

Council Chambers
Municipal Building
March 8, 2011

The McAlester City Council met in Regular session on Tuesday, March 8, 2011, at 6:00 P.M. after proper notice and agenda was posted, March 7, 2011, at 8:12 A.M.

Call to Order

Mayor Priddle called the meeting to order.

Ruth Atterbury, First United Methodist Church gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Steve Harrison, John Browne, Robert Karr, Sam Mason & Kevin Priddle
Absent: Buddy Garvin
Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, City Manager; Gayla Duke, Chief Financial Officer; John Modzelewski, City Engineer/Public Works Director; David Medley, Utilities Director; Jim Lyles, Police Chief; Mel Priddy, Community Services Director; Brett Brewer, Fire Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

There were no comments.

Consent Agenda

- 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*) In the following amounts: General Fund - \$78,656.57; Nutrition - \$2,846.71; Tourism Fund - \$3,150.00; SE Expo Ctr/Tourism Fund - \$5,061.17; E-911 - \$3,164.59; Economic Development - \$18,821.91; Gifts & Contributions - \$15,838.80; Fleet Maintenance - \$19,733.88; Worker's Compensation - \$941.68; CIP Fund - \$3,378.84 and Federal Forfeiture Fund - \$882.00.

- 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*)

Vice-Mayor Browne moved to approve the Consent Agenda. The motion was seconded by Councilman Harrison.

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

AYE: Councilman Smith, Harrison, Browne, Karr, Mason & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

Vice-Mayor Browne moved to open a Public Hearing to consider two proposed ordinances. The motion was seconded by Councilman Karr.

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

AYE: Councilman Harrison, Browne, Karr, Mason, Smith & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:03 P.M...

Public Hearing

- 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).

There were no comments from the Council or the citizens. Vice-Mayor Browne moved to close the Public Hearing. The motion was seconded by Councilman Karr and the vote was taken as follows:

AYE: Councilman Browne, Karr, Mason, Smith, Harrison & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Scheduled Business

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.

Councilman Harrison moved to approve the 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. The motion was seconded by Councilman Smith.

Before the vote, Mr. Priddy commented that the McAlester Cemetery Board met in a Special Session on February 16, 2011 and unanimously voted to accept the low bid of \$6,936.99 from Grissom, L.L.C. of McAlester for the purchase of one (1) John Deere Gator TH 6X4 and to

purchase sixteen (16) trees at a cost of \$1,068.00 to replace trees lost in the last two (2) ice storms and to disease.

There was a brief discussion among the Council regarding the amount of the bids and how the nursery was chosen for the purchase of the trees. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr, Mason, Smith, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

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.

Councilman Karr moved to approve the of two (2) storm sewer or drainage ditch easements. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak explained that this had occurred in 1971 when the apartments were built across the easement. He stated that the City had built drainage behind the apartments after the apartments had been constructed. He added that the Planning Commission had unanimously recommended to release the easement.

Councilman Mason commented on the copy of the original easement and the lack of information. He moved to change the monetary amount of \$1.00 to \$100.00 because of the time involved by the City.

There was a brief discussion among the Council regarding any unusual work or time spent on this matter, if there would be a problem changing the amount and the Council not trying to set the price for each easement.

The motion to change the amount from \$1.00 to \$100.00 was seconded by Councilman Smith.

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

AYE: Councilman Karr, Mason, Smith, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion to amend the monetary amount carried.

There was no further discussion on the original motion and the vote was taken as follows:

AYE: Councilman Mason, Smith, Harrison, Browne, Karr & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

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.

ORDINANCE NO. 2384

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;

A motion was made to approve ORDINANCE NO. 2384, by Councilman Harrison and seconded by Vice-Mayor Browne.

Before the vote, Manager Stasiak explained that the applicant, Tanner Consulting, L.L.C., was requesting the closure of a partial easement in Block 328, lots 5, 6 and 7. He added that the applicant had proposed to re-route the City sewer lines around the front of the new structure. He stated that the Planning Commission had voted unanimously to recommend approval of the partial closure.

Mayor Priddle commented that this would create a new larger Braum's east of the current store's location. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Harrison, Browne, Karr, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

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.

ORDINANCE NO. 2385

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 FROM I-1 (LIGHT INDUSTRIAL) TO C-5 (HIGHWAY COMMERCIAL).

Vice-Mayor Browne moved for approval of ORDINANCE NO. 2385, seconded by Councilman Harrison.

Before the vote, Manager Stasiak explained that the City of McAlester was requesting this change in zoning and that the Planning Commission had unanimously voted to recommend the change. He added that this section of property had been surveyed so the Council would have a better idea of what it was worth and there was someone interested in building an office complex on that site.

Councilman Karr asked if all of the property would eventually be rezoned. Manager Stasiak stated that yes and this was addressed at this time to square up the property.

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

AYE: Councilman Karr, Mason, Smith, Harrison, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

5. Submission and presentation of the Proposed 2011 Capital Budget per the City Charter by March 15th. (*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.

Vice-Mayor Browne moved to open the floor for the Submission and presentation of the Proposed 2011 Capital Budget per the City Charter by March 15th. The motion was seconded by Councilman Harrison.

Manager Stasiak reviewed the steps taken to develop the five (5) year CIP for year 2011-2012 through 2015-2016. He commented that it had been difficult to develop the plan without knowing what the coming year's budget would allow. During his review Manager Stasiak highlighted what items had been prioritized by the department heads. Manager Stasiak also reviewed the Charter requirements with the Council. He stated that if needed by the Council a workshop could be scheduled.

There was then a lengthy discussion among the Council concerning various alternatives available for the transportation needs of the meter readers, the absence of street resurfacing, the two (2) Utility trucks equipped with salt spreaders and snow pushers, the value of the streets, the matching funds for the airport grant and the Army Reserve building that would be turned over to the City sometime in the near future. The Council also discussed the need for a workshop for the CIP as well as a workshop for the landfill. Those workshops were tentively scheduled for March 17, 2011 for the landfill and March 24, 2011 for the CIP.

There was no further discussion, and no vote was taken on this item.

New Business

No new business.

City Manager's Report

Manager Stasiak reported that the street signs around the Emerson school area had been replaced. He explained that the City was focusing replacing the street signs in the school areas and would then move into the other areas of the city. He stated that there had not been any fees waived in February.

Remarks and Inquiries By City Council

Councilman Karr asked who would be responsible for repair of a citizen's yard that had been damaged when the water line had been connected to. He announced that "Grand Dad's Catfish" was supposed to open this weekend. He added that the restaurant in the old golf pro shop was probably another month away.

Councilman Mason stated that he had received numerous complaints about the size of the loads going to the landfill.

Councilman Smith did not have any comments for the evening.

Councilman Harrison asked about the portable water pressure vehicle he had seen.

David Medley explained that the City would be bringing in three (3) high pressure tanks while the Carl Albert water storage tank was down for repairs.

Vice-Mayor Browne commented about calls concerning the ten foot trailer length limit at the landfill. He inquired about the possibility of moving a street light to the corner of the Komar entrance. He commented that he had spent an entire day at the Hospital recently and was very pleased with the professional atmosphere. He stated that the library committee was still working very hard toward getting the old Boy's and Girl's Club building as the new library and he reminded everyone that the Italian Festival was coming up soon.

John Modzelewski explained that the length limit for trailers going to the landfill had been changed to twelve feet and that he had been speaking with PSO about the lighting situation at the entrance to the Komar warehouse.

Mayor Priddle expressed his appreciation for the sense of urgency and continued work on the water storage tanks. He added that it was a great move forward.

Recess Council Meeting

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities. Vice-Mayor Browne moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Karr and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Karr, Mason, Smith & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:23 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:24 P.M.

Adjournment

There being no further business to come before the Council, Councilman Harrison moved for the meeting to be adjourned, seconded by Vice-Mayor Browne.

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

AYE: Councilman Karr, Mason, Smith, Harrison, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:24 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk