

Council Chambers  
Municipal Building  
October 25, 2016

The McAlester City Council met in a Regular session on Tuesday, October 25, 2016, at 6:00 P.M. after proper notice and agenda was posted, October 20, 2016 at 1:15 P.M.

### **Call to Order**

Mayor Browne called the meeting to order.

David Turner gave the invocation and led the Pledge of Allegiance.

### **Roll Call**

Council Roll Call was as follows:

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

Absent: None

Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, CFO; William J. Ervin, City Attorney 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.*

Risk Mask, 621 Village Blvd., addressed the Council expressing his concerns on the opening of a proposed Methadone Clinic in the building where “Cherry Berry” had been located.

Mayor Browne informed Mr. Mask that at this time the Council could not discuss this topic, but if he would contact any of the Council members they would discuss the matter with him.

### **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 October 11, 2016, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)

- B. Approval of Claims for October 5, 2016 through October 18, 2016. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$135,785.78; Parking Authority - \$104.79; Nutrition - \$2,362.66; Landfill Res./Sub-Title D - \$3,969.00; Tourism Fund - \$7,701.04; SE Expo Center - \$4,063.89; E-911 - \$14,892.48; Economic Development - \$12,964.99; Grants & Contributions - \$8,292.25; CDBG Grants Fund - \$5,375.00; Fleet Maintenance - \$5,745.80; Worker's Compensation - \$941.68; CIP Fund - \$15,327.67; Federal Forfeiture Fund - \$850.00 and Technology Fund - \$3,326.58.
- C. **TABLED FROM THE OCTOBER 11<sup>TH</sup> MEETING;** 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 the agreement dated June 14, 2016. *(Toni Ervin, Chief Financial Officer)*
- D. Consider and act upon, to concur with the Mayor's appointment of Ms. Mozelle Proctor, 308 Eagle Bend, McAlester, 74501 to the McAlester Library Advisory Board for a term beginning January 1, 2017 and ending December 31, 2021. *(John Browne, Mayor)*

Vice-Mayor Karr moved to approve the Consent Agenda. The motion was seconded by Councilman Garvin, there was no discussion and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

A motion was made by Councilman Smith and seconded by Councilman Read to open a Public Hearing to address four (4) Ordinances. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:10 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 OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2568 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2016-17; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF McALESTER ESTABLISHING THE REGULATION OF UTILITY LINES WITHIN THE CITY OF McALESTER, OKLAHOMA; AMENDING**

**MCALESTER CITY CODE CHAPTER 106, UTILITIES, ARTICLE II, SECTION 106-46, DEFINITIONS; SECTION 106-47, MINIMUM BURIAL DEPTH; SECTION 106-48, VARIANCES; SECTION 106-49, RESTORATION OF PROPERTY; AND, SECTION 106-50, COSTS AND EXPENSES, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.**

**CONSIDER AND ACT UPON AN ORDINANCE TO AMEND AND ADOPT SECTIONS 22-96 AND 22-98. TO BE ADDED TO CHAPTER 22, BUSINESSES, ARTICLE IV, PEDDLERS AND SOLICITORS, OF THE CODE OF THE CITY OF MCALESTER, OKLAHOMA, REPEALING ALL CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.**

**CONSIDER AND ACT UPON AN ORDINANCE AMENDING CHAPTER 48, FEES, CHARGES AND SERVICE RATES, ARTICLE II, LICENSES GENERALLY, FORMERLY LOCATED IN CHAPTER 22, BUSINESSES, OF THE CODE OF THE CITY OF MCALESTER, OKLAHOMA, TO AMEND THE FEE SCHEDULE, AND DECLARING AN EMERGENCY.**

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

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

NAY: None

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

### **Scheduled Business**

1. Presentation of the McAlester Regional Health Center Audit for Fiscal Year 2016.  
*(David Keith, CEO, Darryl Linnington, CFO, McAlester Regional Health Center)*

Executive Summary  
Presentation.

David Mack, CFO, McAlester Regional Health Center addressed the Council presenting the 2016 Fiscal Year Audit for the McAlester Regional Health Center. During the presentation, Mr. Mack reviewed the financial status and explained that normally the hospital did not carry long term debt, but with the loan for the construction of the new Emergency Center there was currently long term debt. He reviewed the Hospital's joint ventures, its' charity care and its' financial ratio.

