

Council Chambers
Municipal Building
April 12, 2011

The McAlester City Council met in Regular session on Tuesday, April 12, 2011, at 6:00 P.M. after proper notice and agenda was posted, April 11, 2011, at 8:12 A.M.

Call to Order

Mayor Priddle called the meeting to order.

Mayor Priddle 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; John Modzelewski, City Engineer/Public Works Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Karl Scifres, Main Street Chairman introduced the new Executive Director of Main Street Carol Ervin.

Ms. Ervin addressed the Council expressing her thoughts of the Main Street association in McAlester.

Consent Agenda

- A. Approval of the Minutes from the March 22, 2011, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of the Minutes from the March 24, 2011, Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- C. Approval of Claims for March 23, 2011 through April 12, 2011. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$72,301.38; Nutrition - \$914.45; Landfill Res./Sub-Title D - \$5,130.00; Tourism Fund - \$4,600.00; SE Expo Ctr/Tourism Fund - \$21,505.05; E-911 - \$8,093.11; Economic Development -

\$20,321.91; Gifts & Contributions - \$546.75; Fleet Maintenance - \$46,785.70 and CIP Fund - \$20,700.82.

- D. Concur with Mayor's Appointment of Larry Walla to the Housing Authority for a term to expire March 2015. (*Kevin E. Priddle, Mayor*)
- E. Concur with Mayor's Re-Appointment of Don Lewis to the MRHC Authority for a term to expire February 2017. (*Kevin E. Priddle, Mayor*)
- F. Authorize Mayor to sign a Ratification of Lease on February 25, 2010, between First National Bank & Trust Co., McAlester, Oklahoma and City of McAlester for described equipment:
- 2010 Chevrolet 1 Ton 2WD Crew Cab Truck VIN: 1GB4CZBK4AF12499 and including all equipment, accessories and attachments to said vehicle.
- G. Authorize Mayor to sign a Ratification of Lease on December 14, 2009, between First National Bank & Trust Co., McAlester, Oklahoma and City of McAlester for described equipment:
- 2006 Caterpillar D7RIIWDA S/N#AEC00983
 - 2000 Al-Jon Trash Compactor S/N#13652 with all accessions and accessories

Councilman Smith stated that he needed to recuse himself from voting on item "E" and he requested that item "E" be pulled for individual consideration.

Vice-Mayor Browne commented that he had had surgery this morning and had been administered anesthesia. He stated that he had signed a release agreeing not to make any decisions, so he would be abstaining on every vote.

Councilman Harrison moved to approve the Consent Agenda items "A, B, C, D, F and G". The motion was seconded by Councilman Karr.

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

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

NAY: None

ABSTAIN: Vice-Mayor Browne (counted as no)

Mayor Priddle declared the motion carried.

Items Removed from Consent Agenda

- E. Concur with Mayor's Re-Appointment of Don Lewis to the MRHC Authority for a term to expire February 2017. (*Kevin E. Priddle, Mayor*)

Councilman Mason moved to approve item “E”, seconded by Councilman Harrison. There was no discussion and the vote was taken as follows:

AYE: Councilman Harrison, Karr, Mason & Mayor Priddle

NAY: None

ABSTAIN: Vice-Mayor Browne & Councilman Smith (counted as no)

Mayor Priddle declared the motion carried.

Councilman Mason moved to open the Public Hearing concerning the proposed Capital Program for FY 2011/12 – 2015/16 for the City of McAlester. The motion was seconded by Councilman Karr. There was no discussion and the vote was taken as follows:

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

NAY: None

ABSTAIN: Vice-Mayor Browne (counted as no)

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:08 P.M.

Public Hearing

- 1) Public Hearing on the proposed Capital Program for FY 2011/12 – 2015/16 for the City of McAlester.

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

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

NAY: None

ABSTAIN: Vice-Mayor Browne (counted as no)

Mayor Priddle declared the motion carried and the Public Hearing was closed at 6:09 P.M.

Scheduled Business

1. TABLED - Consider, and act upon, an Agreement for the Fireworks Display with Rainbow Fireworks, Hance Pyrotechnics Inc. and SafeTshot Fireworks for the 2011 scheduled July 4th firework show. (*Mel Priddy, Director of Community Services*)

Executive Summary

Approve and sign agreement for the 2011 Firework Display with Rainbow Fireworks in the amount of \$13,905.00 This includes \$2,000,000.00 in liability insurance coverage.

Councilman Harrison moved to approve Agreement for the Fireworks Display with Rainbow Fireworks for the 2011 scheduled July 4th firework show. The motion was seconded by Councilman Karr.

Before the vote, Mel Priddy addressed the Council explaining that the City had received three (3) bids for the July 4th Fireworks Show. He stated that staff recommended the City contract with Rainbow Fireworks. He added that this company had put on the fireworks display last year.

Mayor Priddle mentioned that First National Bank had agreed to cover \$10,000.00 of the display this year.

Mr. Priddy commented that he had meant to mention that and thank First National Bank for their generosity.

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

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

NAY: None

ABSTAIN: Vice-Mayor Browne (counted as no)

Mayor Priddle declared the motion carried.

2. Consider and act upon declaring 2000 Ford Ambulance obsolete. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve and act upon declaring a 2000 Ford Ambulance, serial number 1FDSE35F1YHB35084 obsolete.

A motion was made by Councilman Harrison and seconded by Councilman Karr to declare a 2000 Ford Ambulance obsolete.

Before the vote, Manager Stasiak explained that the ambulance had been involved in an accident several years ago. He stated that the City had received \$16,000.00 for the ambulance and that the insurance was done with the ambulance.

There was discussion, regarding the plans for the ambulance, if it had been purchased new or used, the book value of the ambulance and clarifying that there was no problem with the way the check had been written.

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

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

NAY: None

ABSTAIN: Vice-Mayor Browne (counted as no)

Mayor Priddle declared the motion carried.

3. Consider and act upon a “Use Permitted After Review” for a childcare learning center.
(*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve and act upon a “Use Permitted After Review” for a childcare learning center and authorizing the Mayor to sign the documents.

A motion was made by Councilman Harrison and seconded by Councilman Karr to approve a “Use Permitted After Review” for a childcare learning center.

Before the vote, Manager Stasiak distributed signed copies of the use permit and explained that the applicant had requested a use permit to operate a childcare learning center located at 1201 Wade Watts Avenue. He added that the Planning and Zoning Commission had unanimously voted to recommend approval of the use permit.

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

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

NAY: None

ABSTAIN: Vice-Mayor Browne (counted as no)

Mayor Priddle declared the motion carried.

4. Consider and act upon a “Use Permitted After Review” for a Papa John’s Restaurant.
(*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve and act upon a “Use Permitted After Review” for a no dine in, pickup delivery pizza and authorizing the Mayor to sign the documents.

Mayor Priddle pulled this item. Manager Stasiak stated that it would be brought back at a Special meeting in about four (4) weeks.

5. Discussion and possible action accepting a Memorandum of Agreement (MOA) between the Oklahoma Department of Environmental Quality and the City of McAlester for the armory building located at 3rd and Polk in the City of McAlester. Discussion to include the City Attorney’s comments. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to accept the Memorandum of Agreement (MOA) between the Oklahoma Department of Environmental Quality (DEQ) and the City of McAlester for the armory building located at 3rd and Polk. This acceptance is contingent upon the Department of Environmental Quality incorporating the City Attorney’s comments.

Councilman Harrison moved to accept a Memorandum of Agreement (MOA) between the Oklahoma Department of Environmental Quality and the City of McAlester for the armory building located at 3rd and Polk in the City of McAlester. The motion was seconded by Karr.

Before the vote, Manager Stasiak explained that the armory building at 3rd and Polk had been vacated and the State of Oklahoma was granting the building to the City of McAlester. He stated that the building had existing environmental contaminates such as asbestos and lead that DEQ would be evaluating in the future. He added that the MOA with DEQ was open ended and the

City Attorney was recommending that the MOA be re-evaluated as of December 31, 2012 and that language would be added to the MOA presented. Manager Stasiak commented that there was a problem with the MOA as DEQ was no longer funded by the Legislature and it could be two (2) to five (5) years before anything was done at the armory

There was discussion, among the Council including Mr. Ervin and Manager Stasiak regarding the armory building, having the entire Council tour the facility, getting an estimate of what it could cost to remediate the contaminates, if the building was on any historical register, who currently had legal title to the property, the amount of time that funds for DEQ to remediate the building might be available, what the facility would be used for if the City did take it over and scheduling a convenient time for the Council to tour the facility.

Mayor Priddle moved to table this item until the first meeting in May. The motion was seconded by Councilman Mason.

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

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

NAY: None

ABSTAIN: Vice-Mayor Browne (counted as no)

Mayor Priddle declared the motion carried.

6. Consider, and Act Upon recommendation by the Audit and Finance Advisory Committee to employ a Bond Financial Advisor to provide financial analysis of current and future bond financing transactions and provide a plan of restructure for certain current bond issues. (*Peter J. Stasiak, City Manager and Gayla Duke, CFO*)

Executive Summary

To approve the motion to employ the Municipal Finance Services, Inc. as the City of McAlester Bond Financial Advisor and authorize the City Attorney to prepare a contract between the City of McAlester and Municipal Finance Services, Inc.

A motion was made by Councilman Harrison and seconded by Councilman Mason to approve the employment of Municipal Finance Services, Inc. as the City of McAlester Bond Financial Advisor and authorize the City Attorney to prepare a contract between the City of McAlester and Municipal Finance Services, Inc.

Before the vote, Mayor Priddle explained that the item had come from the Audit and Finance Committee. They had reviewed proposals from various firms and were recommending this firm to the Council to help the City make financial decisions concerning the various bond issues that the City dealt with daily.

Manager Stasiak stated that representatives from Municipal Finance Services were here to answer any questions if needed.

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

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

NAY: None

ABSTAIN: Vice-Mayor Browne (counted as no)

Mayor Priddle declared the motion carried

New Business

Mr. Ervin stated that he had an item to be considered under new business. He then explained that the Council had authorized a declaratory judgment action to get ballot language to submit to the qualified voters of the City. He stated that the court had denied that action this afternoon and he was requesting that the Council rescind Resolution 11-01 which had been approved on January 25, 2011 calling for a Special Election.

There was a brief discussion among the Council regarding taking action on items under new business, if this qualified for new business and meeting the deadlines that the Council established.

Councilman Mason moved to rescind Resolution No. 11-01 per Counsel recommendation. The motion was seconded by Mayor Priddle.

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

AYE: Councilman Karr, Mason, Smith & Mayor Priddle

NAY: None

ABSTAIN: Vice-Mayor Browne & Councilman Harrison (counted as no)

Mayor Priddle declared the motion carried.

City Manager's Report

Manager Stasiak reported that the City's employment levels had been budgeted at 222 and were currently at 215, which were 7 employees down. He reported that Mr. Stanford had been working on improving the sound system in the Council Chambers and he currently had two (2) vendors look at the system and a third vendor was scheduled to come tomorrow. He added that hopefully after the quotes were received a decision could be made and that the City was currently looking at around \$9,000.00 to upgrade the system. He presented the Council with a Code Violation Report and explained that the Council would receive the report on a monthly basis. He then reviewed the report with the Council pointing out that the summary showed that things were being cleaned up.

Councilman Smith inquired about the status of condemning of buildings and if the City was having any luck collecting money from the owners of buildings that the City had torn down. Manager Stasiak stated that five (5) buildings had been identified and they would be brought before the Council at the next meeting. He added that there were some of the owners that were repaying the City at \$50.00 a month.

Mayor Priddle reminded everyone of the IWorQ System that was available for citizen's complaints and remarks.

Manager Stasiak reported that last Friday, the City employees had a fundraising luncheon. He stated that no City funds had been expended; all of the departments were involved, all was through donations from the employees and over \$6,300.00 had been raised for a family that had experienced a tragic loss. He added that the community had really come out in support of the event.

Remarks and Inquiries by City Council

Councilman Karr stated that the Pride clean up had went well in Fourth Ward. A group had worked on eight (8) different projects.

Manager Stasiak commented that at the Hazardous Cleanup on Choctaw Avenue had pretty much run out of containers, for paint and other household hazardous item, by 1:00 P.M. and the Sherriff's department had collected over ten (10) pounds of prescription drugs.

Councilman Mason commented that the violation report was a step in the right direction.

Councilman Smith inquired about a possible progress report showing the activities of the Dura Patcher.

Manager Stasiak stated that that report was on the list of things to do.

Councilman Harrison had no comments for the evening.

Vice-Mayor Browne thanked Elaine Thomas, Jennifer Santino and Pride in McAlester for the cleanup of the lot on "A" Street. He stated that he had been approached to a fund raiser for Muscular Dystrophy, which would require him, if he agreed, to cut his pony-tail off.

Mayor Priddle commented that he was amazed about what the City employees did last Friday, it was an amazing thing. He announced that the Armed Forces Day banquet and Parade were coming up in May. The Italian Festival and a John Wayne Movie Night in North Town were also coming in May. He then asked the students, from Eastern Oklahoma State College, that were in attendance, to introduced themselves.

Recess Council Meeting

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

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

NAY: None

ABSTAIN: Vice-Mayor Browne (counted as no)

Mayor Priddle declared the motion carried and the meeting was recessed at 6:52 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:55 P.M.

Adjournment

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

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

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

NAY: None

ABSTAIN: Vice-Mayor Browne (counted as no)

Mayor Priddle declared the motion carried, and the meeting was adjourned at 6:56 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk