

Council Chambers  
Municipal Building  
January 10, 2012

The McAlester City Council met in Regular session on Tuesday, January 10, 2012, at 6:00 P.M. after proper notice and agenda was posted, January 6, 2012, at 10:52 A. M.

**Call to Order**

Mayor Priddle called the meeting to order.

David Massey, Central Christian 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; Toni Ervin, Interim Chief Financial Officer; John C. Modzelewski, City Engineer/Public Works Director; David Medley, Utilities Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Mayor Priddle requested a moment of silence for Officer Mitchell Weeks who had passed away on Friday, January 6, 2012, after twenty-six (26) years of service to the City of McAlester.

**Award Presentation**

Mayor Priddle presented Delona Jones as the November 2011 Employee of the Month. Ms. Jones received a Certificate of Appreciation, a plaque and a Savings Bond.

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

Janet Wansick addressed the Council thanking them for their partnering with Eastern Oklahoma State College for the job fair that the College puts on for the eighth grade students and also for the job fair for the Simonton Windows Plant employees. She also informed the Council that the City of McAlester had been chosen as a "Partner of the Year."

Carol Ervin informed the Council that State liaison would be in McAlester tomorrow to begin signing up businesses for the Sales Tax Rebate Incentive Program. She also stated that Scott Day the Streetscape Architect would be at the January 24<sup>th</sup> Council Meeting.

Stephanie Shafer announced that the third annual Pride In McAlester volunteer banquet would be held on February 9, 2012 at the Whistle Stop Bistro.

### **Consent Agenda**

- A. Approval of the Minutes from the December 27, 2011 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of the Minutes from the December 30, 2011 Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- C. Approval of Claims for December 7 through January 3, 2011 (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$52,034.34; Nutrition - \$708.88; Airport Grant - \$80,617.38; Tourism Fund - \$3,551.88, SE Expo Center - \$38.02; E-911 - \$138.00; Economic Development - \$19,021.91; Gifts & Contributions - \$1,450.00; CDBG Grant Funds - \$3,577.00; Fleet Maintenance - \$5,623.15; Worker's Compensation - \$941.68 and CIP Fund - \$444,169.43.
- D. Approval of \$85.00 expenditure for Councilman Harrison to attend the Oklahoma Municipal League Budget Process Workshop on January 27, 2012 to be held in Midwest City. (*Peter J. Stasiak, City Manager*)
- E. Accept and place on file the MPower 1st Quarter Report for 2011-2012. (*Shari Cooper, MPower, Executive Director*)

Vice-Mayor Browne moved to approve the Consent Agenda, seconded by Councilman Harrison.

Before the vote, Councilman Mason requested that item "A" be removed for individual consideration.

Councilman Harrison requested that item "D" be removed.

Mayor Priddle stated that the Consent Agenda consisted of items "B, C and E".

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.

### **Items removed from Consent Agenda**

- A. Approval of the Minutes from the December 27, 2011 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

Councilman Mason moved for approval of the Minutes from the December 27, 2011 Regular Meeting of the McAlester City Council. The motion was seconded by Vice-Mayor Browne.

Before the vote, Councilman Mason commented that a paragraph on page five (5) had been incorrect. He stated that he had discussed this with the City Clerk and after review Ms. Middleton had revised that section of the Minutes. He added that the revision had been distributed to the Council.

Mayor Priddle commented that the motion was to approve the Minutes from the December 27, 2011 Regular Council Meeting with the changes provided. There was no further 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.

D. Approval of \$85.00 expenditure for Councilman Harrison to attend the Oklahoma Municipal League Budget Process Workshop on January 27, 2012 to be held in Midwest City. (*Peter J. Stasiak, City Manager*)

Vice-Mayor Browne moved to approve the \$85.00 expenditure for Councilman Harrison to attend the Oklahoma Municipal League Budget Process Workshop on January 27, 2012 to be held in Midwest City. The motion was seconded by Councilman Karr. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Browne, Karr, Garvin, Mason, Smith & Mayor Priddle  
NAY: None  
ABSTAIN: (counted as no) Councilman Harrison

Mayor Priddle declared the motion carried.

Councilman Karr moved to open a Public Hearing to address an ordinance amending the Fiscal Year 2011-2012 Budget. 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 opened at 6:10 P.M.

### **Public Hearing**

**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.**

There were no comments from either the public or the Council and Councilman Karr moved to close the Public Hearing. The motion was seconded by Vice-Mayor Browne, 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 Public Hearing was closed at 6:11 P.M.

**Scheduled Business**

1. 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, Chief Financial Officer)*

Executive Summary

Motion to approve the budget amendment ordinance 2392.

**ORDINANCE NO. 2411**

**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 Harrison and seconded by Vice-Mayor Browne to approve **ORDINANCE NO. 2411.**

Before the vote, Ms. Ervin reviewed the amendment exhibits for the Council explaining that Exhibit A-5 had been amended. She then distributed corrected copies of that exhibit to the Council. Ms. Ervin also stated that Exhibit A-6 had been pulled.

Vice-Mayor Browne asked if the truck on Exhibit A-6 would not be purchased. Manager Stasiak commented that the funds for that truck had already been appropriated.

Vice-Mayor Browne commented that he could vote for the Budget Amendment and not support the Allied Waste contract. Mayor Priddle stated that was correct. There was no further 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.

A motion was made by Councilman Mason and seconded by Councilman Harrison to approve the EMERGENCY CLAUSE.

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.

2. Consider, and act upon, Change Order No. 1 – Final and Contractor’s Pay Estimate No. 4 – Final for the 2009 CDBG Water & Sewer Improvements Project. Change Order No. 1 reconciles the final quantities and results for an addition of \$3,500.00 to the contract amount resulting in a final contract amount of \$203,667.50. (*David Medley, PE – Director, Utility Dept.*)

Executive Summary

Motion to approve final payment for the 2009 CDBG Water & Sewer Improvements Project to W. Brown Enterprises, Inc. of Durant, Oklahoma and authorization for the Mayor to sign Change Order No. 1 and the Final Application of Payment.

A motion to approve final payment for the 2009 CDBG Water & Sewer Improvements Project to W. Brown Enterprises, Inc. of Durant, Oklahoma and authorization for the Mayor to sign Change Order No. 1, in the amount of \$3,500.00 and the Final Application of Payment was made by Vice-Mayor Browne and seconded by Councilman Harrison.

Before the vote, David Medley addressed the Council explaining that this change would reconcile the final quantities of the contract resulting in a final contract amount of \$203,667.50. He added that this project had replaced approximately 7000 feet of sanitary sewer line and 700 feet of water line in Ward Three. He stated that the change order had come about because seven (7) water service lines had not been originally accounted for.

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.

3. Consider, and act upon, authorizing a 3.5% rate increase to Allied Waste Services of Alderson for the City of McAlester’s solid waste collection, removal and disposal. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve and act upon a 3.5% rate increase to Allied Waste Services (AWS) of Alderson for solid waste collection, removal and disposal retroactive to July 1, 2011.

A motion was made by Councilman Harrison and seconded by Councilman Karr to authorize a 3.5% rate increase to Allied Waste Services of Alderson for the City of McAlester's solid waste collection, removal and disposal retroactive to July 1, 2011.

After discussion among the Council including Manager Stasiak, regarding the changes that had been made to the contract, not passing the rate adjustment on to the citizens if it was approved, the City's ability to continue to absorb any future rate increases, the 3.5% maximum cap increase per year, possibly reducing the rate to the citizens when the new budget was developed and the City not raising the rate to the citizens any more than the 3.5% no matter what the increase was to the City. There was no further discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

4. Consider, and act upon, authorizing the purchase of one new Hydrostatic Vibratory Roller, Wacker Neuson Model RD 16-100. (*John C. Modzelewski, P.E., - City Engineer and Director, Engineering and Public Works Dept.*)

Executive Summary

Motion to approve the purchase of one Hydrostatic Vibratory Roller, Wacker Neuson Model RD 16-100., at a cost of \$26,975, from G.C. Rental & Sales, Inc. located at 1610 South Main, McAlester, Oklahoma.

A motion to authorize the purchase of one (1) Hydrostatic Vibratory Roller, Wacker Neuson Model RD 16-100., at a cost of \$26,975, from G.C. Rental & Sales, Inc. located at 1610 South Main, McAlester, Oklahoma was made by Councilman Harrison and seconded by Vice-Mayor Browne.

After discussion among the Council concerning the number of bid packets that had been distributed and the number of proposals that had been received the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

5. Consider, and act upon, authorizing the purchase of one new Portable Asphalt Reclaiming/Trenching Machine, Asphalt Zipper Model AZ500-B203. (*John C. Modzelewski, P.E., - City Engineer and Director, Engineering and Public Works Dept.*)

Executive Summary

Motion to approve the purchase of one Portable Asphalt Reclaiming/Trenching Machine, Asphalt Zipper Model AZ500-B203, at a cost of \$129,985, from Asphalt Zipper, Inc. located in Pleasant Grove, Utah.

A motion to approve the purchase of one Portable Asphalt Reclaiming/Trenching Machine, Asphalt Zipper Model AZ500-B203, at a cost of \$129,985, from Asphalt Zipper, Inc. located in Pleasant Grove, Utah was made by Vice-Mayor Browne and seconded by Councilman Harrison.

After discussion among the Council regarding the operations of the Asphalt Reclaiming Machine, what streets this machine could be used on, if this machine was similar to the machine that had been demonstrated and the possibility of seeing entire street projects proposed in the coming CIP Plan 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 informed the Council that there was a pickup that he would like to discuss with the Council. He commented that he had not been aware of it before the posting of the agenda. He stated that the funds had been appropriated with a previous Budget Amendment but the original pickup had not been what was needed. He explained that the quote information that he had distributed fell below the \$25,000.00 bid limit and they had received two quotes for vehicles that were available for immediate delivery. He added if this were to be considered, staff recommended the purchase of the Ford ¾ ton 4X4 pickup from Nix Ford in the amount of \$24,997.00.

Mayor Priddle asked Mr. Ervin if this matter qualified for New Business.

Mr. Ervin stated that he had discussed this at length with Manager Stasiak and believed that it did qualify as a new business item.

Vice-Mayor Browne moved to approve the purchase of one Ford ¾ ton 4X4 pickup from Nix Ford in the amount of \$24,997.00. 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.

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

Manager Stasiak informed the Council that the agenda for the January 24<sup>th</sup> meeting looked to be very lengthy with various presentations and the Mid-Year Budget presentation. He commented that he and the Mayor had discussed having a Special Meeting prior to the Regular Council Meeting and he would like to request the Special Meeting at 5:00 P.M. to focus on the Mid-Year Budget. He informed the Council that he would be leaving in the morning to attend the CMAO Winter Conference in Stillwater and would return on Friday afternoon. He expressed his appreciation to the Highway Patrol, the Sherriff's Department, the Sherriff's Reserve Deputies, the Kiowa Police Department and the Krebs Police Department who helped cover the City of

McAlester today so the McAlester Police Officers could attend the Funeral Services for Officer Weeks.

### **Remarks and Inquiries by City Council**

Councilmen Smith and Harrison did not have any comments for the evening.

Vice-Mayor Browne thanked the crew that had been striping the streets in the City. He commented on the street sign toppers. He expressed his appreciation for purchasing the pickup locally and he commented that an area on west Seminole by the water tower had been missed when the crews were out cleaning the streets.

Councilman Karr commented on how well the striping on the streets had gone.

Councilman Garvin also commented on the street striping. He expressed his appreciation for the work that had been done in the alley behind his home and he commented that it would be nice if the City would recognize January 6, 2012 as Mitch Weeks Day to express gratitude for the service that he had given.

Councilman Mason commented on the street striping and stated that he had received calls regarding the lack of striping on the edge of the service roads. He asked if possibly one of the local politicians could contact the Oklahoma Department of Transportation about correcting that problem.

Mayor Priddle stated that he had been impressed with the service this afternoon for Officer Weeks. He announced that Friday, January 13<sup>th</sup> at noon the Martin Luther King, Jr. service would be held at Mt. Triumph Baptist Church and that Saturday, January 14<sup>th</sup> at 6:00 P.M. the banquet would be held at the McAlester High School.

### **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 Harrison 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 6:50 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 6:53 P.M.

**Adjournment**

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

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 6:53 P.M.

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Kevin E. Priddle, Mayor

ATTEST:

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Cora Middleton, City Clerk