

**NOTICE OF A REGULAR MEETING OF THE
CHEROKEE DEVELOPMENT AUTHORITY
112 NORTH GRAND
CHEROKEE, OK 73728
WEDNESDAY, OCTOBER 12TH, 2022, AT 6:00 P.M.**

All items on this agenda, including but not limited to any agenda item concerning the adoption of any ordinance, resolution, contract, agreement, or any other item of business, are subject to amendment, including additions and/or deletions. This rule will apply to every individual agenda item without exception, and without providing this same amendment language with respect to each individual agenda item. Such amendments should be rationally related to the topic of the agenda item, or the governing body will be advised to continue the item.

The governing body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the governing body may refer the matter to its City/Trust Manager, staff, attorney or to the recommending board, commission, or committee.

CALL TO ORDER: MAYOR KOLBY ARNOLD

A. INVOCATION

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL—AMBER K. WILHITE, CITY CLERK

D. CONSENT AGENDA

1. CONSIDER AND VOTE TO APPROVE, DENY, AMEND OR REVISE THE MINUTES FROM THE SEPTEMBER 20TH, 2022, REGULAR MEETING.
2. CONSIDER AND VOTE TO APPROVE, DENY, AMEND OR REVISE THE CLAIMS LIST.

E. ITEMS REMOVED FROM CONSENT AGENDA

F. ORDINANCES

G. RESOLUTIONS

1. CONSIDER AND VOTE TO APPROVE OR DENY ADOPTING RESOLUTION 2022-11, A RESOLUTION AGREEING TO FILE APPLICATION WITH THE OKLAHOMA WATER RESOURCES BOARD (THE "OWRB") FOR FINANCIAL ASSISTANCE THROUGH THE DRINKING WATER STATE REVOLVING FUND (DWSRF) PROGRAM, WITH LOAN PROCEEDS BEING FOR THE PURPOSE OF FINANCING WATER SYSTEM IMPROVEMENTS SERVING THE CITY OF CHEROKEE, OKLAHOMA; APPROVING PROFESSIONAL SERVICES AGREEMENTS; AND CONTAINING PROVISIONS RELATED THERETO.
2. CONSIDER AND VOTE TO APPROVE OR DENY ADOPTING RESOLUTION 2022-13, A RESOLUTION OF THE CITY OF CHEROKEE/CHEROKEE DEVELOPMENT AUTHORITY FOR THE CITY OF CHEROKEE TO MAKE IMPROVEMENTS TO OHIO STREET AND AUTHORIZING THE MAYOR OF THE CITY OF CHEROKEE TO DIRECT TO BE SUBMITTED THE REQUIRED 25% MATCH TO MUNICIPAL ROAD DRILLING ACTIVITY FUNDS FOR THE OHIO STREET OVERLAY PROJECT.

