

Council Chambers  
Municipal Building  
October 11, 2016

The McAlester City Council met in a Regular session on Tuesday, October 11, 2016, at 6:00 P.M. after proper notice and agenda was posted, October 6, 2016 at 11:30 A.M.

### **Call to Order**

Mayor Browne called the meeting to order.

Vice-Mayor Robert Karr gave the invocation and led the Pledge of Allegiance.

### **Roll Call**

Council Roll Call was as follows:

Present: Weldon Smith, Cully Stevens, Robert Karr, Buddy Garvin, Jason Barnett & John Browne  
Absent: Travis Read  
Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; Mel Priddy, Community Services Director; Leroy Alsup, Community & Economic Development Director; and Cora Middleton, City Clerk

### **Citizens Comments on Non-Agenda Items**

*Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to five (5) minutes.*

Christy Johns, Main Street Board Member introduced Amy Newman to the Council as the new McAlester Main Street Director.

### **Consent Agenda**

*All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

- A. Approval of the Minutes from the September 27, 2016, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for September 21, 2016 through October 4, 2016. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$100,663.19; Nutrition - \$966.25; Landfill Res./Sub-Title D - \$8,169.00; Tourism Fund - \$15,414.27; SE Expo

Center - \$12,662.03; E-911 - \$592.76; Economic Development - \$14,023.65; Grants & Contributions - \$25,000.00; CDBG Grants Fund - \$11,535.00; Fleet Maintenance - \$35,780.19; CIP Fund - \$105,570.45; Federal Forfeiture Fund - \$14,516.56 and Technology Fund - \$15,849.55.

- C. Consider and act upon, authorization of payment to KATCON, Inc., Invoice Payment #3, in the amount of \$ 34,646.98, for Construction Services related to Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- D. Accept and place on file, the Oklahomans for Independent Living quarterly report for the months of April through June, 2016. *(Peter Stasiak, City Manager)*
- E. Consider and act upon, to concur with the Mayor's appointment of Robert Thornton, 405 E. Chickasaw Ave., McAlester, 74501, to the McAlester Housing Authority Board for a term beginning October 12, 2016 and ending July 31, 2017. *(John Browne, Mayor)*
- F. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC, Invoice MC-15-02A-03, in the amount of \$11,012.00 for Professional Services related to Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- G. Consider and act upon, authorization of payment to Old Town Association, Invoice 536909, in the amount of \$5,443.75 to reimburse the Association for expenses incurred for the Wild West Festival per agreement dated June 14, 2016. *(Toni Ervin, Chief Financial Officer)*
- H. Consider and act upon, to approve and authorize the Mayor to sign the Outer Marker Lease agreement. *(Joe Ervin, City Attorney)*
- I. Consider and act upon, the approval of the dissolution of the Perpetual Cemetery Care Trust. *(Joe Ervin, City Attorney)*

Mayor Browne stated that item "G" needed to be tabled and Manager Stasiak requested that item "H" be pulled for individual consideration.

There was no further discussion and Councilman Smith moved to approve Consent Agenda items "A through F and I". The motion was seconded by Councilman Garvin and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Stevens, Karr, Barnett & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried.

**Items Removed from Consent Agenda**

H. Consider and act upon, to approve and authorize the Mayor to sign the Outer Marker Lease agreement. (Joe Ervin, City Attorney)

Manager Stasiak explained that the original lease had been changed to include Lucille Whetsel’s name as co-owner of the property.

There was no other discussion, and Councilman Smith moved to approve and authorize the Mayor to sign the Outer Marker Lease agreement. The motion was seconded by Vice-Mayor Karr, and the vote was taken as follows:

AYE: Councilman Smith, Karr, Stevens, Garvin, Barnett & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried.

G. Consider and act upon, authorization of payment to Old Town Association, Invoice 536909, in the amount of \$5,443.75 to reimburse the Association for expenses incurred for the Wild West Festival per agreement dated June 14, 2016. (Toni Ervin, Chief Financial Officer)

A motion was made by Councilman Smith and seconded by Councilman Stevens to table item “G”. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Stevens, Karr, Garvin, Barnett & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried.

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

AYE: Councilman Smith, Stevens, Karr, Garvin, Barnett & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:11 P.M.

