

Council Chambers
Municipal Building
March 25, 2008

The McAlester City Council met in regular session on Tuesday, March 25, 2008, at 6:00 P.M. after proper notice and agenda was posted March 19, 2008, at 1:30 P.M.

CALL TO ORDER

Mayor Lewis called the meeting to order. Council Roll Call was as follows:

Present: Haven Wilkinson, Buddy Garvin, Sam Mason, Weldon Smith, Travis Read,
Donnie Condit & Mayor Lewis
Absent: None
Presiding: Don Lewis, Mayor

Staff Present: George Marcangeli, City Engineer/Public Works Director; David Burke, City Treasurer; Robert Ivester, City Attorney; Cora Middleton, City Clerk and Jim Lyles, Police Chief/ Acting City Manager

INVOCATION & PLEDGE OF ALLEGIANCE

- **Rev. Al Davis, First Christian Church**

Mayor Lewis led the Pledge of Allegiance.

CITIZENS' COMMENTS ON NON-AGENDA ITEMS

None

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- Approval of the Minutes from the March 11, 2008, Regular Meeting of the City Council.** *(Cora Middleton, City Clerk)*
- Approval of Claims for the period of March 12 through March 25, 2008.** *(Sherry Alessi, Assistant City Treasurer)* In the amounts of: General Fund - \$167,775.37; Parking Authority - \$300.26; Nutrition - \$349.28; Revolving Evidence - \$1,605.00; SE Expo/Tourism Fund - \$16,742.06; E-911 - \$2,371.21 and Economic Development - \$282.50.

Councilman Read moved to approve the consent agenda. The motion was seconded by Councilman Condit.

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

AYE: Councilman Smith, Condit, Read, Wilkinson, Garvin, Mason & Mayor Lewis
NAY: None

Mayor Lewis declared the motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

None

SCHEDULED BUSINESS

1. **Consider, and act upon, a Seismic Survey Permit request from Geokinetics, Inc., on City-owned property including approval to place seismic cables/geophones inside the City limits on public right-of-way. (George Marcangeli, City Engineer and Public Works Director)**

Executive Summary

Geokinetics, Inc. is requesting a permit for seismic survey on City-owned property and placement of seismic cables and geophones on public right-of-way, which they propose to pay the City \$50,000.00.

Councilman Condit moved for approval of a Seismic Survey request from Geokinetics, Inc., on City-owned property including approval to place seismic cables/geophones inside the City limits on public right-of-way. The motion was seconded by Councilman Read.

Before the vote, George Marcangeli briefly explained this item and how it had been tabled at the previous meeting on March 11th so additional information could be furnished to the Council. He then reviewed the answers to the questions that had been raised during the previous meeting.

1. The total acreage inside the City of McAlester is 10,716 acres.
2. The total acreage of streets in the City of McAlester is 1,120 acres.
3. The survey crews would not begin work before 8 A.M. and they would end work one hour before dark.
4. If the citizens had any questions or if they experienced any damage they could contact Jason Carsten, Project Manager for Geokinetics in the McAlester office at (918)426-4114.
5. The Police Chief advised Mr. Carsten that the police officers would have to be considered as on-duty and that Geokinetics would have to reimburse the City at their overtime rate of pay plus the actual cost of the patrol car to the City. For an eight hour day, the cost for a patrol car and a police officer would vary from \$366/day for a patrolman to \$425/day for a captain. This cost would cover all costs for equipment and personnel. Geokinetics had not yet decided if they want to exercise this option, if the Council approves the permit request.
6. The City Engineer contacted the Street Superintendent in Wilburton and the Public Works Director in Wewoka. Both gentlemen indicated that there were no damages to streets or utilities caused by the vibe trucks. Most of the calls they received from citizens was in regard to the seismic cables that were used.
7. Mr. Carsten indicated that Geokinetics was revising their offer from \$20,000 to \$50,000 for the permit on City-owned property (631 acres) and for the use of the City streets (1,120). Based on a total acreage of 1,751 acres, the average amount per acre offered by Geokinetics is \$28.56/acre.

Mr. Marcangeli then stated that Mr. Carsten was present at the meeting to answer any further questions.

Councilman Condit asked if the use of the police officers was for traffic purposes, what section of the City and what date would the survey begin, if a truck shaking in front of a house would cause damage, if the cables would be going across easements and private property, if the citizens would be reimbursed and what would the company do if a citizen refused to let them place a cable across their property.

Mr. Carsten stated that the use of the officers would be for traffic and they would be familiar with the city so they could help plan the best routes. The survey would begin at the very eastern side of the City and work its way west. He stated that the vibrate trucks should not cause damage and they would be monitored to make sure there is no damage. He added that the citizens would be notified before the testing started in the area. Mr. Carsten stated that if a citizen refused to let the cables be laid on their property, the company could move to the other side of the street and the cables would be placed across easements and private property. He further stated that the citizens would be reimbursed no less than \$25.00 with a \$25 minimum.

Councilman Garvin asked what the initial goal was for this procedure, were they expecting to locate gas in the City of McAlester? He also stated that with wells all around the City, were they pretty sure there was gas in the City. He then asked what was the percentage that was being paid.

Mr. Carsten stated that Geokinetics had been retained to do the seismic survey by another company. He stated that the other company wanted to obtain 3D information about the area. He added that the City did own minerals within the City limits and yes with all of the wells around the City it was very possible that there was gas in the City. He commented that he did not have any idea what was currently being paid.

Councilman Condit asked about the weight of the trucks and if they would be over the weight limit of the City streets.

Chief Lyles stated that there was a limit but he did not have the information about the limit.

Mr. Carsten stated that the vibrate trucks weighed approximately 25,000 pounds.

George Marcangeli stated that the City's sanitation trucks weighed more than that.

Councilman Read asked Mr. Ivester if he had reviewed the certificate of liability and if it would cover any damage to the utilities if there was any damage and if the City could make a claim against this policy if there was any damage.

Mr. Ivester stated that he had looked at the insurance and it would cover to the limits of the policy and the City could file claims.

Councilman Smith asked if fences on private property could cause problems.

Mr. Carsten stated that chain link fences could be gone through or the cables could be moved to the side of the fences.

Councilman Mason restated his concern with the citizens mowing during this survey and even though they indicated that the survey would not start until the fall, what would happen if a cable was mowed over?

Mr. Carsten stated that they deal with this all of the time and the citizens would be able to move the cables out of the way. There was no electricity involved in this type of cable.

Councilman Mason then asked when the company would be obligated to pay the \$50,000.

Mr. Carsten answered within two weeks if the Council approved the permit tonight and that it would be with a check.

Councilman Mason stated that the two week time limit should be included in the requirements if the request is approved tonight. And what we are doing tonight if the Council approves the permit is authorizing the Mayor to sign the contract based on the receipt of the \$50,000. He then stated that the insurance certificate expires in July and he requested that the clerk make a note to remind Geokinetics to submit a new insurance certificate to the City.

Mayor Lewis commented that no work would actually start before the certificate was received by the City.

Councilman Read asked that the minutes reflect that the consideration of the use of the police officers is separate from this contract and if they decide to use the officers, they come back to the Council and work out a separate contract.

Councilman Wilkinson asked if the cables would be running east and west or north and south and what would the distance between the cables be.

Mr. Carsten answered they would run north and south and the distance would be 880 feet. He then stated that he wanted to clarify that at the last meeting he was asked if there would be any shot holes in the City and at that time he had answered no, but he stated that some of the larger land owners on the outskirts of the City might have some shot holes on their property if they gave their permission.

Harold King asked what the amount of the insurance bond was, if the land owners were going to be required to furnish written permission and how the company was going to implement their notification process. He also asked what exactly was right-of-way and did it include platted streets that had not been completed.

Mr. Ivester stated that the bond was for \$25 million and yes if the street was platted it was considered right-of-way. Mr. Carsten stated that the notification was one of the conditions of the contract and all land owners would be notified by phone or in writing.

Mr. Ivester asked if a time limit could be placed on the contract, but give enough leeway to complete.

Mr. Carsten stated that they usually ask for one year.

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

AYE: Councilman Condit, Read, Wilkinson, Garvin, Mason, Smith & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

2. Consider, and act upon, forming a citizen committee to organize the cleanup of all Wards; adopt a proposed “Cleanup McAlester Program” and establish dates for implementation of the proposed program.

Executive Summary

The City Council has suggested that a “Cleanup McAlester” Committee be formed to organize the cleaning up of all Wards. In addition, the Council has asked the City Administration to propose a “Cleanup McAlester Program”, which could be implemented this spring.

Councilman Smith moved to approve the formation of a citizen committee to organize the cleanup of all Wards; adopt a proposed “Cleanup McAlester Program” and establish dates for implementation of the proposed program. The motion was seconded by Councilman Condit.

Before the vote, Councilman Smith stated that there were a number of citizens that wanted to volunteer to serve and George Marcangeli had set a number of dates for the cleanup beginning on May 5, 2008 and ending on May 25, 2008. He added that citizens would be able to bring anything they wanted to the landfill free of charge.

Mayor Lewis corrected saying that hazardous waste would not be accepted.

George Marcangeli stated that the landfill personnel would decide what was hazardous.

Mayor Lewis suggested that the information needed to be determined so the citizens would not carry items to the landfill only to have to haul them back.

Councilman Smith continued to explain the process of the proposed clean up. He then commented that if any others wanted to participate to contact the Mayor, City Manager, George Marcangeli or him.

There was discussion among the Council concerning the City’s inability to work on private property, involving civic groups and having all of the Council participate with the committee.

The Mayor commented that with cooperation the City has an opportunity to get this done. He then read the list of names that had already been submitted and asked if there were any others that would like to volunteer.

Councilman Garvin stated that if any of the 5th Ward citizens needed help and if they would call him he would help coordinate the removal of their items.

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

AYE: Councilman Read, Wilkinson, Garvin, Mason, Smith, Condit & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

NEW BUSINESS

None

CITY MANAGER'S REPORT

There was no report.

REMARKS AND INQUIRIES BY CITY COUNCIL

Councilman Garvin reported that after the last big rain he and his wife had toured 5th Ward to check the low spots. He then visited with the affected citizens and commented that he would be working to get those problems resolved.

Chief Lyles commented that on Friday, Officer Chuck Courts would be retiring and a reception was planned at the Meeting Place. He invited everyone to stop in and congratulate Officer Courts on his years of fine service to the City.

Mayor Lewis encouraged the citizens to volunteer on the Clean Up Committee. He stated that the Treasurer had been very busy. He reported that April 3, 2008 there would be a Special Joint Meeting with the Council, the Audit & Finance Advisory Committee and the Auditors.

RECESS COUNCIL MEETING

Mayor Lewis asked for a motion to recess the Regular Meeting to convene the Authorities.

Councilman Wilkinson moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Smith and the vote was taken as follows:

AYE: Councilman Wilkinson, Garvin, Mason, Smith, Condit, Read, & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried, and the Regular Meeting was recessed at 6:43 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 6:45 P.M.

Councilman Mason moved for the Regular Meeting to recess for an Executive Session to discuss litigation with Randy Green in accordance with Title 25, Sec. 307.B.4. The motion was seconded by Councilman Wilkinson, and the vote was taken as follows:

AYE: Councilman Smith, Condit, Read, Wilkinson, Garvin, Mason & Mayor Lewis
NAY: None

Mayor Lewis declared the motion carried and the meeting was recessed at 6:46 P.M.

EXECUTIVE SESSION

*Recess into Executive Session in compliance with Section Title 25 Section 307 (B), et.seq.
Oklahoma Statutes, to wit:*

- Section 307 (B) (4) – Discuss litigation with Randy Green.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

The Regular Meeting was reconvened at 7:41 P.M. Mayor Lewis reported that the Council had gone into Executive Session for the purpose of discussing litigation with Randy Green in accordance with Title 25, Sec. 307.B.4. No action was taken and only that matter was discussed.

ADJOURNMENT

There being no further business to come before the Council, Councilman Smith moved for the meeting to be adjourned, seconded by Councilman Wilkinson. The vote was taken as follows:

AYE: Councilman Smith, Condit, Read, Wilkinson, Garvin, Mason & Mayor Lewis
NAY: None

Mayor Lewis declared the motion carried, and the meeting was adjourned at 7:42 P.M.

ATTEST:

Don R. Lewis, Mayor

Cora Middleton, City Clerk