H. REPORTS OF DEPARTMENTS, BOARDS, OR COMMITTEES

1. SEPTEMBER 2022 FINANCIALS PRESENTED BY RSMEACHAM CPA'S.
2. MANAGER'S REPORT.

I. BUSINESS

- 1. CONSIDER AND DISCUSS LEAK ADJUSTMENT ON STEVEN STAUFFER PROPERTY IN WHICH CITY MANAGER HAS ALREADY APPROVED A FIRST TIME LEAK ADJUSTMENT. LEAK OCCURRED OVER TWO BILLING CYCLES. CUSTOMER IS REQUESTING THAT COUNCIL CONSIDER AN ADJUSTMENT ON THE SECOND BILL.**
- 2. CONSIDER AND DISCUSS LEAK ADJUSTMENT ON DUANE JUDD PROPERTY IN WHICH CITY MANAGER HAS ALREADY APPROVED A FIRST TIME LEAK ADJUSTMENT. LEAK OCCURRED OVER TWO BILLING CYCLES. CUSTOMER IS REQUESTING THAT COUNCIL CONSIDER AN ADJUSTMENT ON THE SECOND BILL.**
- 3. CONSIDER AND DISCUSS WITH RESPECT TO FINANCING OPTIONS RELATING TO NEW WATER PROJECT INCLUDING BUT NOT LIMITED TO \$1 MILLION PRINCIPAL FORGIVENESS AND \$1 MILLION ARPA GRANTS.**
- 4. CONSIDER AND DISCUSS TAKING ACTION ON THE ORWA'S (OKLAHOMA RURAL WATER ASSOCIATION) LONG RANGE SUSTAINABILITY PLAN AND LETTER OF INTENT TO BEGIN WORK WITH THE CITY OF CHEROKEE AS PRESENTED BY LOGAN DAVIS THE PROGRAM SPECIALIST FOR SUSTAINABILITY WITH THE ORWA.**
- 5. CONSIDER AND DISCUSS TAKING ACTION WITH RESPECT TO A RESOLUTION AGREEING TO FILE APPLICATION WITH THE OKLAHOMA WATER RESOURCES BOARD (THE "OWRB") FOR FINANCIAL ASSISTANCE THROUGH THE DRINKING WATER STATE REVOLVING FUND (DWSFR) PROGRAM, WITH LOAN PROCEEDS BEING FOR THE PURPOSE OF FINANCING WATER SYSTEM IMPROVEMENTS SERVING THE CITY OF CHEROKEE, OKLAHOMA; APPROVING PROFESSIONAL SERVICES AGREEMENTS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.**
- 6. CONSIDER AND DISCUSS TAKING ACTION WITH RESPECT TO APPROVAL OF A PROJESSIONAL SERVICE AGREEMENT WITH MYERS ENGINEERING RELATING TO WATER SYSTEM IMPROVEMENTS.**
- 7. CONSIDER CONVENING INTO EXECUTIVE SESSION FOR A CONFIDENTIAL COMMUNICATION WITH THE CITY ATTORNEY REGARDING A CLAIM AGAINST WESTERN MUNICIPAL SUPPLY, LLC, THE THIRD-PARTY CONTRACTOR ON THE AMI WATER METER PROJECT, IF THE GOVERNING BODY DETERMINES, WITH THE ADVICE OF THE CITY ATTORNEY, THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE GOVERNING BODY TO PROCESS THE CLAIM IN THE PUBLIC INTEREST. THIS EXECUTIVE SESSION PERMITTED BY (25 O.S. 307 (B) (4)).**
 - A. COUNCIL TO ACKNOWLEDGE RETURN TO REGULAR SESSION.**
 - B. COUNCIL TO TAKE ANY ACTION DEEMED NECESSARY WITH RESPECT TO THE EXECUTIVE SESSION, INCLUDING BUT NOT LIMITED TO GIVING THE CITY ATTORNEY DIRECTION TO TAKE RESPECTING THE CONTRACT WITH WESTERN MUNICIPAL SUPPLY, L.L.C.**

J. NEW BUSINESS (IN ACCORDANCE WITH SECTION 311 (9) O.S. TITLE 25)

K. REMARKS AND INQUIRIES BY THE GOVERNING BODY MEMBERS

L. NEXT SCHEDULED MEETING WILL BE HELD ON NOVEMBER 9TH, 2022.

ADJOURNMENT

ATTEST:

FILED IN THE OFFICE OF THE CITY OF CHEROKEE, OCTOBER 11TH, 2022, AT 4:00 P.M.



AMBER K. WILHITE, CITY CLERK



**NOTICE OF A REGULAR MEETING
OF THE CITY OF CHEROKEE
112 NORTH GRAND
CHEROKEE, OK 73728
WEDNESDAY, OCTOBER 12TH, 2022
IMMEDIATELY FOLLOWING CDA MEETING**

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CALL TO ORDER: MAYOR KOLBY ARNOLD

A. ROLL CALL—AMBER K. WILHITE, CITY CLERK

B. AWARDS AND SPECIAL RECOGNITION

C. CONSENT AGENDA

1. CONSIDER AND VOTE TO APPROVE, DENY, AMEND OR REVISE THE MINUTES FROM THE OCTOBER 20TH, 2022, REGULAR MEETING.
2. CONSIDER AND VOTE TO APPROVE, DENY, AMEND OR REVISE THE CLAIMS LIST.