**Public Hearing**

*All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.*

**AN ORDINANCE AMENDING CHAPTER 86 PARKS AND RECREATION OF THE McALESTER CITY CODE OF ORDINANCES BY ADDING A NEW ARTICLE V. PUBLIC TRAIL**

**REGULATIONS; REPEALING CHAPTER 102 TRAFFIC AND VEHICLES, ARTICLE V. BICYCLES, SEC. 102-181 OPERATION ON WALKING/JOGGING TRAILS IN ITS ENTIRETY; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR, AND DECLARING AN EMERGENCY.**

**AN ORDINANCE AMENDING THE MCALESTER CITY CODE CHAPTER 62 LAND DEVELOPMENT CODE, ARTICLE V. ZONING, DIVISION 3. ZONING DISTRICTS AND DISTRICT REGULATIONS, SUBDIVISION II. SPECIFIC DISTRICTS, SECTION 62-207 I-1 LIGHT INDUSTRIAL DISTRICT AND SECTION 62-208 I-2 HEAVY INDUSTRIAL DISTRICT TO MODIFY SECTION 62-207(B) USES PERMITTED AND SECTION 62-208(B) USES PERMITTED TO ADD PUBLIC BUILDINGS OR USES AS A PERMITTED USE, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.**

There were no comments or discussion on either of the proposed ordinances and Councilman Stevens moved to close the Public Hearing. The motion was seconded by Councilman Smith and the vote was taken as follows:

AYE: Councilman Stevens, Smith, Garvin, Barnett, Karr & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:11 P.M.

### **Scheduled Business**

1. Consider and act upon, an Ordinance amending Chapter 86 Parks And Recreation of the McAlester City Code of Ordinances by adding a new Article V. Public Trail Regulations; Repealing Chapter 102 Traffic and Vehicles, Article V. Bicycles, Sec. 102-181 Operation On Walking/Jogging Trails in its entirety; repealing all conflicting ordinances, providing for severability, and declaring an emergency. (*Leroy Alsup, Community & Economic Development Director*)

#### Executive Summary

Motion to approve an Ordinance amending Chapter 86 Parks And Recreation of the McAlester City Code of Ordinances by adding a new Article V. Public Trail Regulations; Repealing Chapter 102 Traffic and Vehicles, Article V. Bicycles, Sec. 102-181 Operation On Walking/Jogging Trails in its entirety; repealing all conflicting ordinances, providing for severability, and declaring an emergency, and authorizing the Mayor to sign the ordinance.

Director Alsup addressed the Council explaining that in the Belmont Trail Grant Application to the Oklahoma Tourism Recreation Department the City committed that the new Belmont Trail would be a Multi-Use Trail instead of a Single-Use. He informed the Council of a correction that needed to be made to the ordinance and commented that after review of the ordinance by several individuals it was found to be adequate.

There was a brief discussion among the Council including Manager Stasiak, Director Alsup and Director Priddy regarding the width of the track, allowing skateboards on the track, adopting the ordinance as it was written and possibly accommodating skateboards in the future.

**ORDINANCE NO. 2579**

**AN ORDINANCE AMENDING CHAPTER 86 PARKS AND RECREATION OF THE McALESTER CITY CODE OF ORDINANCES BY ADDING A NEW ARTICLE V. PUBLIC TRAIL REGULATIONS; REPEALING CHAPTER 102 TRAFFIC AND VEHICLES, ARTICLE V. BICYCLES, SEC. 102-181 OPERATION ON WALKING/JOGGING TRAILS IN ITS ENTIRETY; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.**

There was no further discussion, and Councilman Smith moved to approve ORDINANCE NO. 2579. The motion was seconded by Vice-Mayor Karr and the vote was taken as follows:

AYE: Councilman Smith, Karr, Barnett, Stevens, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

A motion was made by Vice-Mayor Karr and seconded by Councilman Barnett to approve the EMERGENCY CLAUSE. There was no discussion, and the vote was taken as follows:

AYE: Councilman Karr, Barnett, Smith, Stevens, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

2. Consider and act upon, an Ordinance amending the McAlester City Code Chapter 62 Land Development Code, Article V. Zoning, Division 3. Zoning Districts and District Regulations, Subdivision II. Specific Districts, Section 62-207 I-1 Light Industrial District and Section 62-208 I-2 Heavy Industrial District to modify Section 62-207(B) Uses Permitted and Section 62-208(B) Uses Permitted to add public buildings or uses as a Permitted Use, repealing all conflicting ordinances, providing for severability, and declaring an emergency. (*Leroy Alsup, Community & Economic Development Director*)

Executive Summary

Motion to approve an Ordinance amending the McAlester City Code Chapter 62 Land Development Code, Article V. Zoning, Division 3. Zoning Districts and District Regulations, Subdivision II. Specific Districts, Section 62-207 I-1 Light Industrial District and Section 62-208 I-2 Heavy Industrial District to modify Section 62-207(B) Uses Permitted and Section 62-208(B) Uses Permitted to add public buildings or uses as a Permitted Use, repealing all conflicting ordinances, providing for severability, and declaring an emergency, and authorizing the Mayor to sign the ordinance.

