

The McAlester City Council met in Regular session on Tuesday, February 28, 2012, at 6:00 P.M. after proper notice and agenda was posted, February 24, 2012, at 3:55 A. M.

Call to Order

Mayor Priddle called the meeting to order.

Fran Greathouse, First 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; John C. Modzelewski, City Engineer/Public Works Director; Brett Brewer, Fire Chief; Toni Ervin, Chief Financial Officer; David Medley, Utilities Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Stephanie Shafer reminded the Council of the City wide clean up and she encouraged each of the Councilmen to form teams within their Wards.

Consent Agenda

- A. Approval of the Minutes from the January 24, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the January 31, 2012 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the February 14, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of Claims for February 8, 2012 through February 21, 2012. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$130,590.35; Parking Authority - \$107.88; Nutrition - \$1,467.24; Educational Fund - \$700,000.00; Tourism Fund - \$237.95; SE Expo Center - \$3,289.75; E-911 - \$2,786.70; Economic Development - \$3,700.00; Gifts & Contributions - \$182.52; Fleet Maintenance - \$12,172.62; Worker's Compensation - \$941.68; Dedicated Sales Tax - \$8,186.19 and CIP Fund - \$68,327.03.
- E. Consider, and act upon, an expenditure of \$50.00 for Councilman Steve Harrison to attend the Mayors Council of Oklahoma and Oklahoma Municipal League Legislative Forum on Monday, March 19, 2012 in the House Chambers, Oklahoma State Capitol. *(Cora Middleton, City Clerk)*
- F. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.31672-BJ. *(Cora Middleton, City Clerk)*
- G. Concur with Mayor's Appointment of John Titsworth to the Audit & Finance Advisory Committee for a term to expire May, 2014. *(Kevin E. Priddle, Mayor)*

- H. Concur with Mayor's Appointment of J. T. Collier to the Hospital Board for a term to expire February, 2015. *(Kevin E. Priddle, Mayor)*
- I. Concur with Mayor's Re-Appointment of Dr. Leroy M. Milton to the Hospital Board for a term to expire February, 2018. *(Kevin E. Priddle, Mayor)*

Mayor Priddle requested that item "G" be removed for individual consideration.

Councilman Harrison requested that item "E" be removed for individual consideration and Councilman Mason requested that item "I" be removed for individual consideration.

Vice-Mayor Browne moved to approve the Consent Agenda, items "A, B, C, D, F and H". The motion was 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

ABSTAIN: (counted as a no vote) Councilman Smith

Mayor Priddle declared the motion carried.

Items removed from Consent Agenda

- E. Consider, and act upon, an expenditure of \$50.00 for Councilman Steve Harrison to attend the Mayors Council of Oklahoma and Oklahoma Municipal League Legislative Forum on Monday, March 19, 2012 in the House Chambers, Oklahoma State Capitol. *(Cora Middleton, City Clerk)*

A motion was made by Vice-Mayor Browne and seconded by Councilman Garvin to approve an expenditure of \$50.00 for Councilman Steve Harrison to attend the Mayors Council of Oklahoma and Oklahoma Municipal League Legislative Forum on Monday, March 19, 2012 in the House Chambers, Oklahoma State Capitol.

Before the vote, Councilman Harrison commented that he requested this item pulled so he could abstain from the vote. Vice-Mayor Browne moved to modify the motion to allow any of the Council to attend. The motion was seconded by Mayor Priddle.

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

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

NAY: None

ABSTAIN: Councilman Harrison

Mayor Priddle declared the motion carried.

- G. Concur with Mayor's Appointment of John Titsworth to the Audit & Finance Advisory Committee for a term to expire May, 2014. *(Kevin E. Priddle, Mayor)*

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to concur with the Mayor's appointment of John Titsworth to the Audit & Finance Advisory Committee for a term to expire May 2014.

Before the vote, Mayor Priddle stated that he needed to change the expiration date to May of 2013. There was no other 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.

- I. Concur with Mayor's Re-Appointment of Dr. Leroy M. Milton to the Hospital Board for a term to expire February, 2018. (*Kevin E. Priddle, Mayor*)

A motion was made by Councilman Karr and seconded by Councilman Garvin to concur with the re-appointment of Dr. Leroy M. Milton to the Hospital Board of a term to expire February, 2018.

Before the vote, there was discussion among the Council concerning the number of terms that Dr. Milton had served on the Hospital Board and the number of terms an individual was allowed to serve.

Mayor Priddle stated that he would pull this item until the questions could be answered and furnished to the Council. There was no vote on this item.

Vice-Mayor Browne moved to open a Public Hearing to address two (2) ordinances. The motion was seconded by Councilman Harrison. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:11 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.

AN ORDINANCE AMENDING CHAPTER 106, UTILITIES, ARTICLE IV. SOLID WASTE, DIVISION 1 AND MUNICIPAL COLLECTION SERVICE, DIVISION 2. GENERALLY, SECTION 106-301, DEFINITIONS, SECTION 106-303, BURNING OF REFUSE, SECTION 106-304(a) UNLAWFUL SCATTERING, STORING, ETC., SECTION 106-306, AND REMOVAL OF WASTE MATERIAL, CONSTRUCTION DEBRIS, AND DIVISION 2, MUNICIPAL COLLECTION SERVICE, SECTION 106-321, CITY'S EXCLUSIVE RIGHT TO COLLECT AND REMOVE REFUSE, SECTION 106-323, GENERAL REFUSE CONTAINER AND STORAGE REQUIREMENTS – FOR PERMISSIBLE SOLID WASTE FOR RESIDENTIAL UNITS, SECTION 106-324, SAME – FOR LARGE COMMERCIAL AND INDUSTRIAL UNITS, SECTION 106-325, MAINTENANCE, REPAIR AND REPLACEMENT OF POLYCARTS AND COMMERCIAL DUMPSTERS, SECTION 106-326(a), PROHIBITING THE UNAUTHORIZED DEPOSIT OF REFUSE IN CONTAINERS BELONGING OR ASSIGNED TO SOMEONE ELSE, SECTION 106-327, CHARGES FOR REMOVAL OF PERMISSIBLE SOLID WASTE, SECTION 106-328, RECYCLING AND ADDING SECTION 106-329, ADMINISTRATIVE PROCEDURES OF THE CODE OF ORDINANCES OF THE CITY OF McALESTER; AND DECLARING AN EMERGENCY.

There were no comments from either the public or the Council and Councilman Mason moved to close the Public Hearing. The motion was seconded by Councilman Garvin, 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 and the Public Hearing was closed at 6:12 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 and declaring an emergency.

ORDINANCE NO. 2414

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 Vice-Mayor Browne and seconded by Councilman Harrison to approve **ORDINANCE NO. 2414**, amending the 2011-2012 fiscal year budget.

Before the vote, Toni Ervin reviewed the amendment exhibits with the Council. There was no other 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.

A motion was made by Councilman Karr and seconded by Vice-Mayor Browne to approve the EMERGENCY CLAUSE.

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.

2. Discussion, and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the purchase of Bunker Gear for Structural Firefighting with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

A motion was made by Councilman Karr and seconded by Councilman Harrison to approve certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

Before the vote, Chief Brewer addressed the Council explaining that this was to purchase Bunker Gear, which was the clothing worn by the Firemen while fighting fires.

After a brief discussion regarding the balance of the City's portion of the county quarter cent excise tax, the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

3. Consider, and act upon a revised Work Order for Mehlburger Brawley Corporation for engineering services required for Change Order No. 1 to the design of construction of the U.S. 69 Utility Relocate, ODOT State Job No. 14999(06) as required by the Oklahoma Department of Transportation. This work order is required to lower water utilities previously lowered in the project to provide for flatter driveway grades in certain areas of the project. **All costs for engineering and construction will be paid by the Oklahoma Department of Transportation.** (*David Medley, PE, Director of Utility Department*)

Executive Summary

Motion to approve and authorize the Mayor to sign the revised engineering work order for Mehlburger Brawley to complete work required for U.S. 69 Utility Relocate, ODOT State Job No.14999(06) for an estimated fee of \$14,470.00 upon review and approval of by the City Attorney's Office.

Councilman Harrison moved to approve and authorize the Mayor to sign the revised engineering work order for Mehlburger Brawley to complete work required for U.S. 69 Utility Relocate, ODOT State Job No.14999(06) for an estimated fee of \$14,470.00 upon review and approval of by the City Attorney's Office. The motion was seconded by Councilman Garvin.

Before the vote, David Medley addressed the Council explaining that this would allow for the lowering of previous relocated water utilities and provide for flatter driveway slopes in the area of the project. He added that all of the engineering and construction costs would be paid by the Oklahoma Department of Transportation.

There was a brief discussion concerning why this had not been initially planned and the negotiations with one of the restaurants that brought this change about.

There was no other 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.

4. Consider, and act upon, Change Order No. 1 to the Contract with Pittard Construction Company for the construction of Highway 69 ODOT Utility Relocation Water Project and authorize the Mayor to sign the Change Order in the amount of \$64,600.00 This will increase the original construction contract amount of \$498,850.00 to \$563,450.00 and will add 30 days to the contract time for an estimated substantial completion date of April 22, 2012. **All costs will for Engineering and Construction will be paid for by the Oklahoma Department of Transportation.** (*David Medley, PE, Director of Utility Department*)

Executive Summary

Motion to award Change Order No. 1 for Highway 69 ODOT Utility Relocation Water Project and authorizing the Mayor to sign the Change Order, after review and approval by the City Attorney's Office, with Pittard Construction Company of Allen, Texas in an amount of \$64,600.00.

A motion was made by Councilman Karr and seconded by Vice-Mayor Browne to award Change Order No. 1 for Highway 69 ODOT Utility Relocation Water Project and authorizing the Mayor to sign the Change Order, after review and approval by the City Attorney's Office, with Pittard Construction Company of Allen, Texas in an amount of \$64,600.00.

Before the vote, David Medley addressed the Council explaining that the Change Order had been requested by the Oklahoma Department of Transportation and would for the lowering of 340 feet of 16" diameter water lines that had previously been lowered in this project and also allow for flatter slopes to the driveways at the Wade Watts and Highway 69 area. He added that the additional costs would be paid by the Oklahoma Department of Transportation. There was no other 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.

5. Consider, and act upon, a Resolution declaring certain buildings as dangerous by reason of being dilapidated and a detriment to the welfare of the public and community. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve a Resolution declaring certain buildings as dilapidated and subject to removal.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to approve a Resolution declaring certain buildings as dangerous by reason of being dilapidated and a detriment to the welfare of the public and community.

Before the vote, Manager Stasiak explained that this structure at 902 North 6th Street had been burned and was in a condition that warranted removal. There was no other 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.

6. Consider, and act upon, approval of Change Order No. 1, for an extension of eighteen days to the existing contract with Outlaw Construction for Elks Road Improvements. (*John Modzelewski, P.E., City Engineer and Public Works, Director*)

Executive Summary

Motion to approve Change Order No. 1 for the extension of time to the construction contract with Outlaw Construction for construction of the Elks Road Improvements.

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve Change Order No. 1 for the extension of time to the construction contract with Outlaw Construction for construction of the Elks Road Improvements.

Before the vote, John Modzelewski addressed the Council explaining that this Change Order was requested to extend the length of the contract by eighteen (18) days to allow for three (3) rain days and allow for the AT&T customers that had not been initially connected to be correctly connected. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

7. TABLED - Consider, and act upon, a Solid Waste Ordinance amending Article IV. Solid Waste, Division 1 and Municipal Collection Service, Division 2. Sections 106-301, 106-303, 106-304(a), 106-306, 106-321, 106-323, 106-324, 106-325, 106-326(a), 106-327, 106-328 and 106-329 and declaring an emergency. (*Peter J. Stasiak, City Manager and Joe Ervin, City Attorney*)

Executive Summary

Motion to approve the Solid Waste Ordinance as amended and declaring an emergency.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to approve, a Solid Waste Ordinance amending Article IV. Solid Waste, Division 1 and Municipal Collection Service, Division 2. Sections 106-301, 106-303, 106-304(a), 106-306, 106-321, 106-323, 106-324, 106-325, 106-326(a), 106-327, 106-328 and 106-329.

Before the vote, Manager Stasiak commented that the individuals that had been working on the creation of this Ordinance had taken all received comments into consideration.

After a lengthy discussion among the Council regarding various changes within the body of the Ordinance proposed by Councilman Mason, the importance of having policies in place, who has the authority to create policy, what procedures were being taken to verify the locations of the polycarts, when the change regarding the pricing for households having two (2) polycarts would be implemented and who determined if a household needed more than one (1) polycarts Councilman Mason moved to table this item until the next meeting. The motion was seconded by Vice-Mayor Browne, 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.

New Business

There was no new business.

City Manager's Report

Manager Stasiak updated the Council on the status of the repairs to Strong Boulevard. He reported that the final inspection on Water Treatment Plant had been done and there had been only a couple of minor items to redo. He then thanked Mayor Priddle for the leadership he had given the City of McAlester over the past four (4) years.

Remarks and Inquiries by City Council

Councilman Smith encouraged everyone to vote on Tuesday.

Councilman Harrison also encouraged everyone to vote and he thanked Mayor Priddle for his service as Mayor for the past four years.

Vice-Mayor Browne stated that it had been an honor to serve as Vice-Mayor with Mayor Priddle and he also encouraged everyone to vote. He commented on the renovations that had been made to an old gas station at 600 South Main.

Councilman Karr stated that it had been a privilege to serve with Mayor Priddle.

Councilman Garvin also stated that it had been a privilege to serve with Mayor Priddle and that he had done a good job.

Councilman Mason commented that the grass in the seal joints on Strong Boulevard needed to be sprayed. He mentioned that the light poles that were leaning needed to have their bases repaired and he hoped to see the advertisement for the signalization at Strong and Wyandotte soon.

Mayor Priddle urged everyone to vote. He wished luck to both of the Mayoral candidates. He reminded everyone that the City was up for an award for its efforts with "Make a Difference Day" and he asked everyone to vote. He then asked that the following comments be included verbatim in the minutes:

"Gentlemen –

The last four years have been both an honor and a pleasure to serve with you on the council. During this time we have accomplished a great deal. In my opinion, the greatest thing that's been accomplished in the last four years is the re-building of an extremely talented administration here at the City of McAlester – for all things are done through people. It is through the City Manager, the Senior Staff and all City employees that everything which we as a council try and do is implemented.

Three guiding principles have been prevalent during the last four years:

- 1.) It is our duty to provide each and every employee the right tools to do their job. Whether these tools are pickups, parts or computer programs they allow our employees to be successful. Please continue in the future to provide the employees what they need to help our City be the best it can be.
- 2.) If we are going to something – let's do it right. Let's think it through and let's give it every opportunity to be successful. Whether this is facing the stark reality eighteen months ago that our Water Towers were in deplorable condition and they needed to be completely re-done and not just band-aided or whether it's putting in new sewer and water lines underneath roads as we re-build them to insure that we don't have to dig up a new road to fix an 50 year old water line this principle has served us well. Don't create a possible problem for tomorrow with the solution that you implement today has served us well.
- 3.) If we want different and better results, then we need to use different solutions to get those results. As I've said many times "Einstein defined stupidity as doing the same thing over

As much work as we have accomplished, there is still, and always will be, a great deal of work to be done. Please keep these guiding principles in your forethoughts as you go about your work.

Lastly – I'd like to offer two simple pieces of advice:

1.) Make sure that each of you personally allows our City Manager and his staff the opportunity to do their job without your interference. There have been many times in the last four years that councilmen have wanted to be too involved in day to day operations of the City. This is neither your job, nor your duty as defined by the City Charter. This behavior frequently takes up inordinate amounts of time for both the City Manager and the City Attorney. Neither of these individuals work for specific councilmen, but rather for the Council as a whole. Let them do their jobs without your daily interference and things will go very smoothly.

2.) Each of us are different. It is those differences that allow us to hear varying opinions and to come up with the best solution which is frequently a marrying of all of those opinions. We have done well in the last four years hearing each others opinions and most importantly developing the ability to disagree without being disagreeable. The ability to come to a solution without drawing lines in the sand is absolutely critical to the success of any company and the City is no exception. All lines in the sand do is create divides which people do not want to cross and they erode away the solid foundation of cooperation.

I have come to love the City, the employees and all of our partner groups with all of my heart. I would not trade the last four years of my life for anything and I wish you, the employees, the administration and the City as a whole the best for the future.

Thank you and God Bless.....”

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 7:02 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:06 P.M.

Adjournment

There being no further business to come before the Council, Councilman Karr 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 Smith, Harrison, Browne, Karr, Garvin & Mason

NAY: Mayor Priddle

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:06 P.M.

ATTEST:

Kevin E. Priddle, Mayor

Cora Middleton, City Clerk