

The McAlester City Council met in Regular session on Tuesday, May 27, 2014, at 6:00 P.M. after proper notice and agenda was posted, May 23, 2014, at 3:21 P.M.

**Call to Order**

Mayor Harrison called the meeting to order.

Pastor Joey Clark, Shared Blessings, gave the invocation and led the Pledge of Allegiance.

**Roll Call**

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Travis Read, Robert Karr, Jason Barnett & Steve Harrison  
Absent: Buddy Garvin  
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Toni Ervin, Chief Financial Officer; William J. Ervin, Jr., City Attorney and Cora Middleton, City Clerk

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

None

**Consent Agenda**

- A. Approval of Claims for May 7, 2014 through May 20, 2014. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$140,408.82; Parking Authority - \$144.82; Nutrition - \$1,794.20; Landfill Res./Sub-Title D - \$5,340.00; Employee Retirement - \$337.50; Cemetery Care Fund - \$13,475.75; Tourism Fund - \$914.99; SE Expo Center - \$10,998.90; E-911 - \$5,966.30; Economic Development - \$17,373.80; Grants & Contributions - \$3,150.00; Fleet Maintenance - \$5,121.89; Worker's Compensation - \$947.68 and CIP Fund - \$12,037.65.
- B. Consider, and act upon, concurrence with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 136887-TW. (*Cora Middleton, City Clerk*)
- C. Consider, and act upon, to waive street cut fee of approximate \$1500.00 for Habitat for Humanity home under construction in the 300 block of West Cherokee. (*Peter J. Stasiak, City Manager*)

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve the Consent Agenda. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Titsworth, Karr, Barnett & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to open a Public Hearing to address an Ordinance amending the fiscal year 2013-2014 budget.

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

AYE: Councilman Read, Smith, Titsworth, Karr, Barnett & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:03 P.M.

### **Public Hearing**

- AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2467 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2013-14; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY

There were no comments from the Council or citizens. Councilman Smith moved to close the Public Hearing. The motion was seconded by Vice-Mayor Read and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Barnett, Titsworth & Mayor Harrison  
NAY: None

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

### **Scheduled Business**

1. Consider, and act upon, authorizing the mayor to sign an Engagement Letter with Finley & Cook, PLLC for audit services for the fiscal year ending June 30, 2014. (*Toni Ervin, CFO*)

Executive Summary

Motion to authorize the Mayor to sign an Engagement Letter with Finley & Cook, PLLC.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to authorize the Mayor to sign an Engagement Letter with Finley & Cook, PLLC for audit services for the fiscal year ending June 30, 2014.

Before the vote, Toni Ervin, Chief Financial Officer addressed the Council informing them that three (3) proposals had been received in response to the City's RFP's for Auditing Services and after their review, of the proposals, the Audit & Finance Advisory Committee recommended the firm of Finley & Cook, PLLC for the FY 2013-2014 Audit.

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

AYE: Councilman Smith, Read, Karr, Barnett, Titsworth & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried.

2. Consider, and act upon, an Ordinance amending Ordinance No. 2467 which established the budget for fiscal year 2013-2014; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Toni Ervin, CFO*)

Executive Summary

Motion to approve the budget amendment ordinance.

### **ORDINANCE NO. 2500**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2467 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2013-14; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

A motion was made by Councilman Karr and seconded by Councilman Smith to approve **ORDINANCE NO. 2500**, amending the fiscal year 2013-2014 budget.

Before the vote, Toni Ervin, Chief Financial Officer addressed the Council reviewing the exhibits to the amendment. She explained that the amendment would appropriate funds for the purchase of mowers and trees for the Cemetery, roof repairs on the office at the Cemetery and for an Economic Development Grant for a building permit.

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

AYE: Councilman Karr, Smith, Barnett, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

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

AYE: Councilman Read, Karr, Barnett, Smith, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

3. Discussion, and possible action, on approval of Late fees waiver for Rural Water District #9. (*Toni Ervin, CFO*)

Executive Summary

Staff recommends council authority for the waiver of late fees.

A motion was made by Councilman Smith and seconded by Councilman Karr to approve the late fees waiver for Rural Water District #9.

Before the vote, Toni Ervin, Chief Financial Officer addressed the Council explaining that the City had received a request from Rural Water District #9 to waive their late fees. She explained that the district had not been late in the past and that their request letter had stated that their secretary of twenty-five (25) years had resigned leaving no one to take care of any of the District's business.

There was a brief discussion among the Council and Ms. Ervin concerning what had been done for the other district that had requested help, how District #9's late fees had been calculated, and if the District had started paying on time.

Councilman Karr moved to waive 50% of the Districts late fees. The motion was seconded by Councilman Barnett. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr, Barnett, Smith, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

4. Discussion on possible Charter changes by Charter Committee. (*Mayor Steve Harrison and Councilman Weldon Smith*)

Executive Summary

Discussion on possible Charter changes.

Mayor Harrison opened the item for discussion and commented that he wanted to start with the discussion of the debt limitation since there were several citizens present to speak about it.

City Attorney Ervin explained how the proposed language for Section 5.11 had been written.

Evans McBride, Cara Bland, Darryl Linnington and David Keith each addressed the Council expressing their concerns about how the Hospital was currently limited on debt and how that affected the Hospital's ability to replace and acquire equipment as it was needed, how the limitation affected the Hospital's accounting and financial reporting and the safe guards that were in place to keep the Hospital from acquiring too much debt.

There was a lengthy discussion among the Council concerning the fees that the Hospital charged for various tests, when this proposal could be placed on a ballot, the Council not having any control over the Hospital Boards' actions, having the limit raised for the Authorities from \$500 thousand to \$1 million and 5% of net assets for the Hospital, and having those items as two (2)

separate proposals. The Council also discussed the proposed changes to Charter sections 2.06, filling vacancies; 5.13, the independent audit; and 6.04, redistricting the Wards.

City Attorney Ervin informed the Council that with the revised options the proposals would be brought back before the Council in time to get on the August ballot.

### **New Business**

There was no new business.

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

- Report on activities for the past two weeks.

Manager Stasiak informed the Council that the contractor that would be replacing the header pipe at the water treatment plant was mobilizing and the project was getting started. The City Engineer had received the final plans for CIP #2, CIP #3 was on schedule and he would like to schedule a workshop for sometime next week to address the Hotel/Motel tax issue. He then informed the Council that Friday, May 30<sup>th</sup> would be Linda Daniels' last day and he expressed his appreciation for everything that she had done.

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

Councilmen Barnett, Smith, Titsworth, and Read did not have comments for the evening.

Councilmen Karr wished Ms. Daniels a happy retirement and he thanked her for work. He then expressed his appreciation for the City Managers' reports and the information that was provided in them.

### **Mayor's Comments and Committee Appointments**

Mayor Harrison thanked Ms. Daniels for her work at the City.

### **Recess Council Meeting**

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Vice-Mayor Read.

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

AYE: Councilman Smith, Read, Karr, Barnett, Titsworth & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:14 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 7:17 P.M.

### **Adjournment**

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

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

AYE: Councilman Smith, Titsworth, Karr, Barnett, Read & Mayor Harrison  
NAY: None

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

ATTEST:

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Steve Harrison, Mayor

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Cora Middleton, City Clerk