

The McAlester City Council met in Regular session on Tuesday, August 23, 2011, at 6:00 P.M. after proper notice and agenda was posted, August 22, 2011, at 8:13 A. M.

Call to Order

Mayor Priddle called the meeting to order.

Pastor Charles Neff, 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, Buddy Garvin, Sam Mason & Kevin Priddle
Absent: None
Presiding: Kevin E. Priddle, Mayor

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

Citizen's Comments on Non-agenda Items

None

Consent Agenda

- A. Approval of the Minutes from the July 26, 2011 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the August 3, 2011 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for August 3, 2011 through August 16, 2011. *(Toni Ervin, Interim Chief Financial Officer)* In the following amounts: General Fund - \$175,664.89; Parking Authority - \$144.55; Nutrition - \$1,841.84; Tourism Fund - \$6,720.68; SE Expo Center - \$29,501.54; E-911 - \$5, 646.30; Economic Development - \$10,400.00; Fleet Maintenance - \$25,925.13; Worker's Compensation - \$53,920.00 and CIP Fund - \$319,366.50.
- D. Accept and place on file the ADA Committee Projects Report for 2011. *(Mike Ward, Executive Director)*
- E. Consider and act upon, to authorize Mayor to sign a Ratification of Lease dated June 5, 2009, between First National Bank & Trust Co., McAlester, Oklahoma and City of McAlester for described equipment: *(Cora Middleton, City Clerk)*
 - 1) *One new 2008 Ford E450 Type III Ambulance with Wheeled Coach Conversion – VIN: 1FDXE45P18DA74637*
- F. Consider and act upon, to authorize Mayor to sign a Ratification of Lease dated July 28, 2010, between First National Bank & Trust Co., McAlester, Oklahoma and City of McAlester for described equipment: *(Cora Middleton, City Clerk)*

- 1) 2011 Freightliner m2106 33000#GVW Truck chassis IN: 1FVACYBS1BDAY3398 with any and all equipment, accessories and attachments to said vehicle.
- 2) One new DuraPatcher Truck Mounted Style Spray Injection Road Repair Machine.
- 3) One new DuraPatcher 6,000 gal. Gravity Feed Vertical Emulsion Storage Tank.

G. Designate Saturday, October 22, 2011, as “Make a Difference Day” for the City of McAlester. *(Cora Middleton, City Clerk)*

H. Concur with Mayor’s Re-Appointment of Bill Derichsweiler to the Pittsburg County Regional Expo Board for a term to expire June 2015. *(Kevin E. Priddle, Mayor)*

Councilman Mason requested that item “H” be removed for individual consideration.

Councilman Harrison moved to approve Consent Agenda items “A through G”. The motion was seconded by Vice-Mayor Browne. There was no discussion and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

Items Removed from Consent Agenda

H. Concur with Mayor’s Re-Appointment of Bill Derichsweiler to the Pittsburg County Regional Expo Board for a term to expire June 2015. *(Kevin E. Priddle, Mayor)*

A motion was made by Councilman Garvin and seconded by Vice-Mayor Browne to concur with the Mayor’s Re-Appointment of Bill Derichsweiler to the Pittsburg County Regional Expo Board for a term to expire June 2015. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

Councilman Harrison moved to open a Public Hearing to address two (2) ordinances and one (1) resolution. The motion was seconded by Councilman Karr. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:06 P.M.

Public Hearing

- **AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2361 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2010-2011; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**
- **AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

- **A RESOLUTION ADOPTING THE CITY OF MCALESTER AND MCALESTER PUBLIC SCHOOLS MULTI-JURISDICTIONAL MULTI-HAZARD MITIGATION PLAN.**

There were no comments from either the public or the Council and Vice-Mayor Browne moved to close the Public Hearing. The motion was seconded by Councilman Harrison.

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

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

Mayor Priddle declared the motion carried and the Public Hearing was closed at 6:07 P.M.

Scheduled Business

1. Consider, and act upon, an Ordinance amending Ordinance No. 2361, which established the budget for fiscal year 2010-2011; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, Interim City Financial Officer)*

Executive Summary

A motion to approve the budget amendment ordinance.

ORDINANCE NO. 2396

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2361 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2010-2011; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Karr and seconded by Vice-Mayor Browne to approve **ORDINANCE NO. 2396**, amending the Budget for Fiscal Year 2010-2011.

Before the vote, Ms. Ervin reviewed the exhibits for the amendment with the Council. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

Councilman Harrison moved to approve the EMERGENCY CLAUSE, seconded by Vice-Mayor Browne. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

2. Consider, and act upon, an Ordinance amending Ordinance No. 2392, which established the budget for fiscal year 2011-2012; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, Interim City Financial Officer)*

Executive Summary

A motion to approve the budget amendment ordinance.

ORDINANCE NO. 2397

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Karr and seconded by Vice-Mayor Browne to approve **ORDINANCE NO. 2397**, amending the Budget for Fiscal Year 2011-2012.

Before the vote, Ms. Ervin reviewed the exhibits for amendment with the Council. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

Councilman Harrison moved to approve the EMERGENCY CLAUSE, seconded by Vice-Mayor Browne. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

3. Discussion and possible action, on Agreement between the City of McAlester and McAlester Public Schools for Partial Funding of \$15,000 in support of the 2012 Junior Sunbelt Baseball Classic. (*Peter J. Stasiak, City Manager*)

Executive Summary

The Junior Sunbelt Baseball Classic is an annual event sponsored by the McAlester Public Schools and the City of McAlester.

Vice-Mayor Browne moved to approve an agreement between the City of McAlester and McAlester Public Schools for partial funding of \$15,000.00 in support of the 2012 Junior Sunbelt Baseball Classic. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak commented that he had spoken with Nancy Hughes and had requested additional information from her regarding the Junior Sunbelt Classic. He then requested that the item be tabled until the next meeting.

Councilman Harrison moved to table the item until the next Council meeting. The motion was seconded by Councilman Mason. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

4. Consider and act upon, an Inter-Agency Agreement between the City of McAlester and the City of Krebs for Police Dispatch services for fiscal year 2011-2012. (*Jim Lyles, Chief of Police*)

Executive Summary

Motion to approve the Inter-Agency Agreement to provide dispatch services to the City of Krebs for fiscal year 2011-2012.

Councilman Karr moved to approve an Inter-Agency Agreement between the City of McAlester and the City of Krebs for Police Dispatch services for fiscal year 2011-2012. The motion was seconded by Councilman Harrison

Before the vote, Police Chief Lyles stated that this was to renew the contract that the City of McAlester and Krebs currently had.

There was discussion among the Council regarding the contract, and applying the CPI to increase the revenue as was currently done with other contract. Councilman Harrison moved to amend the contract increasing the current amount to \$17,782.00.

The Council continued the discussion concerning the contract, the level of service that the City was furnishing Krebs, adding a new paragraph to the contract, leaving current contract the same but increasing future contracts, and the working relationship that the two cities had.

Mayor Priddle asked if there was a second to Councilman Harrison's motion to amend the contract increasing the current amount to \$17,782.00. Councilman Mason seconded the motion. Mayor Priddle then moved to amend the contract by inserting a paragraph to adjust the contract by the CPI every year. That motion was seconded by Councilman Smith. Mayor Priddle stated that the motion before the Council was to amend the contract by inserting a paragraph to adjust the contract yearly by the CPI.

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

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

NAY: Vice-Mayor Browne

Mayor Priddle declared the motion carried.

Mayor Priddle then called for a vote for the amendment to the contract to increase the current amount to \$17,782.00.

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

AYE: Councilman Karr, Garvin, Mason, Smith & Harrison

NAY: Vice-Mayor Browne & Mayor Priddle

Mayor Priddle declared the motion carried.

5. Consider and act upon, selling approximately five (5) acres of land at the Steven Taylor Industrial Park at a sale price of \$12,000 per acre. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve and act upon the sale of approximately five (5) acres of land located on site C-4 at the Steven Taylor Industrial Park and authorizing the Mayor to sign the attached document.

Vice-Mayor Browne moved to approve selling approximately five (5) acres of land at the Steven Taylor Industrial Park at a sale price of \$12,000.00 per acre. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak explained that the City had been approached by Fischer & Company as a representative of another company expressing interest in purchasing approximately five (5) acres of land at the Steven Taylor Industrial Park. He stated that site was the front five (5) acres of C-4. He added that this was an expansion and relocation project and since it was over \$50,000.00 it would require an affirmative vote of five (5).

There was discussion among the Council concerning the sale of the property, the language in the letter of intent, how long that particular site had been vacant, and how the sale of this property could effect the future development of the rest of the site.

John Titsworth addressed the Council expressing support for the sale of the property. Shari Cooper addressed the Council expressing her opposition to the sale of the property.

There was further discussion among the Council concerning the Industrial Parks accessibility, the condition of the various sites in the Park, working with volunteers from the community to help improve the readiness of the different sites in the Park, developing a master plan for the Industrial Park, having something like a first right of refusal in the contracts for land that might be sold at the Park and having a Workshop to address the condition of the property at the Industrial Park.

Mr. Ervin explained that the item before the Council was a letter of intent. He commented that this would be the framework for an agreement if the Council decided to negotiate or even sale the property. There was no further discussion, and the vote was taken as follows:

AYE: Vice-Mayor Browne

NAY: Councilman Garvin, Mason, Smith, Harrison, Karr & Mayor Priddle

Mayor Priddle declared the motion failed.

6. Consider, and act upon, authorizing the Mayor to sign a resolution adopting the City of McAlester and McAlester Public Schools Multi-Jurisdictional Multi-Hazard Mitigation Plan. (*John C. Modzelewski, PE, City Engineer and Director of Public Works*)

Executive Summary

Motion to approve a resolution adopting the City of McAlester and McAlester Public Schools Multi-Jurisdictional Multi-Hazard Mitigation Plan.

Councilman Karr moved for approval of RESOLUTION NO. 11-12, adopting the City of McAlester and McAlester Public Schools Multi-Jurisdictional Multi-Hazard Mitigation Plan. The motion was seconded by Councilman Garvin.

Before the vote, Mr. Modzelewski explained that the City of McAlester had been awarded a \$29,000.00 Grant to prepare the Multi-Jurisdictional Multi-Hazard Mitigation Plan.

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

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

NAY: None

Mayor Priddle declared the motion carried.

7. Consider, and act upon, the appropriation of funds for the construction of Elks Road Improvements and Extension. (*John C. Modzelewski, PE, City Engineer and Director of Public Works*)

Executive Summary

Motion to approve and appropriate \$602,000 for the construction of Elks Road Improvements and Extension

Councilman Harrison moved to approve the appropriation of funds for the construction of the Elks Road Improvements and Extension. The motion was seconded by Vice-Mayor Browne.

Before the vote, Mr. Modzelewski explained that this would allow for the advertising and bidding for the project. He stated that the City had received all of the necessary easements.

There was a brief discussion among the Council regarding the time frame for the project and possible increase in time for the required maintenance bonds from the contractors.

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

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

NAY: None

Mayor Priddle declared the motion carried.

8. Consider, and act upon, award of bid for 2009 Water and Sewer Improvements and authorizing the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with W. Brown Enterprises, Inc., in an amount of \$200,167.50. This project is partially funded by a Community Development Block Grant from the Oklahoma Department of Commerce of \$90,630.00.

Executive Summary

Motion to award of bid for 2009 Water and Sewer Improvements and authorizing the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with W. Brown Enterprises, Inc., in an amount of \$200,167.50.

Councilman Karr moved to award the bid for the 2009 Water and Sewer Improvements and authorize the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with W. Brown Enterprises, Inc., in an amount of \$200,167.50. The motion was seconded by Vice-Mayor Browne.

Before the vote, Mr. Medley explained that on August 11, 2011 the Utilities Department had opened bids for the 2009 Water and Sewer Improvements project. He stated that this project would replace approximately 1900 feet of sewer main and 700 feet of water main in "A" Street and Apache area. He added that the project would be partially funded by a Community Development Block Grant.

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

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

NAY: None

Mayor Priddle declared the motion carried.

9. Consider, and act upon, award of bid to Frontier Equipment Sales, L.L.C., for the purchase of one (1) New and Unused Combination Jet/Vacuum Sewer Cleaner.

Executive Summary

Motion to approve a \$312,500.00 bid award to Frontier Equipment Sales, L.L.C. of El Reno, Oklahoma for the purchase of one (1) New and Unused Combination Jet/Vacuum Sewer Cleaner and authorizing the City Manager to issue a purchase order to purchase the equipment

A motion was made by Councilman Harrison and seconded by Councilman Karr to award a bid to Frontier Equipment Sales, L.L.C., for the purchase of one (1) New and Unused Combination Jet/Vacuum Sewer Cleaner.

Before the vote, Mr. Medley explained that the City's current cleaner was twenty (20) years old and parts to repair the machine could no longer be found.

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

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

NAY: None

Mayor Priddle declared the motion carried.

10. Consider and act upon, adopting a Resolution supporting application for Federal Assistance with the FAA. (*Mel Priddy, Director of Community Services*)

Executive Summary

Motion to approve a Resolution supporting application for Federal Assistance with the FAA.

Vice-Mayor Browne moved to approve RESOLUTION NO. 11-13, supporting the application for Federal Assistance with the FAA. The motion was seconded by Councilman Harrison.

Before the vote, Mr. Priddy explained that this was for the second phase of the Airport Grant Project and the Resolution was part of the process for the City to officially receive the funding.

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

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

NAY: None

Mayor Priddle declared the motion carried.

11. Consider and act upon, authorizing the Mayor to sign an application and any other grant related documents for Federal Assistance with the FAA. (*Mel Priddy, Director of Community Services*)

Executive Summary

Motion to approve authorizing the Mayor to sign an application and all other grant related documents for Federal Assistance with FAA.

Vice-Mayor Browne moved to authorize the Mayor to sign an application and any other grant related documents for Federal Assistance with the FAA. The motion was seconded by Councilman Harrison.

Before the vote, Mr. Priddy explained that the 2011 Grant for Federal Assistance from the FAA for the airport construction project would not exceed \$2,000,000.00 and the City's portion would not exceed \$50,000.00. He stated that he did not anticipate any other grant related documents.

Councilman Garvin commented that he had attended the pre-bid conference at the Airport and had met briefly with the Chief of the Choctaw Nation. He added that Chief Pyle had commented on the impressive activity that had been going on at the Airport.

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

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

NAY: None

Mayor Priddle declared the motion carried.

New Business

Manager Stasiak stated that he had two (2) items for the Council to consider for new business. He distributed the information for the first item and explained that it was a claim denial from the City's insurance. After discussion and comments from the City Attorney the Council decided that the claim denial could wait until the next Regular Meeting.

Manager Stasiak then distributed information for the second item for the Council to consider.

Mr. Priddy addressed the Council explaining that this item had just recently been brought to his attention by the Airport Consultant. He stated that this was for a reimbursable agreement with the FAA in the amount of \$77,212.00 for repair and replacement of lighting at the Airport.

Mayor Priddle moved to authorize the Mayor to sign FAA Reimbursable Agreement and to direct the City Manager to prepare a budget amendment for the next Council meeting. The motion was seconded by Vice-Mayor Browne.

Before the vote, there was a brief discussion among the Council and the City Attorney about the reimbursement and if the Council could approve this agreement prior to a budget amendment.

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

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

NAY: None

Mayor Priddle declared the motion carried.

Councilman Garvin distributed maps of the Industrial Park and asked if this could be discussed under new business. After discussion, the Council decided that discussion of the Industrial Park would be considered at a Special Meeting.

City Manager's Report

Manager Stasiak reported that the water storage tank at "B" Street and Seminole was full and he anticipated putting it on line tomorrow evening

Remarks and Inquiries by City Council

Councilman Harrison, Karr and Garvin did not have any comments for the evening.

Councilman Smith commented on the readable street signs around the City and he congratulated the Parks Department for their job saving the trees and plants around the City.

Vice-Mayor Browne commented on the letter that had been included in the most recent water bill.

Mr. Medley stated that had resulted from a turbidity control problem.

Vice-Browne commented on the “B” Street and Seminole water tank’s appearance. He reported that Chris Fiedler was doing much better. He thanked the City employees for the job they had been doing and he mentioned that “The 70’s Reunion” was this weekend.

Councilman Mason asked about the schedule for advertisement for bids for the signalization at Strong and Wyandotte.

Mayor Priddle thanked the City employees for the job they had been doing. He commented on the amount of water line breaks that had occurred in the City.

Recess Council Meeting

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

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

Mayor Priddle declared the motion carried and the meeting was recessed at 8:14 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:19 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 Garvin, Mason, Smith, Harrison, Browne, Karr & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 8:19 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk