

Council Chambers  
Municipal Building  
November 23, 2010

The McAlester City Council met in Regular session on Tuesday, November 23, 2010, at 6:00 P.M. after proper notice and agenda was posted, November 18, 2010, at 4:31 P.M.

**Call to Order**

Mayor Priddle called the meeting to order.

Rev. Donald E. Brown from First Baptist Rentiesville led the Pledge of Allegiance and gave the invocation.

**Roll Call**

Council Roll Call was as follows:

Present: 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; Gayla Duke, Chief Financial Officer; William J. Ervin, City Attorney and Cora Middleton, City Clerk

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

There were no citizen's comments.

**Consent Agenda**

- A. Approval of Claims for November 10, 2010 through November 23, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$83,673.08; Parking Authority - \$121.50; Nutrition - \$1,124.87; Landfill Res./Sub-Title D - \$21,000.00; Employee Retirement - \$100.00; Tourism Fund - \$10,882.20; SE Expo Ctr/Tourism Fund - \$2,334.15; E-911 - \$3,171.68; Gifts & Contributions - \$1,863.78; Fleet Maintenance - \$9,966.46 and CIP Fund - \$11,361.26.
- B. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.29861-BJ. (*Cora Middleton, City Clerk*)

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

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

Mayor Priddle declared the motion carried.

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 Councilman Karr, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:04 P.M.

### **Public Hearing**

- **AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, MODIFYING SECTION 62, ARTICLE VII, DIVISIONS 1 AND 2, REPEALING DIVISION 3, SIGNS, AND DECLARING AN EMERGENCY.**
- **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 Councilman Harrison moved to close the Public Hearing. The motion was seconded by Vice-Mayor Browne. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried, and the Public Hearing was closed at 6:05 P.M.

### **Scheduled Business**

1. **TABLED FROM PREVIOUS MEETING** - A 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.

A motion was made by Councilman Garvin and seconded by Councilman Karr to accept and place on file a Quarterly Report by the Pride-In-McAlester.

Before the vote, Mark Wilkett briefly reviewed Pride-In-McAlester's activities during the past quarter.

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

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

Mayor Priddle declared the motion carried.

2. **TABLED FROM PREVIOUS MEETING** - Consider, and act upon, a recommendation by the Audit & Finance Advisory Committee for the City Staff 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.

Councilman Garvin moved to approve a recommendation by the Audit & Finance Advisory Committee for the City Staff to prepare a Request for Proposal (RFP) to solicit for a Bond Finance Representative for the City of McAlester. The motion was seconded by Councilman Mason.

Before the vote, Ms. Duke explained that this item came from the Audit and Finance Advisory Committee's recommendation regarding the need for the City of McAlester to solicit for a Bond Finance Representative. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

3. 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. 2377**

**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 to approve **ORDINANCE NO. 2377**, seconded by Councilman Karr.

Before the vote, Ms. Duke explained the amendment was to correctly appropriate Highway Safety Grant revenue, transfer funds for the Sunbelt Classic Tournament and appropriate funds for tourism project, Matthew West Concert, which had been approved by the Council on September 28, 2010. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

4. Consider and act upon an adoption of modification of E911 Oversight and Advisory Board Resolution from Pittsburg County Commissioners. (*Peter J. Stasiak, City Manager*)

Executive Summary

This item involves Staff recommendation approving a Resolution with modification of paragraph involving members to constitute the Board.

A motion was made by Councilman Karr and seconded by Councilman Garvin to adopt modification of E911 Oversight and Advisory Board Resolution from Pittsburg County Commissioners.

Before the vote, Manager Stasiak explained the Resolution had been received from the County Commissioners. He stated that he had discussed the representation on the E-911 Board with the City Attorney and had some recommendations.

There was discussion among the Council, the City Attorney, Trent Myers and Manager Stasiak concerning the recommendations made by Manager Stasiak, and if the Council could change the Resolution.