D. ITEMS REMOVED FROM CONSENT AGENDA

E. ORDINANCES

1. CONSIDER AND VOTE TO APPROVE, DENY, AMEND, OR REVISE ORDINANCE 2022-07, AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHEROKEE, OKLAHOMA, AMENDING CHAPTER 10 OF THE CHEROKEE MUNICIPAL CODE 2021; BY THE REPEAL OF SECTION 10-1003 WHICH PROVIDES FOR THE OFFENSE OF A MINOR PURCHASING OR POSSESSING TABACCO AND FURTHER REPEALING THE PROVISIONS IN SECTION 1-111C PROVIDING FOR THE PENALTY FOR THE PURCHASE OR POSSESSION OF TOBACCO PRODUCTS; PROVIDING FOR AN EFFECTIVE DATE; DECLARING AN EMERGENCY.
2. CONSIDER AND VOTE TO APPROVE OR DENY DECLARING ORDNANCE 2022-07 AS AN EMERGENCY.

F. RESOLUTIONS

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2. CONSIDER AND VOTE TO APPROVE OR DENY ADOPTING RESOLUTION 2022-12, A RESOLUTION DESIRING TO AMEND THE 2015 CAPITAL IMPROVEMENTS PLAN (CIP) FOR THE CITY OF CHEROKEE; AND IT IS IN THE BEST INTEREST OF THE RESIDENTS OF THE CITY OF CHEROKEE TO EXPEDITE THE FOLLOWING CHANGES TO THE CIP FOR APPLICATIONS FOR FINANCIAL ASSISTANCE FROM VARIOUS FUNDING AGENCIES/PROGRAMS, IN THE FORM OF GRANTS: PAGE 13, UTILITIES (WATER, SEWER) SECTION ADD NEW ITEM UNDER "M" MANDATORY: REHABILITATE THE WATER TOWER AND FILL STATION. ESTIMATED COST IS \$150,000.
 3. CONSIDER AND VOTE TO APPROVE OR DENY ADOPTING RESOLUTION 2022-13, A RESOLUTION OF THE CITY OF CHEROKEE/CHEROKEE DEVELOPMENT AUTHORITY FOR THE CITY OF CHEROKEE TO MAKE IMPROVEMENTS TO OHIO STREET AND AUTHORIZING THE MAYOR OF THE CITY OF CHEROKEE TO DIRECT TO BE SUBMITTED THE REQUIRED 25% MATCH TO MUNICIPAL ROAD DRILLING ACTIVITY FUNDS FOR THE OHIO STREET OVERLAY PROJECT.
- G. REPORTS OF DEPARTMENTS, BOARDS, OR COMMITTEES
1. SEPTEMBER 2022 FINANCIALS PRESENTED BY RSMEACHAM CPA'S.
 2. MANAGER'S REPORT.
- H. BUSINESS
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 2. CONSIDER AND DISCUSS TAKING ACTION WITH RESPECT TO APPROVAL OF A PROFESSIONAL SERVICE AGREEMENT WITH MYERS ENGINEERING RELATING TO WATER SYSTEM IMPROVEMENTS.
 3. CONSIDER CONVENING INTO EXECUTIVE SESSION FOR A CONFIDENTIAL COMMUNICATION WITH THE CITY ATTORNEY REGARDING A CLAIM AGAINST WESTERN MUNICIPAL SUPPLY, LLC, THE THIRD-PARTY CONTRACTOR ON THE AMI WATER METER PROJECT, IF THE GOVERNING BODY DETERMINES, WITH THE ADVICE OF THE CITY ATTORNEY, THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE GOVERNING BODY TO PROCESS THE CLAIM IN THE PUBLIC INTEREST. THIS EXECUTIVE SESSION PERMITTED BY (25 O.S. 307 (B) (4)).
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 - B. COUNCIL TO TAKE ANY ACTION DEEMED NECESSARY WITH RESPECT TO THE EXECUTIVE SESSION, INCLUDING BUT NOT LIMITED TO GIVING THE CITY ATTORNEY DIRECTION TO TAKE RESPECTING THE CONTRACT WITH WESTERN MUNICIPAL SUPPLY, L.L.C.
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