There was a brief discussion among the Council concerning the hospital's debt to net asset ratio, and the Council receiving copies of the entire audit in the future.

Chris Whybrew, Chief Development Officer addressed the Council reviewing the status of the new emergency center commenting that it was hoped that groundbreaking would take place in February or March of 2017.

There was another brief discussion among the Council regarding the time it would take to complete the construction once it began and the number of new employees the hospital anticipated once the center was opened.

There was no vote on this item.

2. Consider and act upon, an Ordinance amending Ordinance No. 2568 which established the budget for fiscal year 2016-17; 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. 2581**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2568 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2016-17; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

CFO Ervin addressed the Council reviewing the exhibits to the Budget Amendment. CFO Ervin explained that this was to appropriate funds for the Residual Handling program which included one (1) full-time employee, chemicals for seven (7) months and a dump truck.

Manager Stasiak commented that the truck would be a roll-off and not a dump truck.

There was no further discussion, and Councilman Read moved to approve **ORDINANCE NO. 2581**. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

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

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

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, an Ordinance establishing the regulation of utility lines burial depths within the City of McAlester. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve an Ordinance establishing the regulation of utility lines burial depths within the City of McAlester.

**ORDINANCE NO. 2582**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER ESTABLISHING THE REGULATION OF UTILITY LINES WITHIN THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 106, UTILITIES, ARTICLE II, SECTION 106-46, DEFINITIONS; SECTION 106-47, MINIMUM BURIAL DEPTH; SECTION 106-48, VARIANCES; SECTION 106-49, RESTORATION OF PROPERTY; AND, SECTION 106-50, COSTS AND EXPENSES, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.**

Manager Stasiak addressed the Council explaining that the City had been experiencing problems with utility lines that were buried two (2) or three (3) inches below the ground. He commented that this would require all utility lines to be buried at minimum depths.

After a brief discussion concerning monitoring the line burial, a motion was made by Vice-Mayor Karr and seconded by Councilman Smith to approve **ORDINANCE NO. 2582**.

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

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

Mayor Browne declared the motion carried.

A motion was made by Councilman Read and seconded by Councilman Stevens to approve the EMERGENCY CLAUSE.

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

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

Mayor Browne declared the motion carried.

4. Consider and act upon, an Ordinance establishing no Solicitor's Permit requirement for charitable contributions, compulsory background check for a Solicitor Permit, and establishing a Peddler or Solicitor to require an invitation to enter a posted premises.  
*(Toni Ervin, Chief Financial Officer, Gary Wansick, Chief of Police)*

Executive Summary

Motion to approve the Ordinance establishing no Solicitor's Permit requirement for charitable contributions, compulsory background check for a Solicitor Permit, and establishing a Peddler or Solicitor to require an invitation to enter a posted premises.

**ORDINANCE NO. 2583**

**CONSIDER AND ACT UPON AN ORDINANCE TO AMEND AND ADOPT SECTIONS 22-96 AND 22-98. TO BE ADDED TO CHAPTER 22, BUSINESSES, ARTICLE IV, PEDDLERS AND SOLICITORS, OF THE CODE OF THE CITY OF MCALESTER, OKLAHOMA, REPEALING ALL CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.**

CFO Ervin addressed the Council explaining that several other communities had been surveyed on how they address this matter. She commented that this could be a safety issue that background checks could help address.

After a brief discussion concerning how to deal with charity scams, asking to see the individuals permit and penalties for not having a permit, Councilman Garvin moved to approve **ORDINANCE NO. 2583**. The motion was seconded by Councilman Stevens and the vote was taken as follows:

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

NAY: Councilman Smith

Mayor Browne declared the motion carried.

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

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

NAY: Councilman Smith

Mayor Browne declared the motion carried.

5. Consider and act upon, an Ordinance to adopt the fee schedule for Peddler and Solicitor permits and add a fee for conducting background checks for Peddler and Solicitor permits. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to approve the Ordinance amending the fee schedule for Peddler and Solicitor permits and add a fee for conducting background checks for Peddler and Solicitor permits.