Director Alsup addressed the Council explaining that there was a zoning compliance issue with the new Pittsburg County Emergency Management Center at 1200 Captain Zappy Ott Drive. He commented that the current zoning was I-1 Light Industrial district and the zoning did not include a public facility. He added that at the September 29<sup>th</sup> Special meeting the Planning

Commission recommended that this issue should not only be addressed to accommodate the existing and planned County facilities, but also to provide for other public buildings in I-1 and I-2 industrial zoning districts.

There was a brief discussion concerning the process in the future.

**ORDINANCE NO. 2580**

**AN ORDINANCE AMENDING THE MCALESTER CITY CODE CHAPTER 62 LAND DEVELOPMENT CODE, ARTICLE V. ZONING, DIVISION 3. ZONING DISTRICTS AND DISTRICT REGULATIONS, SUBDIVISION II. SPECIFIC DISTRICTS, SECTION 62-207 I-1 LIGHT INDUSTRIAL DISTRICT AND SECTION 62-208 I-2 HEAVY INDUSTRIAL DISTRICT TO MODIFY SECTION 62-207(B) USES PERMITTED AND SECTION 62-208(B) USES PERMITTED TO ADD PUBLIC BUILDINGS OR USES AS A PERMITTED USE, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.**

A motion was made by Councilman Smith and seconded by Councilman Stevens to approve **ORDINANCE NO. 2580**. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Stevens, Karr, Garvin, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

A motion was made by Vice-Mayor Karr and seconded by Councilman Garvin to approve the EMERGENCY CLAUSE.

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

AYE: Councilman Karr, Garvin, Smith, Stevens, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, a resolution approving and accepting Oklahoma Department of Commerce Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-EDIF) Grant Contract No. 16765 CDBG-ED 16 and for providing Job Tracking and authorizing the Mayor and City Staff to sign Environmental and Release of Funds documents and other grant related documents consistent with the City's CDBG-EDIF Application for the Krebs Brewing Co., Inc. acquisition of an industrial building/property project. (*Leroy Alsup, Community & Economic Development Director, Millie Vance, Grant Administrator*)

Executive Summary

Motion to approve a resolution approving and accepting Oklahoma Department of Commerce Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-EDIF) Grant Contract No. 16765 CDBG-ED 16 and for providing Job Tracking and authorizing the Mayor and City Staff to sign Environmental and

Release of Funds documents and other grant related documents consistent with the City's CDBG-EDIF Application for the Krebs Brewing Co., Inc. acquisition of an industrial building/property project.

Millie Vance, Grant Administrator addressed the Council congratulating the City for the award of a \$1,000,000.00 CDBG-EDIF Grant for Krebs Brewing Co., Inc. She then reviewed the process to approve and accept the Grant.

After a brief discussion concerning job tracking and who would be gathering that information, a motion was made by Councilman Smith and seconded by Councilman Garvin to approve RESOLUTION NO. 16-14, approving and accepting the Oklahoma Department of Commerce Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-EDIF) Grant Contract No. 16765 CDBG-ED 16, for providing Job Tracking and authorize the Mayor and City Staff to sign the Environmental and Release of Funds and other grant related documents.

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

AYE: Councilman Smith, Garvin, Stevens, Karr, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, a Statement of Compliance of Special Conditions as required by CDBG-EDIF Contract No. 16765 CDBG-ED 16, regarding Procurement Procedures, Ineligible Costs, Loan Rules, Sale of Building, and Appraisal. (*Leroy Alsup, Community & Economic Development Director, Millie Vance, Grant Administrator*)

Executive Summary

Motion to approve the Statement of Compliance of Special Conditions as required by CDBG-EDIF Contract No. 16765 CDBG-ED 16, regarding Procurement Procedures, Ineligible Costs, Loan Rules, Sale of Building, and Appraisal and authorizing the Mayor to sign the Statement of Compliance Form.

Millie Vance, Grant Administrator reviewed the steps required to accept the Grant and added that this particular step was part of the release of funds.

There was no other discussion, and Councilman Smith moved to approve the Statement of Compliance of Special Conditions as required by CDBG-EDIF Contract No. 16765 CDBG-ED 16, regarding Procurement Procedures, Ineligible Costs, Loan Rules, Sale of Building, and Appraisal and authorize the Mayor to sign the Statement of Compliance Form. The motion was seconded by Councilman Garvin and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Karr, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, authorizing the Mayor to accept the bid and sign the Notice of Award to Collins Waterworks, LLC in the amount of \$ 62,590.00 for 500 N. Main Drainage Improvements Project. *(Peter Stasiak, City Manager)*

Executive Summary

Staff recommendation is to accept the lowest and best bidder of Collins Waterworks, LLC in the amount of \$ 62,590.00 for 500 N. Main Drainage Improvements Project.

Manager Stasiak addressed the Council explaining that this was part of the Stormwater project and that this was the second time this particular project had been bid.

Dale Burke, P.E., Infrastructure Solutions Group, LLC, President addressed the Council informing them that the City had received four (4) bids and that after review of all bids Collins Waterworks, LLC had been the low bidder at \$62,590.00

After a brief discussion, concerning the amounts of the bids, how Collins could be 25% lower than the other bidders and that Collins Waterworks, LLC had worked with the City previously and were currently in the City, a motion was made by Vice-Mayor Karr and seconded by Councilman Garvin to accept the bid from Collins Waterworks, LLC in the amount of \$62,590.00 for the 500 N. Main Drainage Improvements projects.

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

AYE: Councilman Karr, Garvin, Barnett, Smith, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

6. Consider and act upon, authorizing the Mayor to accept the bid and sign the Notice of Award to Rocking O Construction in the amount of \$ 25,000.00 for the Washington Ave. Bridge Sidewalk Repair Project. *(Peter Stasiak, City Manager)*

Executive Summary

Staff recommendation is to accept the lowest and best bidder of Rocking O Construction in the amount of \$ 25,000.00 for the Washington Ave. Bridge Sidewalk Repair Project.

Manager Stasiak addressed the Council explaining that this project was to repair the damage to the bridge that had been caused by a car accident.

Robert Vaughan addressed the Council explaining that out of the four (4) bids that the City had received, Rocking O Construction had been the lowest, most qualified bidder. He added that this repair would be for the east corner edge of the bridge.

After a brief discussion concerning repairs to the center section of the bridge, the limits of the insurance company involved with the settlement and how the City was systematically addressing the various high priority items, Councilman Smith moved to accept the bid from Rocking O Construction in the amount of \$25,000.00 as the lowest and best bid. The motion was seconded by Vice-Mayor Karr and the vote was taken as follows:

A motion to approve the EMERGENCY CLAUSE was made by Councilman Read and seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Karr, Garvin, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

### **New Business**

*Any matter not known or which could not have been reasonably foreseen prior to the time of posting the Agenda in accordance with Sec. 311.9, Title 25, Oklahoma State Statutes.*

There was no new business.

### **City Manager's Report**

- Report on activities for the past two weeks.

Manager Stasiak reported that the Economic Development team had been working with many others to put together the \$1 million grant. He commented that 80% of new jobs were created within a community. He informed the Council that 215 of the City's employees had attended the customer service training and the thirty-five (35) that had been unable to attend would be able to watch the recording that had been made during one of the sessions. He added that forty-two (42) employees would also attend conflict management training.

Manager Stasiak reported that Crawford and Associates were in the City this week gathering information to prepare the working papers for the fiscal year 15/16 audit. He informed the Council that the City had received notice of a \$700,000.00 grant from the Oklahoma Department of Transportation for the trails system and the Police Department had received a grant for eight (8) new bullet proof vests.

### **Remarks and Inquiries by City Council**

Vice-Mayor Karr commented about the coin show that was scheduled for the Expo this weekend and reminded everyone about the Pride In McAlester cleanup this weekend.

Councilmen Smith, Stevens, Garvin and Barnett did not have any comments for the evening.

### **Mayor's Comments and Committee Appointments**

Mayor Browne asked Manager Stasiak to update the Council on the DEQ consent orders.

Manager Stasiak reviewed the various steps that had been taken to address the 2007 Oklahoma Department of Environmental Quality (ODEQ) for TTHMs. He commented that over the past nine (9) years all of the sites had been brought into compliance and ODEQ was going to rescind the consent order.

Mayor Browne congratulated Jimmy Williams for the award that he had received, he congratulated the McAlester News Capital for their investigative work and informed the Council that October was “Domestic Violence Awareness Month”.

Recess Council Meeting

Mayor Browne 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 Karr. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Karr, Garvin, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 6:48 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:49 P.M.

Adjournment

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

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

AYE: Councilman Garvin, Stevens, Barnett, Smith, Karr & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 6:49 P.M.

ATTEST:

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John Browne, Mayor

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Cora Middleton, City Clerk