



# McAlester City Council

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## NOTICE OF MEETING

### Re-Scheduled

## Regular Meeting Agenda

Monday, April 12, 2010 – 6:00 pm  
McAlester City Hall – Council Chambers  
28 E. Washington  
McAlester, Oklahoma 74501

Kevin E. Priddle ..... Mayor  
Chris B. Fiedler ..... Ward One  
Steve Harrison ..... Ward Two  
John Browne ..... Vice-Mayor, Ward Three  
Robert Karr ..... Ward Four  
Buddy Garvin ..... Ward Five  
Louis Smitherman ..... Ward Six  
Peter J. Stasiak ..... Acting 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

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*Announce the presence of a Quorum.*

### INVOCATION & PLEDGE OF ALLEGIANCE

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- Fran Greathouse, First Christian Church

### ROLL CALL

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### CITIZENS COMMENTS ON NON-AGENDA ITEMS

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*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**

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*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 March 9, 2010, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the Special Meeting on March 10, 2010, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the March 23, 2010, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of the Minutes from the Special Meeting on April 1, 2010, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- E. Approval of Claims for March 24, 2010 through April 12, 2010. *(Gayla Duke, Chief Financial Officer)*
- F. A Resolution directing filing and notification of the Publication of Biennial Supplements to the McAlester City Code of 1972. *(Cora Middleton, City Clerk)*
- G. Concur with Mayor's Re-appointment of David Verner to the Airport Advisory Board for a term to expire January 22, 2012. *(Kevin E. Priddle, Mayor)*
- H. Concur with Mayor's Re-appointment of Mike Hogan to the Airport Advisory Board for a term to expire January 22, 2012. *(Kevin E. Priddle, Mayor)*
- I. Concur with Mayor's Re-appointment of Stephen Otis to the Airport Advisory Board for a term to expire January 22, 2012. *(Kevin E. Priddle, Mayor)*
- J. Concur with Mayor's Re-appointment of Mark Emmons to the Board of Adjustment for a term to expire March 31, 2012. *(Kevin E. Priddle, Mayor)*
- K. Concur with Mayor's appointment of Karen Stobaugh to the Board of Adjustment for a term to expire March 31, 2012. *(Kevin E. Priddle, Mayor)*
- L. Concur with Mayor's Re-appointment of Ruth Harkins to the Cemetery Board for a term to expire December 31, 2012. *(Kevin E. Priddle, Mayor)*

**ITEMS REMOVED FROM CONSENT AGENDA**

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**PUBLIC HEARING**

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*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 Ordinance No. 2327, which established the budget for fiscal year 2009-2010; repealing all conflicting ordinances; providing for a severability clause; and Declaring an Emergency.
- Public Hearing on the proposed Capital Program for FY 2009/10 – 2014/15 for the City of McAlester.

## SCHEDULED BUSINESS

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1. Consider, and act upon, McAlester Airport Advisory Board recommendation to renew rental and fuel fee contract with Bren Air, Inc. (*Mel Priddy, Director of Community Services*)

### Executive Summary

A motion to approve the renewal of a contract with Bren Air, Inc. to increase rental rate \$25.00 per month for hanger rental, office, counter space, and fuel fees will remain the same.

2. Consider, and act upon, Cemetery Board recommendation to increase fees at Oak Hill Cemetery. (*Mel Priddy, Director of Community Services*)

### Executive Summary

A motion to approve Cemetery Board recommendation to increase fees at Oak Hill Cemetery.

3. Consider, and act upon, a Personal Service Agreement with Larry Cox for Hay Baling on McAlester Water Shed and the Southside Industrial Park in the amount of \$3,120.00. (*Mel Priddy, Director of Community Services*)

### Executive Summary

A motion to approve a Personal Service Agreement with Larry Cox for Hay Baling in the amount of \$3,120.00.

4. Consider, and act upon, an Ordinance amending Ordinance No. 2327, which established the budget for fiscal year 2009-2010; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Gayla Duke, Chief Financial Officer*)

**Exhibit A-1, Repayment (CIP) Fund:** Appropriation to complete budget amendments required for completion of water treatment plant improvements. (Other budget amendments in connection with this project were approved January 12, 2010.)

**Exhibit A-2, Cemetery Care Fund:** Appropriate funds to purchase truck.

**Exhibit A-3, Gifts & Contributions Fund:** Appropriate Donations for trees and assistance with water bills.

### Executive Summary

This agenda item involves Ordinance No. 2327 which established the budget for fiscal year 2009-2010.

5. Consider, and act upon, authorizing the Mayor to sign a Lease Purchase Agreement upon City Attorney review for the lease of one truck-mounted asphalt patcher, one emulsion

storage tank, one truck, and material to build aggregate storage bin and tank containment.  
*(John C. Modzelewski, PE, Director of Engineering and Public Works)*

Executive Summary

This agenda item involves a motion to approve the Mayor signing the Lease Purchase Agreement upon City Attorney review for the lease one truck-mounted asphalt patcher, one emulsion storage tank, one truck chassis, and material to build an aggregate storage bin and tank containment.

6. Presentation and Discussion on VOIP (Voice over Internet Provider) for 911 Service.  
*(Councilman Chris Fiedler)*

Executive Summary

A presentation and discussion on VOIP – HB 2877 and Resolution.

7. Presentation and Discussion on the Explorer Program. *(Councilman Chris Fiedler)*

Executive Summary

A presentation and discussion on the Explorer Program.

8. Consider, and act upon, a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the U.S. 69 Utility Relocate, ODOT State Job No. 14999 (04) as required by the Oklahoma Department of Transportation. *(Peter J. Stasiak, Acting City Manager)*

Executive Summary

A motion to approve and authorize the Mayor to sign the work order for Mehlburger Brawley to complete work required for U.S. 69 Utility Relocate, ODOT State Job No.14999 (04) for an estimated fee of \$50,000 upon review and approval of by the City Attorney's Office.

9. Consider, and act upon, authorizing the Mayor to sign a contract upon City Attorney review with Allied Waste Services of Alderson for the City of McAlester's solid waste collection, removal and disposal. *(John C. Modzelewski, PE, Director of Engineering and Public Works)*

Executive Summary

A motion to negotiate a contract with Allied Waste Services (AWS) of Alderson for the City of McAlester's solid waste collection, removal and disposal per the proposal submitted by AWS on December 15, 2009, maintain the City's current fee structure for residential trash pickup as identified in the discussion below, and to pursue the expansion of the sanitary landfill. Motion to include once per week residential trash collection.

**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**

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**REMARKS AND INQUIRIES BY CITY COUNCIL**

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**RECESS COUNCIL MEETING**

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**CONVENE AS McALESTER AIRPORT AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the March 23, 2010, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item E, regarding claims ending April 12, 2010. *(Gayla Duke, Chief Financial Officer)*
- Confirm action taken on City Agenda Item G to re-appointment of David Verner to the Airport Advisory Board for a term to expire January 22, 2012. *(Kevin E. Priddle, Mayor)*
- Confirm action taken on City Agenda Item H to re-appointment of Mike Hogan to the Airport Advisory Board for a term to expire January 22, 2012. *(Kevin E. Priddle, Mayor)*
- Confirm action taken on City Agenda Item I to re-appointment of Stephen Otis to the Airport Advisory Board for a term to expire January 22, 2012. *(Kevin E. Priddle, Mayor)*
- Confirm action taken on City Council Agenda Item 1, McAlester Airport Advisory Board recommendation to renew rental and fuel fee contract with Bren Air, Inc. *(Mel Priddy, Director of Community Services)*

**ADJOURN MAU.**

**CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the March 23, 2010, Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item E, regarding claims ending April 12, 2010. *(Gayla Duke, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 3, a Personal Service Agreement with Larry Cox for Hay Baling on McAlester Water Shed and the Southside Industrial Park in the amount of \$3,120.00. *(Mel Priddy, Director of Community Services)*
- Confirm action taken on City Council Agenda Item 4, an Ordinance amending Ordinance No. 2327, which established the budget for fiscal year 2009-2010; repealing all

conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Gayla Duke, Chief Financial Officer)*

- Confirm action taken on City Council Agenda Item 5, authorizing the Mayor to sign a Lease Purchase Agreement upon City Attorney review for the lease of one truck-mounted asphalt patcher, one emulsion storage tank, one truck, and material to build aggregate storage bin and tank containment. *(John C. Modzelewski, PE, Director of Engineering and Public Works)*
- Confirm action taken on City Council Agenda Item 8, a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the U.S. 69 Utility Relocate, ODOT State Job No. 14999 (04) as required by the Oklahoma Department of Transportation. *(Peter J. Stasiak, Acting City Manager)*
- Confirm action taken on City Council Agenda Item 9, authorizing the Mayor to sign a contract upon City Attorney review with Allied Waste Services of Alderson for the City of McAlester's solid waste collection, removal and disposal. *(John C. Modzelewski, PE, Director of Engineering and Public Works)*

ADJOURN MPWA.

## RECONVENE COUNCIL MEETING

### EXECUTIVE SESSION

*Recess into Executive Session in compliance with Section Title 25 Section 307 B.1; Section 307 B.2; and Section 307 B.4, et.seq. Oklahoma Statutes, to wit:*

- **Section 307 (B) (4)** – Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest.
- **Section 307 (B) (2)** – Discuss negotiations concerning employees and representatives of employee groups: FOP and IAFF.
- **Section 307 (B) (1)** – Discuss the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee: City Manager.

### RECONVENE INTO OPEN SESSION

*Take any action as a result from Executive Session.*

- Consider, and act upon, the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee: City Manager.

**ADJOURNMENT**

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**CERTIFICATION**

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*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**