

The McAlester City Council met in a Regular session on Tuesday, August 25, 2015, at 6:00 P.M. after proper notice and agenda was posted, August 24, 2015 at 2:57 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Captain Robert Daniels, Salvation Army gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Travis Read, Robert Karr, Buddy Garvin, Jason Barnett & Steve Harrison
Absent: None
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Gary Wansick, Police Chief; Toni Ervin, CFO; Ralph Jernigen, Assistant Fire Chief; Jerry Lynn Wilson, Expo Center Manager; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Ceremony & Awards

Mayor Harrison presented Toni Ervin, CFO, and the Finance Department of the City of McAlester with an “Achievement of Excellence in Financial Reporting” Award from the Government Finance Officers Association. He commended Ms. Ervin and the Finance Department for taking the extra steps to achieve this award.

Citizens Comments on Non-Agenda Items

There were no Citizen comments.

Consent Agenda

- A. Approval of the Minutes from the August 11, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for August 6, 2015 through August 18, 2015. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$115,091.63; Parking

Authority - \$129.45 Nutrition - \$1,785.69; Landfill Res/Sub-Title D - \$1,087.95; Tourism Fund - \$2,680.32; SE Expo Center - \$9,024.74; E-911 - \$5,743.62; Economic Development - \$23,947.82; Fleet Maintenance - \$17,956.62; CIP Fund - \$20,969.40 and Technology Fund – 4182.99.

- C. Ratify and approve an agreement between the City of McAlester and the American Red Cross for use of the JI Stipe Recreation Center as an Emergency Shelter. *(Cora Middleton, City Clerk)*
- D. Ratify and approve an agreement between the City of McAlester and the Oklahoma Tourism and Recreation Commission to help distribute promotional brochures for the City of McAlester. *(Cora Middleton, City Clerk)*
- E. Ratify and approve an agreement between the City of McAlester and American Municipal Services (AMS) for the collection of delinquent fines. *(Cora Middleton, City Clerk)*
- F. Consider and act upon, adoption of a corrected schedule for the Fire Fighter's Pay Scale. This is a correction to a scrivener's error and has no effect on the original resolution. The previous schedule, presented at the June 23rd Council Meeting, and the corrected one are attached. There will be no past or current effect to any employee's pay. *(Toni Ervin, Chief Financial Officer)*
- G. Consider and act upon, authorizing the Mayor to sign Customer Service Agreement with Unifirst for the purchase and rental of uniforms to be provided to the Non-Uniform employees of the City of McAlester. This is a new vendor. It is funded by the Clothing Allowance line item in each department. *(Toni Ervin, Chief Financial Officer)*
- H. Consider and act upon, authorization of payment to T. McDonald Construction, Inc. "Contractor's Application for Payment #9", in the amount of \$80,937.56, for the construction of road and infrastructure improvements related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- I. Consider and act upon, authorization of payment to Carstensen Contracting, Inc. "Contractor's Application for Payment #3", in the amount of \$796,332.60, for the construction of road and infrastructure improvements related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- J. Consider and act upon, authorization of payment to Poe & Associates, Inc., Invoice # WIC 9608, in the amount of \$878.73, for engineering services related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*

Councilman Smith requested that item "E" be removed for individual consideration.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve Consent Agenda items “A through D and F through J”. There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Titsworth, Karr, Garvin, Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

Items removed from Consent Agenda

E. Ratify and approve an agreement between the City of McAlester and American Municipal Services (AMS) for the collection of delinquent fines. (*Cora Middleton, City Clerk*)

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to Ratify and approve an agreement between the City of McAlester and American Municipal Services (AMS) for the collection of delinquent fines.

Before the vote, Councilman Smith commented that he wanted clarification on the fee.

Following a brief discussion concerning the original agreement, the two (2) addendums to the agreement, how State statutes had changed, and how well the service was being performed, it was decided to pull the item until the next Council meeting.

Manager Stasiak informed the Council that staff would look at a new agreement and information on how well the collections had been. He added this would be presented to the Council.

No action was take on this item.

A motion was made by Councilman Karr and seconded by Councilman Garvin to open a Public Hearing to address two (2) Ordinances. There was no discussion, and the vote was taken as follows:

AYE: Councilman Karr, Smith, Read, Garvin, Barnett, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:16 P.M.

Public Hearing

- **AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2014-15; REPEALING ALL**

CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

- **AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2538 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2015-16; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

There were no comments from the Council or audience and Councilman Smith moved to close the Public Hearing. The motion was seconded by Councilman Karr and the vote was taken as follows:

AYE: Councilman Smith, Karr, Garvin, Barnett, Titsworth, Read & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:16 P.M.

Scheduled Business

1. Presentation of Financial Reporting under GASB Statements (Actuarial Report) for the City of McAlester Defined Benefit Retirement Plan and Trust as of June 30, 2015. (*Bruce R. Nordstrom, FSA, EA, MAAA, Senior Consulting Actuary, MHBT Inc.*)

Executive Summary

Motion to accept and place on file the Actuarial Report for period ending June 30, 2015.

Bruce Nordstrom, Senior Consulting Actuary, MHBT, Inc. addressed the Council reviewing the Actuarial Report for the City of McAlester Defined Benefit Retirement Plan and Trust as of June 30, 2015. He commented on the continued level funding of the Plan by the City and how it would lead to the Plan eventually being fully funded. He stated that the City had gained more control of the Plan.

Mayor Harrison inquired about the difference in the Market and Actuarial value of the Plan's assets and he commented that the Plan seemed to be doing better than in the past.

There was no action taken on this item.

2. Accept and place on file, the FY 2015 Annual Report for the McAlester Public Works Authority's "Water System Operation and Maintenance Agreement" with Severn Trent Environmental Services., Inc. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Accept the FY 2015 Annual Report for the McAlester Public Works Authority's "Water System Operation and Maintenance Agreement" with Severn Trent Environmental Services., Inc. for the months July 2014 through June 2015.

Director Modzelewski addressed the Council explaining that as it was the end of the fiscal year Severn Trent was going to present the Annual Report instead of a Quarterly Report. He then briefly highlighted some of the improvements that had been made at the Water Treatment Plant. Director Modzelewski introduced Jake Walton, Severn Trent Project Manager for the City of McAlester Water Treatment Plant.

Mr. Walton addressed the Council commenting that the first year of operations at the McAlester Water Treatment Plant had come to an end and during the year there had been many changes and improvements. He informed the Council that Severn Trent had ended the year within the Chemical Cap with a total savings of \$74,094.63. But there had also been many needed repairs and capital improvements identified. He commented that many of the improvements and regular maintenance throughout the facility had been deferred over the years. He then reviewed some of the improvements that had been accomplished over the past year. He then introduced Stephanie Cerling, PE, Engineering Manager, Technical Solutions Group.

Ms. Cerling addressed the Council reviewing many of the ‘Critical’ Capital improvement Projects and concerns that were needed at the Water Treatment Plant.

There was discussion among the Council, Manager Stasiak, Mr. Walton and Ms. Cerling concerning prioritizing the needs, establishing how the City could fund these needs, continuing maintenance on old or outdated machinery, the condition of the pumps that send water to the City from the Plant, how the residual solids could be used and if the City used fluoride in its’ treatment process.

At the end of the discussion, a motion was made by Councilman Smith and seconded by Vice-Mayor Read to accept Severn Trent’s Annual Report. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Barnett, Titsworth, Karr & Mayor Harrison

NAY: Councilman Garvin

Mayor Harrison declared the motion carried.

3. Consider and act upon, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to approve the budget amendment ordinance.

ORDINANCE NO. 2543

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2014-15; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Karr and seconded by Councilman Smith to approve **ORDINANCE NO. 2543**, amending Fiscal Year 2014-2015 Budget.

Before the vote, CFO Ervin addressed the Council reviewing the exhibits and explaining that this amendment would appropriate funds Donations, additional Retirees Funds and additional Contracted Refuse Service. There was no discussion, and the vote was taken as follows:

AYE: Councilman Karr, Smith, Barnett, Titsworth, Read, Garvin & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried.

Vice-Mayor Read moved to approve the EMERGENCY CLAUSE. The motion was seconded by Councilman Garvin and the vote was taken as follows:

AYE: Councilman Read, Garvin, Smith, Titsworth, Karr, Barnett & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried.

4. Consider and act upon, an Ordinance amending Ordinance No. 2538 which established the budget for fiscal year 2015-16; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve the budget amendment ordinance.

ORDINANCE NO. 2544

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2538 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2015-16; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve **ORDINANCE NO. 2544**, amending Fiscal Year 2015-2016 Budget.

Before the vote, CFO Ervin addressed the Council reviewing the exhibits for the amendment. She explained that this amendment would move all open projects from Fiscal Year 2014-2015 Budget into the current fiscal year. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Garvin, Karr, Barnett, Titsworth & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried.

Vice-Mayor Read moved to approve the EMERGENCY CLAUSE. The motion was seconded by Councilman Garvin and the vote was taken as follows:

AYE: Councilman Read, Garvin, Smith, Titsworth, Karr, Barnett & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried.

5. Consider and act upon, awarding the bid in the amount of \$74,800.00 to McCabe Crane & Sign, LLC, for a new digital marquee sign for the Southeast Expo. (*Jerry Lynn Wilson, Expo Center Manager*)

Executive Summary

Motion to approve the award bid to McCabe Crane & Sign, LLC.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to award the bid in the amount of \$74,800.00 to McCabe Crane & Sign, LLC, for a new digital marquee sign for the Southeast Expo.

Before the vote, Expo Center Manager Jerry Lynn Wilson addressed the Council explaining that three (3) bids had been received and opened on July 11th for the digital marquee sign at the Expo Center. After review of all bids it was staff's recommendation to award the bid to McCabe Crane & Sign, LLC.

After discussion among the Council including Ms. Wilson, Manager Stasiak and Attorney Ervin regarding the amount of the bid, how the low bidder could perform quality work at that price, the references for this company, where the contract was for this project and bringing it back at the next meeting with a contract for the project, this item was pulled with no action taken.

6. Discussion and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the purchase of new Nomex Firefighting Hoods. The cost of the hoods not to exceed \$1,500.00. Purchase to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve the purchase of new Nomex Firefighting Hoods. The cost of the hoods not to exceed \$1,500.00. Purchase to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

Before the vote, Assistant Fire Chief Jernigen addressed the Council explaining that the Fire Department would like to purchase an extra Nomex hood for each of the firefighters and the purchase would be funded through the use of the City's portion of the County quarter cent excise tax for fire services.

After a brief discussion regarding the cost of the hoods, the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Barnett, Titsworth & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried.

7. Consider and act upon, awarding a bid in the amount of \$25,493.86 to John Vance Auto Group pursuant to Section 2-275 of the McAlester City Code, for 1 new and unused ½ Ton Truck. (*Gary Wansick, Chief of Police/Sheila Norman, Purchasing Fixed Assets*)

Executive Summary

Motion to approve award of bid to John Vance Auto Group.

Council Karr moved to award a bid in the amount of \$25,493.86 to John Vance Auto Group pursuant to Section 2-275 of the McAlester City Code, for 1 new and unused ½ Ton Truck. The motion was seconded by Councilman Garvin.

Before the vote, Police Chief Wansick addressed the Council explaining that the City's Purchasing Department had requested State Contract Bids for a new, in-stock ½ ton four wheel drive, four door pickup for the Police Department. He added that information had been received from two (2) vendors with John Vance Auto Group being the low bid. The then explained that the available vehicle had additional equipment from what was on the requested specs and the cost had increased to \$25,930.11, but it was still the lowest bid.

