



# McAlester City Council

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## NOTICE OF MEETING

### Regular Meeting Agenda

Tuesday, March 8, 2011 – 6:00 pm  
McAlester City Hall – Council Chambers  
28 E. Washington  
McAlester, Oklahoma 74501

Kevin E. Priddle .....	Mayor
Weldon Smith .....	Ward One
Steve Harrison .....	Ward Two
John Browne.....	Vice-Mayor, Ward Three
Robert Karr .....	Ward Four
Buddy Garvin.....	Ward Five
Sam Mason.....	Ward Six
Peter J. Stasiak .....	City Manager
William J. Ervin .....	City Attorney
Cora M. Middleton.....	City Clerk

*This agenda has been posted at the McAlester City Hall, distributed to the appropriate news media, and posted on the City website: [www.cityofmcalester.com](http://www.cityofmcalester.com) within the required time frame.*

*The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.*

*The McAlester City Hall is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 918.423.9300, Extension 4956.*

### **CALL TO ORDER**

*Announce the presence of a Quorum.*

### **INVOCATION & PLEDGE OF ALLEGIANCE**

- Ruth Atterberry, First United Methodist Church

### **ROLL CALL**

### **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.*

## **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 February 22, 2011, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for February 23, 2011 through March 8, 2011. *(Gayla Duke, Chief Financial Officer)*
- C. Authorize the Mayor to sign XTO Energy, Inc. Division Order for Property No. 108549, WARD 01-25H Pittsburg County, Oklahoma. The DO is confirmation that the well has reached producing status, provides a legal description of the property and confirms the City's decimal interest in revenues. *(Cora Middleton, City Clerk)*
- D. Accept and place on file the Oklahomans for Independent Living Quarterly Report for October, November and December 2010. *(Mike Ward, Executive Director)*

## **ITEMS REMOVED FROM CONSENT AGENDA**

## **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.*

- 1) AN ORDINANCE TO NULL, VACATE, AND CLOSE THE EIGHT (8.00) FOOT WIDE STRIP OF LAND BEING PART OF LOTS FIVE (5), SIX (6) AND SEVEN (7), ALL IN BLOCK THREE HUNDRED TWENTY-EIGHT (328) IN THE CITY OF McALESTER, FORMERLY SOUTH McALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA GRANTING OWNERSHIP TO SAID PROPERTY OWNER; DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 16°34'31" WEST ALONG THE EASTERLY LINE OF LOT 5, FOR A DISTANCE OF 12.01 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 70°55'11" EAST AND PARALLEL WITH THE NORTHERLY LINE OF LOTS 5 THROUGH 7, FOR A DISTANCE OF 150.14 FEET; THENCE SOUTH 16°34'31" WEST AND PARALLEL WITH THE EASTERLY LINE OF SAID LOT 7, FOR A DISTANCE OF 8.0 FEET; THENCE NORTH 70°55'11" WEST AND PARALLEL WITH SAID NORTHERLY LINE, FOR A DISTANCE OF 160.0 FEET; THENCE NORTH 16°34'31" EAST AND PARALLEL WITH SAID EASTERLY LINE, FOR A DISTANCE OF 8.0 FEET; THENCE SOUTH 70°55'11" EAST AND PARALLEL WITH THE NORTHERLY LINE, FOR A DISTANCE OF 9.86 FEET TO THE POINT OF BEGINNING.

- 2) AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: A TRACT OF LAND IN THE NE/4, SE/4 OF SECTION 24, TOWNSHIP 5 NORTH, RANGE 14 EAST, OF THE INDIAN BASE MERIDIAN, PITTSBURG COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NE CORNER OF THE SE/4 OF SECTION 24; THENCE S89°03'30"W ALONG THE NORTH LINE OF THE SE/4 A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING; THENCE S01°11'26"E PARALLEL TO THE EAST LINE OF SAID SE/4 A DISTANCE OF 346.50 FEET; THENCE S89°03'30"W PARALLEL TO THE NORTH LINE OF THE SAID SE/4 A DISTANCE OF 590.85 FEET; THENCE N01°11'26"W PARALLEL TO THE EAST LINE OF SAID SE/4 A DISTANCE OF 346.50 FEET; THENCE N89°03'30"E ALONG THE NORTH LINE OF SAID SE/4 A DISTANCE OF 590.85 FEET TO THE POINT OF BEGINNING; CHANGING SAID TRACT FROM I-1 (LIGHT INDUSTRIAL) TO C-5 (HIGHWAY COMMERCIAL).

### SCHEDULED BUSINESS

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1. Consider and act upon a recommendation from the McAlester Cemetery Board to expend Cemetery Perpetual Care Funds for the purchase of one (1) John Deere Gator TH 6X4 and the purchase of sixteen (16) trees. (*Mel Priddy, Director of Community Services.*)

#### Executive Summary

A motion to approve Cemetery Board recommendation to purchase one (1) John Deere Gator TH 6x4 and sixteen (16) trees.

2. Consider and act upon the release of two (2) storm sewer or drainage ditch easements. (*Peter J. Stasiak, City Manager*)

#### Executive Summary

A motion to approve and act upon the release of two (2) storm sewer or drainage ditch easements and authorizing the Mayor to sign the attached Release.

3. Consider and act upon closing a portion of an easement that is eight (8) feet of a twenty (20) foot wide easement for a distance of 160 feet. (*Peter J. Stasiak, City Manager*)

#### Executive Summary

A motion to approve and act upon closing a portion of an easement that is eight (8) feet of a twenty (20) foot wide easement for a distance of 160 feet and authorizing the Mayor to sign the attached Ordinance.

4. Consider and act upon a change in zoning from I-1 (Light Industrial) to C-5 (Highway Commercial). (*Peter J. Stasiak, City Manager*)

#### Executive Summary

This item involves a motion to approve and act upon changing the existing zoning for a 4.70 acre parcel of land located at the Southside Industrial Park from I-1 (Light Industrial) to C-5 (Highway Commercial) and authorizing the Mayor to sign the attached Ordinance.

- 5. Submission and presentation of the Proposed 2011 Capital Budget per the City Charter by March 15<sup>th</sup>. *(Peter J. Stasiak, City Manager)*

Executive Summary

This item involves the submission and presentation of the Proposed 2011 Capital Budget to the City Council per the City Charter.

**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.*

**CITY MANAGER'S REPORT**

- Waiver of Fee Report for February 2011.

**REMARKS AND INQUIRIES BY CITY COUNCIL**

**RECESS COUNCIL MEETING**

**CONVENE AS McALESTER AIRPORT AUTHORITY**

*Majority of a Quorum required for approval*

- Approval of the Minutes from the February 22, 2011 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, approval of Claims for February 23, 2011 through March 8, 2011. *(Gayla Duke, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 5, Submission and presentation of the Proposed 2011 Capital Budget per the City Charter by March 15<sup>th</sup>.

ADJOURN MAU.

**CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

*Majority of a Quorum required for approval*

- Approval of the Minutes from the February 22, 2011 Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, approval of Claims for February 23, 2011 through March 8, 2011. *(Gayla Duke, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 2, the release of two (2) storm sewer or drainage ditch easements. *(Peter J. Stasiak, City Manager)*

- Confirm action taken on City Council Agenda Item 3, closing a portion of an easement that is eight (8) feet of a twenty (20) foot wide easement for a distance of 160 feet. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 4, a change in zoning from I-1 (Light Industrial) to C-5 (Highway Commercial). *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 5, Submission and presentation of the Proposed 2011 Capital Budget per the City Charter by March 15<sup>th</sup>.

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**RECONVENE COUNCIL MEETING**

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**ADJOURNMENT**

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**CERTIFICATION**

*I certify that this Notice of Meeting was posted on this \_\_\_\_\_ day of \_\_\_\_\_ 2010 at \_\_\_\_ a.m./ p.m. as required by law in accordance with Section 303 of the Oklahoma Statutes and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of McAlester website: [www.cityofmcalester.com](http://www.cityofmcalester.com).*

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**Cora M. Middleton, City Clerk**