

Council Chambers  
Municipal Building  
November 9, 2010

The McAlester City Council met in Regular session on Tuesday, November 9, 2010, at 6:00 P.M. after proper notice and agenda was posted, November 4, 2010, at 4:31 P.M.

**Call to Order**

Mayor Priddle called the meeting to order.

Anthony Washington, Mt. Triumph Baptist Church led the Pledge of Allegiance and gave the invocation.

**Roll Call**

Council Roll Call was as follows:

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

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

**Swearing in Ceremony**

Municipal Judge Deborah Hackler administered the oath of office to Council-Elect Sam Mason.

Mayor Priddle then asked for the Roll to be called again.

**Roll Call**

Council Roll Call was as follows:

Present: Steve Harrison, John Browne, Buddy Garvin, Sam Mason & Kevin Priddle  
Absent: Robert Karr

**Citizen's Comments on Non-agenda Items**

There were no citizen's comments.

Mayor Priddle asked for a moment of silence to honor a former McAlester High School graduate that was killed while serving in Afghanistan, James McCluskey and to honor a former Mayor, Tom Glenn.

**Consent Agenda**

- A. Approval of the Minutes from the October 20, 2010, Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of the Minutes from the October 26, 2010, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- C. Approval of Claims for October 27, 2010 through November 9, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$88,743.55; Nutrition - \$649.30; Landfill Res./Sub-title D - \$12,000.00; Tourism Fund - \$3,150.00; SE Expo Ctr/Tourism Fund - \$8,456.19; E-911 – \$3,148.70; Economic Development - \$18,821.91; Gifts & Contributions - \$749.00; Fleet Maintenance - \$16,679.50 and CIP Fund - \$3,378.84.
- D. Authorize the Mayor to sign Antero Resources Corporation Division Order for Property Number 60712, UTTERBACK 3-1H Pittsburg County, Oklahoma. The DO is a confirmation that the well has reached producing status, provides the legal description of the spacing unit, and confirms the City’s interest in revenues. (*Cora Middleton, City Clerk*)
- E. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.29701-KM.
- F. Concur with Mayor’s re-appointment of Susan Kanard to the Planning Commission for a term that expires May 20, 2013. (*Kevin E. Priddle, Mayor*)
- G. Concur with Mayor’s re-appointment of Denise Lewis to the Planning Commission for a term that expires May 20, 2013. (*Kevin E. Priddle, Mayor*)

Councilman Mason requested that item “E” be removed for individual consideration. Mayor Priddle requested item “C” be removed for individual consideration as an informational purpose.

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

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

Mayor Priddle declared the motion carried.

### **Items Removed from Consent Agenda**

- C. Approval of Claims for October 27, 2010 through November 9, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$88,743.55; Nutrition - \$649.30; Landfill Res./Sub-title D - \$12,000.00; Tourism Fund - \$3,150.00; SE Expo Ctr/Tourism Fund - \$8,456.19; E-911 – \$3,148.70; Economic Development - \$18,821.91; Gifts & Contributions - \$749.00; Fleet Maintenance - \$16,679.50 and CIP Fund - \$3,378.84.

Councilman Harrison moved for approval of item “C”, seconded by Councilman Mason.

Before the vote, Mayor Priddle commented that he wanted to point out that on page five (5) there was about eight thousand dollars (\$8,000.00) in legal expenses dealing with the Randy Green issue. There was no further discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion.

- E. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.29701-KM.

Councilman Mason moved for approval of item “E”, seconded by Councilman Harrison.

Before the vote, Councilman Mason inquired about the nature of the claim. Manager Stasiak stated that it was very likely for a pothole, with no prior notice.

There was a brief discussion concerning the City’s obligation to maintain the streets within the City limits. Councilman Mason then asked for the City Attorney’s opinion.

Mr. Ervin stated that Oklahoma law requires that Municipalities have prior knowledge and have failed to address either by repair or other steps. He commented that the insurance company had recommended that this claim be denied and staff also had recommended that the claim be denied. He added, based on the information supplied to him, he also recommended that this claim be denied. There was no further discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion.

Councilman Harrison moved to open a Public Hearing to address an ordinance amending the Budget for Fiscal Year 2010-2011. The motion was seconded by Vice-mayor Browne, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:16 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.**

There were no comments from the citizens 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 Garvin, Mason, Harrison, Browne & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried, and the Public Hearing was closed at 6:17 P.M.

### **Scheduled Business**

1. Presentation, accept and place on file, a Quarterly Report by the Pride-In-McAlester.  
*(Mark Wilkett, President)*

Executive Summary

Quarterly Report for Pride-In-McAlester - President, Mark Wilkett.

2. Consider and act upon, an additional \$20,000 for the Main Street Program. *(Peter J. Stasiak, City Manager and Kathy Wall, Director of Main Street Program)*

Executive Summary

A motion to approve an additional \$20,000 for the Main Street Program.

Mayor Priddle stated that item 1 and 2 would be pulled because all items needed to be to the City Manager with all backup by 10:00 A.M. the Tuesday morning preceding the Council meeting.

3. Consider and act upon, authorizing the Mayor to sign a Staffing Agreement between Express Service, Inc. and the City of McAlester. *(Peter J. Stasiak, City Manager)*

Executive Summary

This item involves a motion to approve a Staffing Agreement between Express Services, Inc. and the City of McAlester.

Councilman Mason moved to authorize the Mayor to sign a Staffing Agreement between Express Service, Inc. and the City of McAlester. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak explained that the City had opened up the receptionist area in the front lobby to answer phones and furnish information to citizens. He commented that the administrative assistants and one part-time employee had developed a schedule to cover that area. He added that this had become a hindrance to the Department Heads who needed their administrative assistants. He further explained that the City was requesting to engage the services of Express Service to hire a part-time employee to work thirty-one (31) hours per week. He stated that individual would work the morning shift Monday through Wednesday and all day on Thursday and Friday.

Mr. Ervin commented that he had reviewed the agreement and had a few items that he recommended the City make. He briefly reviewed the changes, most of which dealt with indemnifications.

Mayor Priddle restated the motion as authorize the Mayor to sign a Staffing Agreement between Express Service, Inc. and the City of McAlester, with the noted changes as recommended per the City Attorney. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

4. 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. (*Gayla Duke, Chief Financial Officers*)

Executive Summary

This item involves amending Ordinance No. 2361 which established the budget for fiscal year 2010-2011.

### **ORDINANCE NO. 2376**

**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.**

Councilman Harrison moved for approval of **ORDINANCE NO. 2376**, seconded by Councilman Garvin.

Before the vote, Ms. Duke explained the amendment was to purchase and install frequency drives and replace the electrical in the pump building at the East Water Treatment Plant and to purchase and install a Network File Server. She added that the amendment would also allow for the contracted receptionist services.

David Medley explained that the services of a licensed electrician were needed to install the variable frequency drives.

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

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

Mayor Priddle declared the motion carried.

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

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

Mayor Priddle declared the motion carried.

5. Consider, and act upon, declaring a vacancy and approving a resolution setting the election dates for Ward 1. (*Cora Middleton, City Clerk*)

Executive Summary

A motion to approve declaring a vacancy and approving the resolution setting the election dates for Ward 1.

Councilman Garvin moved for approval of RESOLUTION NO. 10-14, declaring a Council vacancy and setting the election dates for Ward 1. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak stated that this would set January 11, 2011 as the date for the vacancy in Ward 1 and was the same date as the school board election. There was no further discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

6. Discussion, and possible action, on approval of certain costs related to the fire department from the City of McAlester's fire department's portion of the county quarter cent excise tax for fire services. (*Bret Brewer, Fire Chief*)

Executive Summary

A motion to approve the purchase of a 911 emergency notification system for the McAlester fire department, along with rescue equipment for our ropes rescue team.

Councilman Harrison moved for approval of certain costs related to the fire department from the City of McAlester's fire department's portion of the county quarter cent excise tax for fire services. The motion was seconded by Vice-Mayor Browne.

Before the vote, Fire Chief Brewer thanked the Council for considering this item. He then explained that the phone system at the station was thirty (30) years old, there was static on the lines, the conversations could not be heard and calls were constantly being dropped. There was a brief discussion concerning the phone system, the rope equipment needed for the Departments

rope rescue team and the balance in the City's portion of the County Sales tax. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

7. Consider, and act upon, award a bid to Utility Service Company, Inc., for the renovation and maintenance of the six (6) water storage tanks and authorize the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with Utility Service Company, Inc. in an amount of \$324,751.00 for seven (7) years for a total of \$2,273,257.00. (*David Medley, P.E. Utilities Director*)

Executive Summary

A Motion to award a bid for **Rehabilitation, Management and Full Service Maintenance Program, Including Bio-film Removal & Active Mixing System for Potable Water Storage Tanks** and authorizing the Mayor to enter into a renovation and maintenance contract, after review and approval by the City Attorney's Office, with Utility Services Company, Inc. of Perry, Georgia in an amount of \$2,273,257.00.

Councilman Garvin moved to award a bid to Utility Service Company, Inc., for the renovation and maintenance of the six (6) water storage tanks and authorize the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with Utility Service Company, Inc. in an amount of \$324,751.00 for seven (7) years for a total of \$2,273,257.00. The motion was seconded by Vice-Mayor Browne.

Before the vote, David Medley informed the Council that the Utilities Department had opened bids for the Rehabilitation, Management and Full Service Maintenance Program, Including Bio-film Removal & Active Mixing System for Potable Water Storage Tanks in the Council Chambers on October 25, 2010. He explained that only one (1) had been received and that bid had come in lower than the Engineering estimate. He added that the project had been bid with four (4) alternative items and he briefly reviewed those alternatives.

Manager Stasiak commented that he and Mr. Medley had spoken earlier and he was requesting to table this item for two (2) weeks to allow the Council time to review all of the information.

There was a lengthy discussion among the Council concerning tabling the item, the problem that two (2) of the Council members had with tabling the item, if the City Attorney had reviewed the bid document, errors within the contract that needed to be corrected, having an outside engineering firm review the document, correcting the issues with an addendum and the type of errors that were pointed out.

Vice-Mayor Browne moved to amend the motion to approve the contract contingent to addendum drawn up, mutually agreed upon by both parties and reviewed by the City Attorney and an outside engineering firm. The motion was seconded by Councilman Garvin.

Before the vote, Councilman Harrison commented that Council action should be the last step in the process.

Mayor Priddle restated the motion as approve the contract contingent to an addendum prepared by the City Attorney in conjunction with Utility Service, and reviewed by Mehlburger Brawley prior to signing of the contract. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Browne & Mayor Priddle

NAY: Councilman Mason & Harrison

Mayor Priddle declared the motion carried.

It was subsequently determined that Section 2.10(c) of the City Charter requires an affirmative vote of four or more members of the Council. Therefore, this motion failed.

8. Consider, and act upon, the sale of two (2) packer bodies, that will be removed from existing sanitation trucks. (*John Modzelewski, P.E. Engineering and Public Works Director*)

Executive Summary

A motion to approve the sale of two (2) 2009 Wayne Model PXIII 25 CY Packer Bodies, Serial # 17256 and Serial # 17355, to Waste Research, Inc.

Councilman Garvin moved to approve the sale of two (2) 2009 Wayne Model PXIII 25 CY Packer Bodies, Serial #17256 and Serial #17355 that would be removed from existing sanitation trucks. The motion was seconded by Councilman Harrison.

Before the vote, John Modzelewski explained that the Public Works Department had two (2) fairly new sanitation trucks that could be transformed into dump trucks by removing the packer bodies, selling them and replacing them with dump beds. He added that the bid prices included removing the packer bodies from the sanitation trucks. Mr. Modzelewski then informed the Council that the prices for the Packer bodies was as follows:

Packer Body Serial #17256 was \$9,750.00

Packer Body Serial #17255 was \$8,500.00

He added that these prices were F.O.B. Choteau, OK and that since First National Bank and Trust Co. was the lease holder for the two (2) sanitation trucks they had approved the sale and the amount of the two (2) packer bodies.

There was a brief discussion concerning the dump beds that were to be purchased and retaining at least one (1) sanitation truck for use in the recycling program if it was expanded in the future. There was no further discussion and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

9. Consider, and act upon, a recommendation by the Audit & Finance Advisory Committee to prepare a Request for Proposal (RFP) to solicit for a Bond Finance Representative for the City of McAlester. (*Gayla Duke, CFO*)

Executive Summary

A motion to approve the recommendation by the Audit and Finance Advisory Committee to solicit proposals for a City of McAlester Bond Finance Representative.

Mayor Priddle that this item would be pulled because of a timing issue.

### **New Business**

There was no new business.

### **City Manager's Report**

Manager Stasiak stated that he did not have any comments for this meeting.

### **Remarks and Inquiries By City Council**

Councilman Harrison welcomed Councilman Mason back to the Council.

Vice-Mayor Browne welcomed Councilman Mason, and he wished former Councilman Fiedler good luck in his future endeavors. He requested that Manager Stasiak add the north lane of South Street to the list of streets that needed to be repaired. He commented that he had been contacted by Komar about their new facility about having the street into that facility lit.

Councilman Garvin commented on the work being done on North Gate and he was please with all of the work going on since the appointment of Manager Stasiak and the other new staff. He stated that there were still incidents with cars being tampered with and he asked that if any of the citizens noticed street lights out, to contact him and he would forward the information to the City staff.

Councilman Mason stated that it was good to be back and that even though the Councilmen did not always agree on the issues that was what it was all about.

Mayor Priddle commented that the Council had done very well over the past couple of years to disagree without being disagreeable. He thanked the City Manager and the Street Department for sticking with the repairs and doing them correctly. He reminded every one that Thursday, November 11, 2010 was Veterans Day and urged them to honor the veterans and to thank them for their sacrifices.

Ms. Duke asked if she could thank the local dentists that had donated toothbrushes that had been given out at City Hall's Trick or Treat event on October 29<sup>th</sup>.

### **Recess Council Meeting**

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

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

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:26 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:30 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, Harrison, Browne & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:30 P.M.

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Kevin E. Priddle, Mayor

ATTEST:

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Cora Middleton, City Clerk