Mayor Priddle moved to adopt the Resolution as a joint Resolution and have the City Attorney present it to the County Commissioners. The motion was seconded by Vice-Mayor Browne. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

5. Discussion and possible action on pending modifications to contract with Allied Waste Systems, Inc., dba Allied Waste Systems of Alderson, for the City of McAlester's solid waste collection, removal and disposal. (*Councilman, Steve Harrison*)

Executive Summary

Consider motion in support of expeditious and equitable resolution of differences in contract terms between contract previously reviewed and approved by Council and contract executed by parties.

Councilman Harrison moved to support expeditious and equitable resolution of differences in contract terms between contract previously reviewed and approved by Council and contract executed by parties. The motion was seconded by Vice-Mayor Browne.

Before the vote, Councilman Harrison explained that at its regular meeting on May 11, 2010, the Council had authorized the Mayor to sign a contract upon review by the City Attorney with Allied Waste Services of Alderson for the City of McAlester's solid waste collection, removal and disposal. He stated that a contract had been signed on June 30, 2010 and a review of that contract had revealed that it was a different contract from the contract that had been provided in the City Council agenda packet. He commented that a number of differences had been identified. He added that this item was not about the performance of Allied Waste or an attempt to blame or find fault in anyone.

There was discussion among the Council and Mr. Ervin concerning the various changes that needed to be made, addressing all of the changes in one (1) addendum and taking the time now to thoroughly review the contract.

Mayor Priddle commented that he would appoint a committee, including Councilman Harrison, one other Council member, the City Attorney and the City Manager, to review the contract.

There was no vote.

6. Discussion and possible action with the usual public hearing, and language accompanying an ordinance or ordinance amendment with the emergency clause. (*Councilman, Sam Mason & Pride In McAlester*)

Executive Summary

This item involves a proposed sign modification.

Councilman Harrison moved to open the floor for discussion of this item. The motion was seconded by Vice-Mayor Browne.

Before the vote, Councilman Mason explained that this was meant to be submitted to the Council in April of 2010 but had been placed on the back burner. He stated that he had been asked to get this topic back to the forefront. He then moved to postpone this item until later date.

There was discussion among the Council and Manager Stasiak concerning the date to bring this item back to the Council, collecting comments from the various departments and concerned groups and simplifying the proposed ordinance.

Mayor Priddle seconded the motion to postpone the item and restated the motion as “Postpone until second meeting in February 2011, with deadline for comments to the City Manager as February 8, 2011. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

### **New Business**

Councilman Browne stated that the individuals from the Westboro Baptist Church in Kansas were returning to McAlester and he urged everyone to not acknowledge them when they arrived. There was a general consensus among the Council regarding this matter.

### **City Manager’s Report**

Manager Stasiak reported that the Packer bodies off of the Sanitation trucks had been sold. The parking lot across from City Hall was being changed. The Public Works Department was removing the illegal cross walk and the diagonal parking on Washington. He further reported that the Christmas lights had been put up by the Parks Department.

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

Each of the Council members wished the community a Happy Thanksgiving.

Councilman Karr urged everyone to shop locally.

Councilman Garvin requested that the service road in front of National Oilwell be added to list for repairs.

Councilman Mason reminded the Council that Charter section 7.01 (c) required the Council to create, approve, review and distribute a Code of Conduct and be signed off. He asked if the Code had been distributed. He added that he had not been asked to sign for a Code.

Manager Stasiak commented that the Code had been distributed to the Non-Uniformed employees. He explained that there was a case pending with the Fire Department but he thought that the Police Department had signed.

Councilman Harrison inquired about the enforcement of the ordinance establishing the time the trash receptacles could be placed at curbside.

Manager Stasiak commented that there was a plan in place and starting next week the solution would be implemented.

Vice-Mayor Browne inquired about the work schedule of the DuraPatcher and he commended the Police Department for their work during the recent Funeral.

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 Browne, Karr, Garvin, Mason, Harrison & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:12 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:13 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 Mason, Harrison, Browne, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:17 P.M.

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Kevin E. Priddle, Mayor

ATTEST:

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Cora Middleton, City Clerk