**ORDINANCE NO. 2584**

**CONSIDER AND ACT UPON AN ORDINANCE AMENDING CHAPTER 48, FEES, CHARGES AND SERVICE RATES, ARTICLE II, LICENSES GENERALLY, FORMERLY LOCATED IN CHAPTER 22, BUSINESSES, OF THE CODE OF THE CITY OF MCALESTER, OKLAHOMA, AND TO AMEND THE FEE SCHEDULE.**

A motion was made by Councilman Stevens and seconded by Councilman Read to approve **ORDINANCE NO. 2584**. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

There was a brief discussion of when the fee could become effective and striking the emergency clause.

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

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

Mayor Browne declared the motion carried.

6. Consider and act upon, to authorize the Mayor to accept and sign State Contract #0-3703 for a period of one year for the supplies, pavement marking and striping services of city streets pursuant to Section 2-275 of the McAlester City Code. (*Peter Stasiak, City Manager*)

Executive Summary

Staff recommends authorization of the Mayor to accept and sign State Contract #0-3703 for the supplies, marking, and striping of city streets per the attached list.

Manager Stasiak addressed the Council explaining that this was phase two (2) of the street striping program. He added that funds had been budgeted in the fiscal year 2016/2017 Budget and in fiscal year 2017/2018 the City should be up to date on the striping of the major roads.

Councilman Garvin commented on the job that the City employees had done in the intersections.

There was no further discussion and a motion to authorize the Mayor to accept and sign State Contract #0-3703 for the supplies, marking and striping of city streets per list was made by Councilman Read. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

7. Consider and act upon, authorizing the Mayor to sign ACC Business Agreement for managed Internet Service for ISP, 10 mbps Fiber, Southeast Expo Center. (*James Stanford, Computer Technical Support, Joe Breeden, BIZTEL*)

Executive Summary

Motion to approve the ACC Business Agreement for managed Internet service.

Sherri Breeden with BizTel addressed the Council explaining that they had kept this contract to as short a period as possible. She commented that this would furnish the Expo Center with internet service for ISP, 10 mbps.

Manager Stasiak commented that currently the Expo did not have reliable internet service and this had been a problem for years. He stated that AT&T would be boring under the highway and this service would allow for better internet access.

There was no other discussion, and Councilman Garvin moved to approve and authorize the Mayor to sign an ACC Business Agreement for managed Internet Service at \$599.00 per month for two (2) years. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

8. Consider and act upon, authorizing the Mayor to sign ACC Business Agreement for managed Internet server for ISP, 50 mbps Fiber, City Hall. (*James Stanford, Computer Technical Support, Joe Breeden, BIZTEL*)

Executive Summary

Motion to approve the ACC Business Agreement for managed Internet service.

Sherri Breeden addressed the Council explaining that this would upgrade the City Hall internet service to 50 mbps and reduce the monthly price by \$478.50.

There was no discussion, and a motion was made by Vice-Mayor Karr to approve and authorize the Mayor to sign the ACC Business Agreement for managed Internet service. The motion was seconded by Councilman Stevens and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

9. Consider and act upon, accepting Change Order No. 2 from Katcon, Inc. for thirty-three (33) weather days only on the Washington Ave. Street Reconstruction Project. There is no increase or decrease in the contract price. (*Dale Burke, Infrastructure Solutions Group, LLC*)

Executive Summary

The recommendation is to accept this Change Order from Katcon, Inc. for thirty-three (33) weather days. There is no increase or decrease in the contract price.

Dale Burke, P.E., President Infrastructure Solutions Group, LLC. addressed the Council explaining that this Changer Order would add thirty-three (33) days to the contract and move the

projected completion date to December 21, 2016. He added that thirty-one (31) days were due to gas and water line relocations and two (2) days were because of weather.

There was no other discussion, and a motion was made by Councilman Smith and seconded by Councilman Read to accept Change Order No 2 from Katcon, Inc. for thirty-three (33) day with no change in contract price. The vote was taken as follows:

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

Mayor Browne declared the motion carried.

10. Consider and act upon, a resolution authorizing the creation of a Full Time Position of Residual Handling Operator in the Waste Water Division and placed on the Non Uniform Pay plan on pay grade 117 for the FY 2016-2017. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve resolution for the Full Time Position for the Residual Handling Operator.

Manager Stasiak addressed the Council explaining that this item was a result of the presentation that had been made regarding the Residual Handling Program at the Water Treatment Plant. He commented that after review it was staff's recommendation that this position be brought in house under the Waste Water Division. He added that this employee would be responsible for loading and hauling the boxes to the landfill, overseeing the drying beds and managing the ponds.

Councilman Garvin commented that he thought it was a good idea to have a City employee for this position.

A motion was made by Councilman Stevens and seconded by Councilman Smith to approve RESOLUTION NO. 16-15, creating a full-time position of Residual Handling Operator in the Waste Water Division and placed on the Non-Uniformed Pay plan at pay grade 117 for FY 2016/2017.

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

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

Mayor Browne declared the motion carried.

11. Consider and act upon, a resolution authorizing the creation of a Full Time Position of Groundskeeper in the Recreation Division and placed on the Non Uniform Pay plan on pay grade 112 for the FY 2016-2017. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve resolution for the Full Time Position of Groundskeeper.

Manager Stasiak addressed the Council explaining that this position would replace the seasonal part time employee at the Softball Complex during the spring and summer months and would

work with other full time employees from the Cemetery and Airport during the fall and winter months under the supervision of the Parks Superintendent, cleaning out and maintaining canals and alleys in the City limits.

There was a brief discussion concerning the mitigation plan that Infrastructure Solutions Group, LLC had developed to stabilize the canal walls and the cost to repair canal walls that fell.

A motion was made by Councilman Smith and seconded by Councilman Garvin to approve RESOLUTION NO. 16-16, creating the full time position of Groundskeeper. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

12. Discussion and update on Financials. (*Toni Ervin, Chief Financial Officer*)  
Executive Summary  
Discussion.

CFO Ervin addressed the Council reviewing the City's finances as of September, 2016. Ms. Ervin began with a brief review of the General Fund revenues and expenses commenting that the one (1) time payments that are made at the first of the fiscal year would even out as the year progressed. She then reviewed the transfers in and out of the fund, and the sales and use tax receipts. CFO Ervin reviewed the MPWA Fund commenting that the revenue was over budget. She then reviewed the transfer out to the General Fund and how the water sales to all customers were up. Ms. Ervin briefly explained the City's use of P-Cards or Purchase Cards. She commented that these cards allowed for more control of expenses, allowed legitimate purchases from vendors that did not accept purchase orders and aided in verifying purchases. She explained the level of approval that all purchases went through and the responsibilities of the employees that used a purchase card.

Councilman Smith inquired about the amount of use the cards were getting and CFO Ervin stated that to date the cards had been used for \$43,500.00 in purchases or travel.

There was no vote on this item.

### **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 in the Agenda packets there were several pages of project updates and also lists of planned projects. He informed them that the City currently had a 16” line on Hickory that was broke and crews were working on its repairs.

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

Councilman Smith thanked Pride In McAlester for its cleanup efforts.

Councilman Stevens thanked the City Manager for his response to various matters.

Councilman Read commented on remarks that he had received from citizens about the difficulty hearing the Council meetings on the TV and the video not being on the website. He asked if there was any way that the videos could be loaded onto “YouTube” or streamed live on the website. Manager Stasiak stated that he would look into those options.

Councilman Garvin commented on the number of things that were going on in McAlester and asked if there was any way this information could be put on the City’s television channel.

Councilmen Karr and Barnett did not have any comments for the evening.

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

Mayor Browne commented on the recent loss of a citizen in Afghanistan. He informed the Council and audience of a new group in McAlester. It was called “Parents helping Parents” and was a peer support group. He then announced that Trick-or-Treat would be Saturday, October 29<sup>th</sup> from 6:00 p.m. to 9:00 p.m.

### **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 Councilman Read. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:30 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 7:32 P.M.

### **Adjournment**

There being no further business to come before the Council, Councilman Read 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 Read, Smith, Karr, Garvin, Stevens, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:32 P.M.

ATTEST:

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John Browne, Mayor

\_\_\_\_\_  
Cora Middleton, City Clerk