

Council Chambers
Municipal Building
April 13, 2009

The McAlester City Council met in regular session on Monday, April 13, 2009, at 6:00 P.M. after proper notice and agenda was posted, April 7, 2009, at 4:00 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

- Rev. J.T. Carnell, First Church of the Nazarene

ROLL CALL

Council Roll Call was as follows:

Present: Chris Fiedler, Donnie Condit, John Browne, Buddy Garvin, Sam Mason & Mayor Priddle
Absent: Haven Wilkinson
Presiding: Kevin E. Priddle, Mayor

Staff Present: Mark Roath, City Manager; Pete Stasiak, Planning & Community Development Director; William J. Ervin, Jr., City Attorney and Cora Middleton, City Clerk

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.

- A. Approval of the Minutes from the March 24, 2009, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**
- B. Approval of the Minutes from the March 31, 2009, Special Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**
- C. Concur with Mayor's reappointment of Randy Walters to the Airport Advisory Board for the term that expires March, 2011. (Kevin E. Priddle, Mayor)**
- D. Concur with Mayor's reappointment of Cecil Craig to the Airport Advisory Board for the term that expires March, 2011. (Kevin E. Priddle, Mayor)**

E. Approval of Claims for March 25, 2009 through April 13, 2009. (*Sherry Alessi, Assistant Chief Financial Officer*) In the following amounts: General Fund - \$118,600.39; Nutrition - \$802.20; C.O.P.S./Grant - \$6,747.00; Revolving Evidence - \$429.30; Educational Fund - \$57,067.11; SE Expo Ctr/Tourism Fund - \$2,741.87; Economic Development - \$14,312.50 and CIP Fund - \$2,224.00.

Mr. Roath explained that an additional claim, in the amount of \$930.00 had been received late last week, had been distributed and needed to be added to the claims list. He stated that it was for DEQ inspection of plans. He added that if it was not approved with this claims list the City would have to wait two (2) weeks to submit payment to DEQ.

There were no objections to adding this claim to the current list.

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

Councilman Fiedler move for approval of consent agenda items "A through D. The motion was seconded by Councilman Browne. There was no discussion and the vote was taken as follows:

AYE: Councilman Fiedler, Condit, Browne, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

E. Approval of Claims for March 25, 2009 through April 13, 2009. (*Sherry Alessi, Assistant Chief Financial Officer*) In the following amounts: General Fund - \$118,600.39; Nutrition - \$802.20; C.O.P.S./Grant - \$6,747.00; Revolving Evidence - \$429.30; Educational Fund - \$57,067.11; SE Expo Ctr/Tourism Fund - \$2,741.87; Economic Development - \$14,312.50 and CIP Fund - \$2,224.00.

Councilman Condit moved to approve item "E" of the Consent Agenda. The motion was seconded by Councilman Fiedler.

Before the vote, Councilman Mason asked about the payment to Crawford and Associates on page three (3) and the payment to Mehlburger Brawley on page thirteen (13).

Mr. Roath answered that part of the payment to Crawford and Associates was for the Hotel/Motel tax project and the other portion of that payment he would need to review and furnish the information to the Councilman later. He stated that he would need to research the payment to Mehlburger Brawley and furnish that information later also.

There was no further discussion concerning item "E" and the vote was taken as follows:

AYE: Councilman Condit, Browne, Garvin, Mason, Fiedler & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

PUBLIC HEARING

All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.

Mayor Priddle stated that there were two (2) items on the agenda that required a Public Hearing.

Councilman Mason moved to open a Public Hearing to consider a rezoning ordinance and an ordinance to vacate and close a platted alleyway. The motion was seconded by Councilman Condit.

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

AYE: Councilman Browne, Garvin, Mason, Fiedler, Condit & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:10 P.M.

Mike Ward and Ron Billy addressed the Council regarding the two ordinances explaining that they hoped to construct a fifteen (15) unit apartment complex that would be accessible to individuals with disabilities. They explained how the complex would be placed on the property and how the parking would be situated for the complex.

There were no other comments and Mayor Priddle asked for a motion to close the Public Hearing.

Councilman Browne moved to close the Public Hearing. The motion was seconded by Councilman Condit.

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

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was closed at 6:13 P.M.

SCHEDULED BUSINESS

1. Presentation of January 2009 Financial Report. (Kevin E. Priddle, Mayor)

Executive Summary

This agenda item involves the Mayor's presentation of the January 2009 Financial Report based on information provided to him by the Finance Department.

Mayor Priddle commented that the financial report was actually for February 2009 and not January 2009. He then briefly reviewed the February 2009 financials. Mayor Priddle stated that the decrease from the previous year was due mainly because of the quarter cent sales tax that had expired. He commented that the staff should be commended for their control of the expenses and revenues.

There was a brief discussion concerning the coming budget and the decrease in exploration and construction.

2. **Consider, and act upon, an Ordinance amending General Zoning Ordinance No. 1843 (1989) and accompanying map by rezoning West 5' of Lot 3C, Lot 3D, 4A-B-C-D, 5A-B-C-D, 7, 8, and 9E, East 40' of North 100' of vacated 8th street and North 10' of vacated alley abutting West 5' of Lot 3C and Lots 3D, 4A-B-C-D, 5A-B-C-D and South 10' of vacated alley abutting Lots 7, 8, and 9E in Block 276, City of McAlester, formerly South McAlester, Pittsburg County, State from R1-B (Single-Family Residential) to R-3 (Multi-Family Residential).** (*Pete Stasiak, Planning and Community Development Director*)

Executive Summary

This agenda item involves a rezoning from single family residential to multi-family residential including a change in the Zoning Map for the properties listed above.

ORDINANCE NO. 2318

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), OF THE CITY OF MCALESTER, OKLAHOMA BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: WEST 5' OF LOT 3C, LOTS 3D, 4A-B-C-D, 5A-B-C-D, 7, 8 AND 9E, EAST 40' OF NORTH 100' OF VACATED 8TH STREET AND NORTH 10' OF VACATED ALLEY ABUTTING WEST 5' OF LOT 3C & LOTS 3D, 4A-B-C-D, 5A-B-C-D, & SOUTH 10' OF VACATED ALLEY ABUTTING LOTS 7,8 AND 9E IN BLOCK 276, CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B(SINGLE-FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL).

Councilman Condit moved to approve **ORDINANCE NO. 2318**, seconded by Councilman Mason.

Before the vote, Pete Stasiak explained that this had received a unanimous vote from the Planning Commission and there had been only one letter in opposition of the project, which had been dated from June of 2008, when it had been previously considered.

There was a brief discussion between Mayor Priddle and Mike Ward concerning traffic around the project.

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

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

3. **Consider, and act upon, an Ordinance vacating and closing a platted alleyway lying within Block 276, South McAlester, Pittsburg County.** (*Pete Stasiak, Planning and Community Development Director*)

Executive Summary

This agenda item involves vacating and closing a platted alleyway.

ORDINANCE NO. 2319

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA TO ANULL, VACATE, AND CLOSE THE PLATTED ALLEYWAY LYING WITHIN BLOCK 276, SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA GRANTING OWNERSHIP TO SAID PROPERTY TO THE ABUTTING PROPERTY OWNERS.

Councilman Fiedler moved to approve **ORDINANCE NO. 2319**, seconded by Councilman Mason.

Before the vote, Pete Stasiak explained that the Planning Commission had no opposition to this project.

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

AYE: Councilman Mason, Fiedler, Condit, Browne, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

4. **Consider, and act upon, a Resolution authorizing the City of McAlester to seek a CDBG Block Grant.** (*Pete Stasiak, Planning and Community Development Director*)

Executive Summary

This agenda item involves an applying for a CDBG Grant from the State of Oklahoma.

Councilman Browne moved to approve a resolution authorizing the City of McAlester to seek a CDBG Block Grant. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Pete Stasiak explained that this was an annual entitlement grant worth \$78,621.00 and was a 1:1 ratio match. He stated that if awarded the funds could be used for a wide variety of projects and activities for the community. Mr. Stasiak explained that the projects and activities would be determined by a series of public meetings with the Council determining which project would have the best impact for the community.

There was a brief discussion concerning the type of grant and how the dollar amount was calculated.

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

AYE: Councilman Fiedler, Condit, Browne, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

5. Consider, and act upon, authorizing the Mayor to sign a contract between the City and Ronald W. Polk and Billy Jo Polk to lease City owned land for livestock grazing. *(Mark B. Roath, City Manager)*

Executive Summary

This agenda item involves a ten-year lease of eleven and one-half acres, more or less, for livestock grazing only.

Vice-Mayor Garvin moved to authorize the Mayor to sign a contract between the City and Ronald W. Polk and Billy Jo Polk to lease City owned land for livestock grazing. The motion was seconded by Councilman Condit.

Before the vote, Mr. Roath explained that Mr. Polk had expressed interest in renewing this contract for another ten (10) years. He stated that he had furnished the Council with a copy of the original contract and a grazing contract for comparison. Mr. Roath commented that Mr. Polk had stated he would be willing to having this contract amended to \$4.88 per acre.

Mayor Priddle commented that Mr. Polk did not actually graze animals on the land.

Ron Polk addressed the Council stating that \$4.88 per acre was not an issue and the original contract came about because people were dumping trash on this land which adjoins his property. He commented that most of the time the land was under water and he stated that he did not have any intention of putting animals on it.

There was a brief discussion between the Council and Mr. Polk regarding this lease and amending the original motion.

Mayor Priddle commented that the original motion would be amended to say authorize the Mayor to sign a contract between the City and Ronald W. Polk and Billy Jo Polk to lease City owned land for livestock grazing at \$4.88 per acre to be reviewed biannually, contingent to the mentioned changes being made to the contract. The motion was seconded by Councilman Condit.

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

AYE: Councilman Fiedler, Condit, Browne, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

6. Consider, and act upon, authorizing the Mayor to sign a Revised Engagement Letter with Hulme, Rahhal, Henderson, Inc. for audit services for the fiscal year ending June 30, 2008. *(Mark B. Roath, City Manager)*

Executive Summary

This agenda item involves a revised engagement letter to reflect a decrease in auditing service costs by \$2,000 because a Single Audit in accordance with OMB Circular A-133 is not required.

Councilman Browne move to authorize the Mayor to sign a Revised Engagement Letter with Hulme, Rahhal, Henderson, Inc. for audit services for the fiscal year ending June 30, 2008. The motion was seconded by Councilman Condit.

Before the vote, Mr. Roath explained that Rheba Henderson, City Auditor, had sent a revised Engagement Letter reflecting a reduction of \$2,000.00 for audit services for the fiscal year ending June 30, 2008. In the letter she had determined that since Federal Grant expenditures had not exceeded \$500,000.00 for that period that a Single Audit in accordance with OMB Circular A-133 would not be needed.

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

AYE: Councilman Condit, Browne Garvin, Mason, Fiedler & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

7. Consider, and act upon, authorizing the Mayor to sign a Public Works Project Contract between the City and the Oklahoma Department of Corrections regarding inmate workers. (Mark B. Roath, City Manager)

Executive Summary

This agenda item involves a contract for inmate labor.

Councilman Mason moved to authorize the Mayor to sign a Public Works Project Contract between the City and the Oklahoma Department of Corrections regarding inmate workers. The motion was seconded by Councilman Condit.

Before the vote, Mr. Roath explained that this was an annual contract and it set out what the State would charge for the inmate crews. He added that the number of crews had been decreased to two (2).

There was a brief discussion among the Council regarding the work that the inmate crews helped the City accomplish and if there could be a way to plan ahead and have supervisors trained to free up City employees for other work.

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

AYE: Councilman Browne, Garvin Mason, Fiedler, Condit & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

8. Consider, and act upon, a Resolution directing filing and notification of the Publication of Biennial Supplements to the McAlester City Code of 1972. (Cora Middleton, City Clerk)

Executive Summary

This agenda item involves Biennial Supplement No. 14 to the McAlester Code of Ordinances.

Councilman Condit moved to approve RESOLUTION NO. 09-03, seconded by Councilman Mason.

Before the vote, the City Clerk explained that this was a requirement of State Statutes that a copy of this resolution and code supplement be on file with the County Clerk and the County Court Clerk.

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

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

NEW BUSINESS

None

CITY MANAGER'S REPORT

Mr. Roath reported that the search for the CFO was continuing. There were eleven (11) applications at this time and the first review would be May 4th.

REMARKS AND INQUIRIES BY CITY COUNCIL

Councilman Condit stated that he did not have any comments at this time.

Councilman Browne remarked that he had attended the Bikers Against Child Abuse rally last Saturday and there had been a big turnout. He thanked the organization for choosing McAlester to hold their southeast rally. He commented that Zoë's 1st Annual All School Dance had been a success and he thanked the sponsors for their help. He added that they were looking forward to having another dance next year. Councilman Browne then added that this was an area where McAlester was sorely lacking and there needed to be more activities for the young people of the City.

Vice-Mayor Garvin commented that North Town had lost Bundo Rental and he appreciated all they had done while they were there.

Councilman Mason stated that he did not have any comments.

Councilman Fiedler remarked that the First Ward Town Hall meeting would be held on Tuesday, April 21st at 6:30 P.M., at the McAlester Campus of Eastern Oklahoma State College. He added that he had invited Shaun Beggs from the hospital and Paul Bishop from the Clinic to attend.

Mayor Priddle thanked Pete Stasiak and staff for the cleanup effort in Fourth and Third Wards. He stated that Ryan's Run had been very successful. He commented that the "Shattered Dreams" Program at the McAlester High School had been a tremendous success. Mayor Priddle reported that the Armed Forces Day Parade would be on Saturday, May 2nd and the Banquet would be on Friday, May 1st. He added that follow up would be held at the airport instead of

Chadick Park. He announced that the “Great American Trash Off” competition in McAlester would be held on Saturday, April 18th. He invited everyone to join in and help pick up trash. He added that the goal was to have 500 volunteers out picking up trash. He stated that check in would be between 7:00 A.M. and 8:00 A.M. and weigh in would be at 1:00 P.M. at the Boys and Girls Club Parking lot.

Joyce Carlson addressed the Council on behalf of the Fourth Ward Committee for a clean McAlester. She commented that they were asking all Fourth Ward residents to get out and clean up their yards and businesses.

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 Councilman Browne and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:04 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 7:05 P.M.

Vice-Mayor Garvin moved to recess the Rescheduled Regular Meeting for an Executive Session to discuss the appraisal of a tract formerly known as “The Southside Park” in accordance with Title 25, Sec. 307.B.3. The motion was seconded by Councilman Browne.

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

AYE: Councilman Fiedler, Condit, Browne, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Rescheduled Regular Meeting was recessed at 7:06 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) (3) – Discussion concerning appraisal of tract formerly known as “The Southside Park”.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

The Rescheduled Regular Meeting was reconvened at 8:11 P.M. Mayor Priddle reported that the Council had recessed the Rescheduled Regular Meeting for an Executive Session to discuss the appraisal of a tract formerly known as “The Southside Park” in accordance with Title 25, Sec. 307.B.3. Only that matter was discussed, no action was taken and the Council returned to open session at 8:11 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 Vice-Mayor Garvin. The vote was taken as follows:

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 8:12 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk