

Council Chambers
Municipal Building
April 27, 2010

The McAlester City Council met in Regular session on Tuesday, April 27, 2010, at 6:00 P.M. after proper notice and agenda was posted, April 22, 2010, at 4:47 P.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: Chris Fiedler, Steve Harrison, John Browne, Robert Karr, Buddy Garvin, Louis Smitherman & Mayor Priddle

Absent: None

Presiding: Kevin E. Priddle, Mayor

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

CITIZENS' COMMENTS ON NON-AGENDA ITEMS

None

RECOGNITION OF KAREN BOATRIGHT THE ANNE THOMPSON COURT CLERK OF THE YEAR AWARD

Mayor Priddle recognized Karen Boatright as the Anne Thompson Court Clerk of the Year for the State of Oklahoma. He then presented her with a plaque.

RECOGNITION OF CITY OF MCALESTER EMPLOYEE OF THE MONTH

- Employee of the Month for March 2010 is Nick Mitchell – Utility Maintenance Department.

Mayor Priddle recognized Nick Mitchell as the March 2010 Employee of the month and presented Mr. Mitchell with a plaque and certificate.

CONSENT AGENDA

- A. Approval of the Minutes from the April 6, 2010, Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

- B. Approval of the Minutes from the April 12, 2010, Re-Scheduled Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- C. Approval of Claims for April 13, 2010 through April 27, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$101,668.79; Parking Authority - \$129.71; Nutrition - \$593.00; Landfill Res./Sub-Title D - \$19, 601.66; Police Grant Fund - \$12,352.55; SE Expo Ctr/Tourism Fund - \$14,158.88; E-911 - \$4,868.64; Economic Development - \$12,627.89 and Gifts & Contributions - \$1,076.00.
- D. A Resolution to adopt the Capital Improvement Program 2010-2015 as stated by the City Charter Section 5.12 (b) City Council Action on Capital Program, which states “The City Council by resolution shall adopt the capital program with or without amendment after the public hearing(s) on or before the last day of April of the current fiscal year. If the City Council fails to adopt the capital program by such date, the current capital program will continue in effect.” (*Peter J. Stasiak, Acting City Manager*) Resolution No. 10-07.

Mayor Priddle requested that item “C” be removed for individual consideration. Councilman Harrison requested that items “B” and “D” be removed for individual consideration.

Councilman Fiedler moved to approve Consent Agenda item “A”, the motion was seconded by Councilman Harrison.

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

AYE: Councilman Fiedler, Harrison, Browne, Karr, Garvin, Smitherman & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Items Removed from the Consent Agenda:

- B. Approval of the Minutes from the April 12, 2010, Re-Scheduled Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

Councilman Garvin moved for approval of the Minutes from the April 12, 2010, Re-Scheduled Regular Meeting of the McAlester City Council. The motion was seconded by Councilman Karr.

Before the vote, Councilman Harrison commented that on page 10 of the minutes in item 9, the committee the Mayor had appointed to work with Allied Waste on the review of the City’s Solid Waste department should have included Mr. Stasiak, senior Staff, the Mayor and himself. Mayor Priddle stated that the changes would be made. There was no further discussion and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Karr, Garvin, Smitherman, Fiedler & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Mayor Priddle explained the reason he had pulled the claims was strictly a timing issue. There was a payment to St. Paul, the City's insurance, which was part of the budget amendment. He stated that the budget amendment needed to be approved before the payment could be approved. He added that the claims would be addressed after the budget amendment was approved.

D. A Resolution to adopt the Capital Improvement Program 2010-2015 as stated by the City Charter Section 5.12 (b) City Council Action on Capital Program, which states "The City Council by resolution shall adopt the capital program with or without amendment after the public hearing(s) on or before the last day of April of the current fiscal year. If the City Council fails to adopt the capital program by such date, the current capital program will continue in effect." (*Peter J. Stasiak, Acting City Manager*) Resolution No. 10-07.

Councilman Harrison moved for approval of RESOLUTION NO. 10-07, adopting the 2010-2015 Capital Improvement Program. The motion was seconded by Councilman Karr.

Before the vote, Councilman Harrison stated that he had requested this item be pulled to make a few comments on the Capital Improvement Program. He commented that the City did not have a Strategic Plan or a Comprehensive Plan and the Capital Plan was the only document showing what the City's needs were. He stated that it was more of a wish list, even if approved it was not guaranteed that the listed purchases and projects would come about. He added that many of the items were dependent on future decisions.

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

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

Mayor Priddle declared the motion carried.

Mayor Priddle explained that there were two (2) items that needed to be submitted for a Public Hearing. He then asked for a motion to open the Public Hearing for comments on an Ordinance amending the budget for fiscal year 2009-2010 and for comments on the closing out of a completed CDBG Grant.

Councilman Smitherman moved to open the Public Hearing for citizen comments regarding an Ordinance amending the budget for fiscal year 2009-2010 and for comments on the closing out of a completed CDBG Grant. The motion was seconded by Vice-Mayor Browne.

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

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

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:21 P.M.

Public Hearing

- An Ordinance amending Ordinance No. 2327, which established the budget for fiscal year 2009-2010; repealing all conflicting ordinances; providing for a severability clause; and Declaring an Emergency.
- Public Hearing Notice to close out a completed prior CDBG Grant. This grant was utilized for water and wastewater improvements.

There were no comments from the audience or the Council on either of the items. 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, Smitherman, Fiedler, Harrison, Browne, Karr & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was closed at 6:22 P.M.

SCHEDULED BUSINESS

1. Presentation of Quarterly Report of the Pride of McAlester. (*Mark Wilkett, President, Pride of McAlester*)

Executive Summary

Quarterly Report by the PIM – President, Mark Wilkett.

Councilman Karr moved to open the floor for the Pride in McAlester quarterly report. The motion was seconded by Councilman Garvin.

Mark Wilkett addressed the Council briefly reviewing Pride In McAlester's financial status and some of the activities that they had conducted during the first quarter of 2010. He commented that the group had worked on instituting recycling at the Public Schools. They were planning a newsletter to keep the citizens informed of activities and they would be conducting a grant writing class. He then presented the Council with a power point concerning the April cleanup.

There was a brief discussion among the Council regarding Mr. Wilkett's presentation. There was no vote on this item.

2. Presentation of Quarterly Report of the McAlester Economic Development Service, Inc. (*Ms. Shari Cooper, Executive Director, MEDS*)

Executive Summary

Quarterly Report by the MEDS – Executive Director, Shari Cooper.

Councilman Harrison moved to open the floor for the McAlester Economic Development Service, Inc. quarterly report. The motion was seconded by Councilman Karr.

Shari Cooper addressed the Council reporting on the first quarter activities of the McAlester Economic Development Service, Inc. She reviewed the various meetings she had attended and some of the goals that were listed in their contract.

There was a brief discussion among the Council regarding Ms. Cooper's presentation. No vote was taken on this item.

3. Consider, and act upon, the City of McAlester to host a Business, Economic & Development Summit to be held on June 14, 2010. Amount requested to fund summit is \$2500.00. (*Vice Mayor John Browne*)

Executive Summary

A motion to approve the City of McAlester to host a Business, Economic & Development Summit. Amount requested to fund summit is \$2500.00

Vice-Mayor Browne moved to approve the City of McAlester hosting a Business, Economic & Development Summit to be held on June 14, 2010 with funding requested in the amount of \$2500.00. The motion was seconded by Councilman Garvin.

Before the vote, Vice-Mayor Browne explained that the proposed summit was a breakfast to be held on Flag Day in conjunction with the dedication of a statue commemorating the Ammunition Depot at the south entrance to the City of McAlester. He commented that the groups currently involved were The Chamber of Commerce, MEDS, Pride In McAlester, the City of McAlester, the Army Ammunition Depot and they were currently talking with the Choctaw Nation. He added that Senators Inhofe and Coburn as well as Congressman Boren had been invited. He stated that he needed to know at this point if the funding would be available so formal invitations could be sent. He commented that the idea was to get all parties that have a vested interest in the City to participate. Vice-Mayor Brown added that part of the program included a flag raising ceremony. He then stated he would like to amend the funding request to include the cost to purchase a twenty five (25) foot flag pole and a solar powered light to light the flag, approximately \$2,000.00.

There was a brief discussion among the Council including Ms. Duke concerning the funding.

Councilman Harrison commented that there had not been any back up information included with this agenda item and he had some problem with making a decision without adequate information. He asked if the City would be the only entity that would participate in the funding.

Mayor Priddle commented that he felt this was a show of support for the groups involved in the Summit. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Smitherman, Fiedler, Browne & Mayor Priddle

NAY: None

ABSTAIN: (Counted as no) Councilman Harrison

Mayor Priddle declared the motion carried.

4. Consider, and act upon, the purchase of AT&T equipment for a third workstation for the E-911 Command Center. (*Jim Lyles, Chief of Police*)

Executive Summary

A motion to approve a \$95,000 purchase of equipment for the third workstation for the E-911 Command Center.

Councilman Smitherman moved to approve the purchase of AT&T equipment for a third workstation for the E-911 Command Center. The motion was seconded by Councilman Garvin.

Before the vote, Chief Lyles stated that this was to request the Council authorize the purchase of equipment for a third work station in the E-911 Command Center. He added that the department had recently received a grant from the Department of Public Safety that would reimburse 50% of the cost for the third work station.

There was no other discussion and the vote was taken on this item.

AYE: Councilman Fiedler, Harrison, Browne, Karr, Garvin, Smitherman & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

5. Consider and act upon, authorizing the Mayor to sign a contract for Administrative Services with the Kiamichi Economic Development District of Oklahoma (KEDDO) for the 2009-2010 Community Development Block Grant (CDBG) Small Cities in the amount of \$4,200. (*Peter Stasiak, Acting City Manager*)

Executive Summary

A motion to approve a Contract For Administrative Services with KEDDO for the 2009-2010 CDBG-Small Cities grant program in the amount of \$4,200 and authorizing the Mayor to sign the contract.

Councilman Karr move to authorize the Mayor to sign a contract for Administrative Services with the Kiamichi Economic Development District of Oklahoma (KEDDO) for the 2009-2010 Community Development Block Grant (CDBG) Small Cities in the amount of \$4,200. The motion was seconded by Councilman Fiedler.

Before the vote, Mr. Stasiak explained that this grant had been awarded last September or October for the replacement of water and sewer lines. He added that the total award from the State was \$90,630.00 and the City was required to match that amount for a total of \$181,260.00. He stated that at this point the City was not administratively able to manage this grant.

There was a brief discussion concerning which Ward the grant projects were located in, if the City Attorney had signed off on the contract and the cost of the contract.

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

AYE: Councilman Harrison, Browne, Karr, Garvin, Smitherman & Fiedler

NAY: None

ABSTAIN: (counted as no) Mayor Priddle

Mayor Priddle declared the motion carried.

Mayor Priddle commented that since he was on the KEDDO Board of Trustees he felt it appropriate to abstain.

6. Consider, and act upon, authorizing the Mayor to sign Tulsa State Fair Lease Agreement for booth rental space during the fair September 30, through October 10, 2010. *(Councilman, Chris Fiedler)*

Executive Summary

A motion to authorize the Mayor to sign the Tulsa State Fair Lease Agreement.

Councilman Smitherman moved to authorize the Mayor to sign Tulsa State Fair Lease Agreement for booth rental space during the fair September 30, through October 10, 2010. The motion was seconded by Councilman Garvin.

Before the vote, Councilman Fiedler commented that this contract required the City to put up 50% of the total cost of \$1,940.00. He informed the Council that approximately \$1,600.00 was left from last year, he was already collecting donations from various sponsors and he estimated the total cost to be around \$4,500.00. He added that McAlester Public Schools was coming on board this year and would be streaming live the activities at the Fair.

City Attorney commented on a few changes that needed to be made to the contract, stating that these were the same changes that were made to the previous contract and the Fair Board did not have any problem with them last year. He stated that the changes were to strike paragraph six (6), paragraph eighteen (18) and the last line of paragraph twenty three (23).

Mayor Priddle commented that the City would not need to expend any funds since there were still donations available from last year and this item was to authorize him to sign the contract. He commented that the funds donated last year had been turned over to the City and kept in a separate fund.

Councilman Fiedler commented that through the cooperative effort last year the City did get one (1) event from the Fair.

Mayor Priddle moved to amend the motion to make the authorization subject to the approval of the City Attorney and the recommended changes made. The motion was seconded by Councilman Smitherman. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Browne, Karr, Garvin, Smitherman, Fiedler, Harrison & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

7. Financial Reports for Month ending March, 2010. *(Gayla Duke, Chief Financial Officer)*

Executive Summary

Financials for Month ending March 31, 2010.

Councilman Harrison moved to open the floor for the presentation of the financial reports for the month ending March 2010. The motion was seconded by Vice-Mayor Bowne.

Ms. Duke reviewed the financial status of the City of McAlester as of March 31, 2010 with the Council.

There was a lengthy discussion among the Council including Ms. Duke concerning the expenses running at 68%, the City still coming in under budget for revenue, the various Department Heads that were willing to reduce expenditures and postpone some purchases and the lease of the DuraPatcher.

Mayor Priddle thanked Ms. Duke for her presentation and explained that this was not an action item so there would not be a vote.

8. Consider, and act upon, an Ordinance amending Ordinance No. 2327 which established the budget for fiscal year 2009-2010; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Gayla Duke, Chief Financial Officer*)

The budget amendment ordinance is necessary to cover proposed revenue and/or expenditures not included in the budget for this fiscal year.

Exhibit A-1, General Fund: Appropriation of insurance damages received and reclass capital expenditures in Repayment (CIP) fund. Correct original budgeting of federal Highway Safety Grant.

Exhibit A-2, Repayment (CIP) Fund: Appropriate transfer from General Fund and reclass traffic control expenditures. Appropriate fund balance to contingency for various items.

Exhibit A-3, MPWA Fund: Appropriate funding for MPWA damages account for settlement of lawsuit.

Executive Summary

Motion to approve the budget amendment ordinance.

ORDINANCE NO. 2354

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2327 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2009-2010; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Councilman Smitherman moved for approval of **ORDINANCE NO. 2354**, seconded by Councilman Harrison.

Before the vote, Ms. Duke reviewed each of the exhibits with the Council. There was a brief discussion among the Council including Ms. Duke concerning the exhibits and some of the previous amendments. There was no further discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

C. Approval of Claims for April 13, 2010 through April 27, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$101,668.79; Parking Authority - \$129.71; Nutrition - \$593.00; Landfill Res./Sub-Title D - \$19,601.66; Police Grant Fund - \$12,352.55; SE Expo Ctr/Tourism Fund - \$14,158.88; E-911 - \$4,868.64; Economic Development - \$12,627.89 and Gifts & Contributions - \$1,076.00.

Councilman Harrison moved to approve the claims for April 13, 2010 through April 27, 2010. The motion was seconded by Councilman Karr.

Before the vote, Councilman Harrison asked if Mr. Stasiak could confirm the payment to Intermedix Technologies. He stated that according to the contract, what the City of McAlester received in payments was ten (10) times the amount of the payment.

Mr. Stasiak informed Councilman Harrison that he was correct. He added that payment was for March receivables which would have been around \$35,545.40.

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

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

Mayor Priddle declared the motion carried.

9. **TABLED FROM PREVIOUS MEETING** - Consider, and act upon, a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the U.S. 69 Utility Relocate, ODOT State Job No. 14999 (04) as required by the Oklahoma Department of Transportation. (*Peter J. Stasiak, ACM*)

Executive Summary

Motion to approve and authorize the Mayor to sign the work order for Mehlburger Brawley to complete work required for U.S. 69 Utility Relocate, ODOT State Job No.14999 (04) for an estimated fee of \$50,000 upon review and approval of by the City Attorney's Office.

Councilman Karr moved to approve a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the U.S. 69 Utility Relocate, ODOT State Job No. 14999 (04) as required by the Oklahoma Department of Transportation. The motion was seconded by Councilman Fiedler.

Before the vote, Manager Stasiak commented that this discussion was just authorizing Mehlburger Brawley to work with ODOT to design the Utility relocation, there was no construction involved with this. Mayor Priddle commented that if ODOT made any changes after this plan was developed they would be responsible for the additional cost to redesign the plans.

There was a lengthy discussion among the Council including Mr. Stasiak regarding the current plans of the Highway construction, the amount of accidents that occur in that area, how business would have to change in the area, not having to begin construction on the relocation of the utilities at this time, how the project would go forward with or without the cooperation of the City and possibly at a greater cost, the changes from the original plans and looking into lighting in the area after the construction is completed.

Victoria McKean and Steve Wood addressed the Council to express their concerns for the businesses in the area regarding the highway reconstruction.

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

AYE: Councilman Karr, Garvin, Smitherman, Harrison & Mayor Priddle

NAY: Councilman Fiedler & Browne

Mayor Priddle declared the motion carried.

NEW BUSINESS

None

CITY MANAGER'S REPORT

Manager Stasiak reported that "D" Street was ahead of schedule and should be completed in a week.

REMARKS AND INQUIRIES BY CITY COUNCIL

Mayor Priddle congratulated Mr. Stasiak as the new City Manager. He commented that all areas of the City supported Mr. Stasiak.

Councilmen Fiedler and Harrison both congratulated Mr. Stasiak.

Vice-Mayor Browne congratulated Manager Stasiak. He commented that the 3rd Ward dumpsters were rapidly filling up and around the area. He added May 8, 2010 was the Letter Carrier food drive and asked everyone to participate.

Councilman Karr congratulated Mr. Stasiak. He thanked Mr. Stasiak and Mr. Modzelewski for the work on the north "C" drainage. He then thanked the Pride In McAlester volunteers.

Councilman Garvin congratulated Manager Stasiak and thanked Elaine Thomas for the job that she was doing.

Councilman Smitherman commented that he believed that Mr. Stasiak will make a good City Manager. He asked that Mr. Stasiak continue to work with ODOT regarding the highway reconstruction.

Mayor Priddle commented on the highway reconstruction adding that he hoped the City would continue to work with ODOT. He announced that Saturday, May 1, 2010 was the March of Dimes Walk and a week from this Friday was the Armed Forces Day Luncheon. He added that there was a lot happening in McAlester and he encouraged the citizens to be a part of the city.

RECESS COUNCIL MEETING

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Fiedler 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 Fiedler, Harrison, Browne, Karr, Garvin, Smitherman & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 8:47 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 8:48 P.M.

Mayor Priddle commented that the Council would only need to address one of the two (2) items on the agenda for the Executive Session. He stated that he would like to amend the items for discussion and only address the first item tonight. He added that the Council had addressed the second item when they offered Mr. Stasiak the City Manager's position at the Special Meeting last Thursday.

Councilman Harrison moved to recess the Regular meeting for an Executive Session to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest, in accordance with Title 25, Section 307.B.4. The motion was seconded by Councilman Fiedler. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried and the Regular meeting was recessed at 8:50 P.M.

EXECUTIVE SESSION

- **Section 307 (B) (4)** – Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest.

The Regular Meeting was reconvened at 9:52 P.M. Mayor Priddle reported that the Council had recessed the Regular Meeting for an Executive Session to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest, in accordance with Title 25, Section 307.B.4. Only that matter was discussed, no action was taken and the Council returned to open session at 9:52 P.M., and this constituted the Minutes of the Executive Session.

ADJOURNMENT

There being no further business to come before the Council, Councilman Fiedler moved for the meeting to be adjourned, seconded by Councilman Harrison. There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Smitherman, Fiedler, Harrison, Browne, Karr & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 9:53 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk