quorum was present.

PRESENTATION TO LYNN DAGGS

Keith Skelton made a presentation to Lynn Daggs, who is retiring from managing the city swimming pool. He noted that Lynn had worked for the city during the summer at the pool for 21 years. He thanked her for her service to the citizens of Sallisaw and for her dedication in watching over the youth at the pool.

REMOVAL OF ANY ITEM FROM THE CONSENT AGENDA

None

CONSENT AGENDA

- (a) Consider Approval of Minutes of Regular Meeting of July 12, 2021, and Special Meeting of July 21, 2021

Motion was made by Lowe, seconded by Mendiola, for approval of the consent agenda. Vote: Lowe aye; Mendiola aye; Bailey aye; Peerson aye; Martens aye. Motion carried 5-0.

CONSIDER ANY ITEM REMOVED FROM THE CONSENT AGENDA

None.

DISCUSS AND CONSIDER APPROVAL OF ENGINEERING CONTRACT WITH NEEL, HARVEL AND ASSOCIATES, IN THE AMOUNT OF \$38,700.00, FOR ENGINEERING SERVICES RELATED TO SANITARY SEWER SYSTEM IMPROVEMENTS

Motion was made by Mendiola, seconded by Bailey, for approval. Vote: Mendiola aye; Bailey aye; Lowe aye; Peerson aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF PLANNING COMMISSION CASE NO. PC 2021-010; APPLICATION FOR SINGLE LOT PLAT, BY J. DAVID CHANDLER AND SUSAN M. CHANDLER

Keith Miller reviewed this item with council, noting everything was satisfactory for the plat. Motion was made by Lowe, seconded by Mendiola, for approval of Planning Commission Case No. PC 2021-010. Vote: Lowe aye; Mendiola aye; Bailey aye; Peerson aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF PLANNING COMMISSION CASE NO. PC 2021-011; REZONING REQUEST FROM AGRICULTURE (A-1) TO RESIDENTIAL (R-2,) BY J. DAVID CHANDLER AND SUSAN M. CHANDLER; AND, ORDINANCE 2021-07 WITH EMERGENCY CLAUSE

Keith Miller reviewed this item with council, noting it was a companion to the previous item. Following discussion, motion was made by Lowe, seconded by Mendiola, for approval of the rezoning request from A-1 to R-2, Planning Commission Case No. PC 2021-011; Ordinance 2021-07. Vote: Lowe aye;

Mendiola aye; Bailey aye; Peerson aye; Martens aye. Motion carried 5-0. Motion was made by Lowe, seconded by Mendiola, for approval of the emergency clause. Vote: Lowe aye; Mendiola aye; Bailey aye; Peerson aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF CHANGE ORDER NO. 5 FOR THE AIRPORT FUEL FARM AND DRAINAGE IMPROVEMENTS, A DEDUCTION IN THE AMOUNT OF \$31,462.80; AND, ACCEPT PROJECT AS COMPLETE

The City Manager reviewed this item with council, noting it was a decrease in the overall contract amount. Motion was made by Mendiola, seconded by Peerson, for approval of Change Order No. 5 for the airport fuel farm and drainage improvements project, and to accept the project as complete. Vote: Mendiola aye; Peerson aye; Bailey aye; Lowe aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF ADMINISTRATIVE POLICY 1.013.00, MASS NOTIFICATION SYSTEM

Jessica Robertson reviewed this item with council, noting the policy defines emergency and non-emergency use. She also noted that a customer can opt out of receiving notifications. Motion was made by Mendiola, seconded by Lowe, for approval of Administrative Policy 1.013.00. Vote: Mendiola aye; Lowe aye; Bailey aye; Peerson aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF ORDINANCE 2021-08, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SALLISAW BY ESTABLISHING AND ADOPTING A NEW CHAPTER 19, ADVERTISING AND SIGNS, TO THE CITY OF SALLISAW CODE OF ORDINANCES, TO PROVIDE FOR REGULATION OF SIGNS, DEFINITIONS, STANDARDS, EXEMPTIONS, PERMITS, PENALTY, ENFORCEMENT, REPEAL AND SEVERABILITY; AND, DECLARING AND EMERGENCY

The City Manager reviewed this item with council, noting the planning commission had reviewed this on two different occasions. Right-of-way was discussed. He also noted that some things would require a permit, but not everything. Mark Walters was present and asked if this ordinance would, in any way, prevent him in putting out his signs, like he did in the last election, as long as he has land owner/property owner permission and would he have to have a permit. The City Manager responded that he had already answered Mr. Walters in a text message. Mr. Walters asked that he answer it again, right now. Mr. Skelton responded the answer was no. He asked that Mr.

Walters read the ordinance. The answer (to his question) is no as long as he has permission from the property owner and it does not involve intersections, flashing lights, stuff like that, he is good. Following discussion, motion was made by Mendiola, seconded by Bailey, for approval of Ordinance 2021-08. Vote: Mendiola aye; Bailey aye; Lowe aye; Peerson aye; Martens aye. Motion carried 5-0. Motion was made by Mendiola, seconded by Bailey, for approval of the emergency clause. Vote: Mendiola aye; Bailey aye; Lowe aye; Peerson aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF ORDINANCE 2021-09, AN ORDINANCE REPEALING SECTION 102-09 OF CHAPTER 102, ARTICLE I OF THE CODE OF ORDINANCES OF THE CITY OF SALLISAW AND DECLARING AND EMERGENCY

The City Manager noted that approval of Ordinance 2021-09, would repeal Ordinance 2013-04, which placed a moratorium on billboard signs. Motion was made by Mendiola, seconded by Bailey, for approval of Ordinance 2021-09. Vote: Mendiola aye; Bailey aye; Lowe aye; Peerson aye; Martens aye. Motion carried 5-0. Motion was made by Mendiola, seconded by Bailey, for approval of the emergency clause. Vote: Mendiola aye; Bailey aye; Lowe aye; Peerson aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF ORDINANCE 2021-10, AN ORDINANCE AMENDING CHAPTER 22, BUSINESSES, ARTICLE IX, MARIJUANA AND TOBACCO, TO THE SALLISAW CODE OF ORDINANCES, REPEALING SECTION 22-310 (E), (F), (G) AND ADOPTING AND ENACTING THE FOLLOWING NEW SECTIONS 22-310 (E), (F), (G) TO THE SALLISAW CODE OF ORDINANCES; AND DECLARING AN EMERGENCY

The City Manager noted that approval of this ordinance would amend our current regulations concerning commercial marijuana growing, processing, distribution, wholesale or storage facilities. If approved, these type of operations would be prohibited within the city limits, except for those already permitted, or those in the process and who have already been in contact with the city prior to this date. Motion was made by Mendiola, seconded by Bailey, for approval of Ordinance 2021-10. Vote: Mendiola aye; Bailey aye; Lowe aye; Peerson aye; Martens aye. Motion carried 5-0. Motion was made by Mendiola, seconded by Bailey, for approval of the emergency clause. Vote: Mendiola aye; Bailey aye; Lowe aye; Peerson aye; Martens aye. Motion carried 5-0.

DISCUSS AND CONSIDER APPROVAL OF ORDINANCE 2021-11, AN ORDINANCE AMENDING CHAPTER 22, BUSINESSES, ARTICLE IX, MARIJUANA AND TOBACCO, TO THE SALLISAW CODE OF ORDINANCES, ADOPTING AND ENACTING THE FOLLOWING NEW SECTION 22-311 TO THE SALLISAW CODE OF ORDINANCES; AND DECLARING AN EMERGENCY

The City Manager noted that this ordinance addresses when and how city business marijuana licenses/permits may be revoked or cancelled. Motion was made by Mendiola, seconded by Bailey, for approval of Ordinance 2021-11. Vote: Mendiola aye; Bailey aye; Lowe aye; Peerson aye; Martens aye. Motion carried 5-0. Motion was made by Mendiola, seconded by Bailey, for approval of the emergency clause. Vote: Mendiola aye; Bailey aye; Lowe aye; Peerson aye; Martens aye. Motion carried 5-0.

REVIEW, DISCUSS AND PROVIDE GUIDANCE TO STAFF REGARDING PROPOSED ORDINANCE FOR TRANSIENT MERCHANTS AND VENDORS

The City Manager noted the proposed ordinance for transient merchants and vendors was included in the agenda for council's review and comment. He asked that council continue review of the proposed ordinance over the next month and to let him know if they have any questions or comments.

ADMINISTRATIVE REPORTS

The City Manager reported that we are continuing to monitor the covid situation with employees. Our numbers have been increasing again, which is causing some problems in our workforce. He reviewed the most recent numbers from the state, which indicate a 700% increase since May. He noted if our numbers continue to rise he may have to re-implement certain measures to try and keep our employees healthy. He is encouraging employees to get vaccinated. Finance staff is working on items in preparation for the annual audit. Christian should now have all of council's I-pads working and up to date. The speed tables have been installed in Richland Estates and seem to have been received well.

ADJOURN

Motion was made by Lowe, seconded by Mendiola, to adjourn the meeting there being no further business. Vote: Lowe aye; Mendiola aye; Peerson aye; Bailey aye; Martens aye. Motion carried 5-0. The meeting adjourned at 6:54 p.m.

APPROVED the 28th day of SEPTEMBER 2021.

Ernie Martens, Mayor

ATTEST:

Dianna Davis, City Clerk

(SEAL)

AGENDA ITEM COMMENTARY

Meeting Date: September 28, 2021
Board: Board of City Commissioners
Subject: Council Chamber Remodel Project

ITEM TITLE: Discuss and Consider Approval of Items Related to the Council Chamber Remodel Project

INITIATOR: City Manager

STAFF INFORMATION SOURCE: Joe Velasquez, Risley Architects

BACKGROUND: Bids were opened for this project on September 8, 2021. Thirteen (13) bidders were invited to bid, but only one bid was received. The bid received was from MGS Construction of Sallisaw in the amount of \$520,157.00. Following the bid opening, city staff and the architect were able to meet with MGS and come up with deductions for cost savings.

- Staff proposes to award the contract in the amount bid, \$520,157.00, then approve Change Order No. 1, a deduction in the amount of -\$21,255.00. This will bring the total contract amount to \$498,932.00. Staff notes there is \$340,000 budgeted in the Capital Improvement Fund (Fund 30). The remaining \$158,932 needed will come from various line item adjustments in Fund 30.
- Given the current cost of building materials, staff sees no improvement in the immediate future. Staff feels we need to proceed with the project, so we may proceed to other projects planned at a later time. Contractors tell us their schedules are very busy, as dictated in the bid made available to 13 contractors, but only receiving one bid.

EXHIBITS: 1. 20-11 SallisawCouncil-ReBid-Recommendation-091721
2. SallisawCouncil-Change Order #1

KEY ISSUES:

- Completion of this project is needed in order for us to free up the new civic center for public use and to allow us to move on to final planning of other remodel projects.
- Budget adjustments in Fund 30 include the elimination of three vehicles for Administration and Building Development. This provides an additional \$91,000. We are currently unable to order new vehicles due to lack of inventory. Vehicle dealers are unable to tell us when this will end.
- In addition, an amount of approximately \$67,775 will be used from funds previously reserved for the future PD remodel project. Note,

we still have funding set aside to begin architectural work on the PD.

FUNDING SOURCE: Fund 30 Capital Improvement 30-100-57712

RECOMMENDATION:

1. Accept bids received.
2. Approval of award of contract with MGS Construction of Sallisaw, in the amount of \$520,157.00.
3. Approval of Change Order No. 1, in the deduct amount of - \$21,225.00.



September 17, 2021

Keith Skelton
City of Sallisaw
115 East Choctaw
Sallisaw, Ok 74955

RE: Sallisaw Council Building Remodel – Re-Bid Award Recommendation

Mr. Skelton,

As you know the lowest and only bid came from MGS Construction at the cost of \$520,157.00. 13 Contractors were invited to bid and whether it be work load or timing, none were able to bid. MGS Construction was the low bidder in November of 2020 as well. With that said I recommend award to MGS Construction for the Sallisaw Council building Remodel.

Now we know the price came in over budget so Keith Miller and I sat down with MGS and went over a few V.E. Items below.

- Change from Copper to Pex in plumbing = \$4,500 deduct
- Change counter tops for main council desk and support counters from Solid surface to Granite = \$13,025 deduct. (This one surprised me as solid surface is typically cheaper but because of material cost right now it'll give us a substantial savings).
- Remove metal panel from entry of building and paint existing panels = \$2,500 deduct
- Remove knox box. (Mr. Miller mentioned several people are close enough to the facility with keys to negate the need for one) = \$1,200 deduct.
- City to perform demolition of concrete for trench of new plumbing, demo of block wall, and the new striping on the west side of the building for parking = deduct \$9,400.

There are a few more things you can do to reduce cost like remove painting the exterior of the building or removing the rock accent wall but then at that point I fill like you would be diminishing the end product and I would advise against doing same if at all possible.

With those deductions you will still get the same end result desired and save a total of \$30,625. This would bring your new construction cost to \$489,532.00

Sincerely,

Joseph Velásquez



AIA[®] Document G701[™] – 2001

Change Order

PROJECT: *(Name and address)*
Sallisaw Council Building Remodel
113 N. Elm Street
Sallisaw, OK 74955

CHANGE ORDER NUMBER: 01

DATE: 9/22/21

OWNER ☐

ARCHITECT ☐

CONTRACTOR ☐

TO CONTRACTOR: *(Name and address)*
MGS Construction
310 E. Taylor Dr
Sallisaw, OK 74955

ARCHITECT'S PROJECT NUMBER: 20-11

CONTRACT DATE: TBD

FIELD ☐

OTHER ☐

CONTRACT FOR: Remodel

The Contract is changed as follows:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives.)
Various Value Engineering items as shown on the attached letter.

The original (Contract Sum) (Guaranteed Maximum Price) was	\$ 520,157.00
The net change by previously authorized Change Orders	\$ 0.00
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was	\$ 520,157.00
The (Contract Sum) (Guaranteed Maximum Price) will be (increased) (decreased) (unchanged) by this Change Order in the amount of	\$ 21,225.00
The new (Contract Sum) (Guaranteed Maximum Price), including this Change Order, will be	\$ 498,932.00
The Contract Time will be (increased) (decreased) (unchanged) by (0) days.	
The date of Substantial Completion as of the date of this Change Order, therefore, is 120 days after signed contract	

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Risley Architects
ARCHITECT (Firm name)
6101 Phoenix Ave, Suite 1
Fort Smith, AR 72903
ADDRESS

MGS Construction
CONTRACTOR (Firm name)

ADDRESS

City of Sallisaw
OWNER (Firm name)
PO Box 525 Sallisaw, OK 74955
ADDRESS

BY (Signature)

BY (Signature)

BY (Signature)

(Typed name)

(Typed name)

(Typed name)

9/22/21

DATE

DATE

DATE

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.



September 21, 2021

Keith Skelton
City of Sallisaw
115 East Choctaw
Sallisaw, Ok 74955

RE: Sallisaw Council Building Remodel – Re-Bid Award Recommendation

Mr. Skelton,

As you know the lowest and only bid came from MGS Construction at the cost of \$520,157.00. 13 Contractors were invited to bid and whether it be work load or timing, none were able to bid. MGS Construction was the low bidder in November of 2020 as well. With that said I recommend award to MGS Construction for the Sallisaw Council building Remodel.

Now we know the price came in over budget so Keith Miller and I sat down with MGS and went over a few V.E. Items below.

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- Remove knox box. (Mr. Miller mentioned several people are close enough to the facility with keys to negate the need for one) = \$1,200 deduct.

There are a few more things you can do to reduce cost like remove painting the exterior of the building or removing the rock accent wall but then at that point I fill like you would be diminishing the end product and I would advise against doing same if at all possible.

With those deductions you will still get the same end result desired and save a total of \$21,225.00. This would bring your new construction cost to **\$498,932.00**

Sincerely,

Joseph Velasquez

AGENDA ITEM COMMENTARY

Meeting Date: September 28, 2021
Board: Board of City Commissioners
Subject: Extension of 1/2 Cent Sales Tax for City Projects

ITEM TITLE: Discussion and Study Session Concerning Extension of the 1/2 cent Sales Tax; Possible Direction to Staff.

INITIATOR: City Manager

STAFF INFORMATION SOURCE: City Staff

BACKGROUND: City staff will review plans for possible extension of the 1/2 cent sales tax currently in place for the sports complex.

EXHIBITS:

KEY ISSUES:

- Early payoff of the current sports complex bonds.
- Extension of the 1/2 cent sales tax to support other projects of the community.
- Possible partnership with other organizations.

FUNDING SOURCE: Sales Tax and Revenue Bonds

RECOMMENDATION: Recieve presentation, discuss plans and possible directions to staff.