Mayor Harrison inquired about the increase being within the budget. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Barnett, Smith, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

8. Consider and act upon, authorizing the Mayor to sign a Professional Services Agreement with Infrastructure Solutions Group, LLC, dba Mehlburger Brawley, for the design of road improvements for a segment of Washington Avenue from Fifth Street to Eighth Street. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with Infrastructure Solutions Group, LLC, dba Mehlburger Brawley, for the design of road improvements for a segment of Washington Avenue from Fifth Street to Eighth Street. The Fee Proposal is a lump sum amount of \$92,800.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to authorize the Mayor to sign a Professional Services Agreement with Infrastructure Solutions Group, LLC, dba Mehlburger Brawley, for the design of road improvements for a segment of Washington Avenue from Fifth Street to Eighth Street. The Fee Proposal is a lump sum amount of \$92,800.

Before the vote, Director Modzelewski addressed the Council explaining that this agreement would allow the consultant to provide engineering services for the design of road improvements

for a segment of Washington Avenue from Fifth Street to Eighth Street. He added the engineering services included design and utility survey, geotechnical study, utilities plan and coordination, roadway plans, and bid documents, including final plans and specifications.

After a brief discussion concerning the use of ground pavement as base material and being able to do this project along with addressing the needs at the Water Treatment Plant, the vote was taken as follows:

AYE: Councilman Smith, Read, Garvin, Barnett, Titsworth, Karr & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

9. Consider and act regarding the completion of CIP #1 – 17th Street. (*Peter Stasiak, City Manager*)

Executive Summary

Discussion and possible action regarding implementation of a plan for completion of CIP#1.

Manager Stasiak addressed the Council informing them that on August 3, 2015 he was brought a Change Order for CIP #1. He reminded them that the City had contracted with Carstensen Contracting for approximately \$114,000.00 to finish CIP #1. He commented that when he received the Change Order in the amount of \$42,680.50 he immediately contacted Attorney Ervin. He added that by State law change orders cannot exceed 15% of the total contract. He stated that he, Attorney Ervin, CFO Ervin and members of EST contacted Josh Dede to discuss the Change Order and the City's limitations by State law. He commented that Mr. Dede was not satisfied with the options that were presented to him and requested to address the Council in person.

Josh Dede, 612 North Tamarack, Pipestone, Minnesota, addressed the Council reviewing the process that his company had taken to complete CIP #1, adding that the work had exceeded the bid quantities and he was here to figure out what could be done to receive payment for the work that had been completed.

After discussion regarding the three (3) options that had been presented by the Attorney Ervin, the language in the agenda, if the City had been notified prior to the additional work being done, if the contractor was aware of the 15% limitation, if there had been any indication from the Bonding Company, and if the work had been verified, Councilman Garvin moved to approve the Change Order for 15% of the contract, \$17,147.92. The motion was seconded by Councilman Barnett and the vote was taken as follows:

AYE: Councilman Garvin, Barnett, Smith, Titsworth, Karr & Mayor Harrison

NAY: Councilman Read

Mayor Harrison declared the motion carried.

New Business

There was no New Business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that 90% of the body Cams had been deployed and were in use, the 911 Generator had been installed last week, there would be a Special Meeting on Thursday, August 27th at 5:30 P.M. to address a proposal to refinance some of the City's remaining bonds, there was a Planning and Zoning meeting at 6:30 P.M. that evening followed by a Board of Adjustment meeting and Bids had been opened for the Sandy Creek Canal Wall project and hopefully would be bringing the recommendation before the Council soon.

Remarks and Inquiries by City Council

There were no remarks of inquiries by the City Council for the evening.

Mayor's Comments and Committee Appointments

Mayor Harrison did not have any comments for the evening.

Recess Council Meeting

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Vice-Mayor Read. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Barnett, Titsworth & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:42 P.M.

Reconvene Council Meeting

The meeting was reconvened at 7:44 P.M.

Adjournment

There being no further business to come before the Council, Councilman Karr moved for the meeting to be adjourned. The motion was seconded by Councilman Smith.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Karr, Smith, Titsworth, Read, Garvin, Barnett & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:21 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk