

Council Chambers  
Municipal Building  
May 12, 2009

The McAlester City Council met in regular session on Tuesday, May 12, 2009, at 6:00 P.M. after proper notice and agenda was posted, May 8, 2009, at 11:04 A.M.

**CALL TO ORDER**

Mayor Priddle called the meeting to order.

**INVOCATION & PLEDGE OF ALLEGIANCE**

- **Brandon Parker, Pastor, New Life 4 Today Ministries**

**ROLL CALL**

Council Roll Call was as follows:

Present: Chris Fiedler, Donnie Condit, John Browne, Haven Wilkinson, Buddy Garvin, Sam Mason & Mayor Priddle

Absent: None

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

Mayor Priddle presented Mr. Ralph Nepveux with a plaque commemorating his twenty-three (23) years of service to the City of McAlester as a member of the Planning Commission.

**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 April 28, 2009, Regular Meeting of the McAlester City Council.** *(Cora Middleton, City Clerk)*
- B. Approval of Claims for April 29, 2009 through May 12, 2009.** *(Sherry Alessi, Assistant Chief Financial Officer)* For the following amounts: General Fund - \$105,143.15; Nutrition - \$676.20; SE Expo Center/Tourism Fund - \$6,145.05; E-911 - \$501.47 and Economic Development - \$12,837.60.

- C. **A resolution appointing David Medley to serve as the City of McAlester's representative on the Board of Directors of the Association for Landfill Financial Assurance.** *(Mark B. Roath, City Manager) No. 09-05.*
- D. **Authorize the Pittsburg County Chapter of the NAACP to use Michael J. Hunter Park on Saturday, June 20, 2009, between the hours of 9:00 a.m. to 6:00 p.m., for the Juneteenth Celebration.** *(Maureen Harrison, Pittsburg County Chapter of the NAACP)*

Councilman Browne moved for approval of the consent agenda. The motion was seconded by Councilman Condit. There was no discussion and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

**ITEMS REMOVED FROM CONSENT AGENDA**

None

**PUBLIC HEARING**

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*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 Fiedler moved to open a Public Hearing to consider an ordinance regarding the duties of the Public Works Department and an ordinance to amend the FY 2008-2009 Budget. The motion was seconded by Councilman Condit.

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

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

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:09 P.M.

There were no comments on either of the items from the Council or audience and Mayor Priddle asked for a motion to close the Public Hearing.

Councilman Wilkinson moved to close the Public Hearing. The motion was seconded by Councilman Mason.

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

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

NAY: None

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

**SCHEDULED BUSINESS**

- 1. Presentation of the Mayor's Financial Report for March, 2009.** *(Kevin E. Priddle, Mayor)*

Executive Summary

*This agenda item involves the Mayor's Financial Report for the month of March, 2009.*

Mayor Priddle distributed copies of the March 2009 financial report to the Council stating that he had intended this to be included on the Consent Agenda. He added that with the sales tax receipts it looked like the City was just now entering into the recession.

- 2. Consider, and act upon, an Ordinance amending the Code of Ordinances, Chapter 2, Article IV, Division 3, Sections 2-131 and 2-132 regarding the duties of the Department of Public Works; providing for repealing, savings and severability clauses; and providing for an effective date.** *(Mark B. Roath, City Manager)*

Executive Summary

*This agenda item involves amending the Code of Ordinances regarding the duties of the Department of Public Works to include the newly created Stormwater Quality Management Division.*

**ORDINANCE NO. 2323**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE IV, DIVISION 3, SECTIONS 2-131 AND 2-132 REGARDING THE DUTIES OF THE DEPARTMENT OF PUBLIC WORKS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilman Mason moved for approval of **ORDINANCE NO. 2323**, seconded by Councilman Fiedler.

Before the vote, City Manager Roath explained that at the April 28, 2009 meeting, the Council had adopted an ordinance establishing a Stormwater Utility. Section 106-412 of that Ordinance created a Division of Stormwater Quality Management within the Public Works Department. This proposed Ordinance would amend the original legislation to include part of its duties the Stormwater Quality Management Division.

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

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

NAY: None

Mayor Priddle declared the motion carried.

3. **Consider, and act upon, an Ordinance amending Ordinance No. 2299, which established the Budget for Fiscal Year 2008-2009; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency.** (*Mark B. Roath, City Manager and Sherry Alessi, Assistant Chief Financial Officer*)

Executive Summary

*This agenda item involves a budget amendment for various expenditures.*

**ORDINANCE NO. 2324**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2299 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2008-2009; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

Councilman Condit moved for approval of **ORDINANCE NO. 2324**, seconded by Vice-Mayor Garvin.

Before the vote, Mr. Roath stated that there were five (5) items that were included in this Budget Amendment. He explained each item as follows: 1. Unexpected retirements and/or terminations in the Fire Department during the fiscal year; 2. A non-budgeted wage claim; 3. Additional funds for Street Repairs through the end of the fiscal year; 4. Additional payments to new retirees and 5. BancFirst agent fees in handling the bond bank accounts.

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

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

Mayor Priddle declared the motion carried.

Councilman Mason moved to approve the EMERGENCY CLAUSE, seconded by Councilman Browne. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

4. **Consider, and act upon, a Resolution supporting a new Public Library Building and endorsing a fund raising campaign by the Friends of the Library of McAlester, Inc.** (*Emily Dunagin, President, Friends of the Library of McAlester, Inc., and Don Jones, Chairman, McAlester Public Library Advisory Board*)

Executive Summary

*This agenda item involves a plan for a new Public Library Building and fund raising campaign.*

Councilman Condit moved for approval of **RESOLUTION NO. 09-04**, to support a new Public Library Building and endorsing a fund raising campaign by the Friends of the Library of McAlester, Inc. The motion was seconded by Councilman Mason.

Before the vote, Emily Dunagin addressed the Council to express her concerns about the Public Library and explain what this agenda item was about. During her explanation, Ms. Dunagin clarified that the City was responsible for the building, its maintenance and upkeep of the landscaping. She commented that Pittsburg County was responsible for operation of the library. Ms. Dunagin stated that the McAlester Public Library had multiple levels and in a community under 50,000 the library should be contained on one (1) floor. She stated that the current library was too small for its service population, and there was not enough space for the outdoor programs that were sponsored by the library. Ms. Dunagin added that the library was not located in a central location and that the parking was also inadequate for the amount of individuals that it served. She commented "The Friends of the Library" wanted to head up the fund raising efforts for a new library and there was a location that would be a win/win for the community. She explained that the Boys & Girls Club was seeking funding for an additional facility where its new gymnasium had been constructed in 2003. When that happens, the Boys and Girls Club facility at Chaddick Park would become available and that building would solve most of the problems that were faced by the current library with a few changes. In closing, Ms. Dunagin stated that the resolution was a requirement by the Oklahoma Department of Libraries.

There was a brief discussion among the Council concerning the support of the Council, the current state of the Boys and Girls Club building and a time limit on the resolution.

Lynn Edwards commented that the building was very sound for a twenty-five year old building and he did not see anything to have concerns about. He added that he was in support of this initiative.

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

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

Mayor Priddle declared the motion carried.

**5. Consider, and act upon, Land Use Acceptance and accompanying map to grant Use Permitted After Review.** *(Pete Stasiak, Planning and Community Development Director)*

Executive Summary

*This agenda item involves the granting of a Use Permitted After Review for a Chiropractic Office located at 1501 Wade Watts, McAlester, Oklahoma.*

Councilman Condit moved for approval of the Land Use Acceptance and to grant Use Permitted After Review. The motion was seconded by Councilman Wilkinson.

Before the vote, Pete Stasiak explained that this item had been considered by the Planning Commission on April 21<sup>st</sup> and had been approved with the stipulation that the applicant provide

the entrance and exit to this location in the alley off of 15<sup>th</sup> Street and that the alleyway be improved with 20' wide asphalt the length of the property.

There was discussion among the Council and Mr. Stasiak regarding the location of this property and that it was in compliance with the City's Comprehensive Plan.

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

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

NAY: None

Mayor Priddle declared the motion carried.

- 6. Consider, and act upon, a Resolution declaring certain buildings as dangerous by reason of dilapidation and a detriment to the welfare of the public and community.**  
*(Pete Stasiak, Planning and Community Development Director and Dennis Lalli, Building Official)*

Executive Summary

*This agenda item involves a Resolution listing structures that may be a detriment to the welfare of the public and community.*

Councilman Fiedler moved for approval of a Resolution declaring certain buildings as dangerous by reason of dilapidation and a detriment to the welfare of the public and community, seconded by Vice-Mayor Garvin.

Before the vote, Pete Stasiak addressed the Council explaining that all seven (7) buildings had been posted and were unoccupied. He then reviewed the list with the Council.

Vice-Mayor Garvin commented that he had been trying to get the 2809 N. Pittsburg location cleaned up for years. He added that this location had quite a history as it was the place where four (4) escaping prison inmates had shot and killed Warden Jess Dunn, Jailor Tad Ford and had wounded OSP Guard Bob Poluck. He added that Deputy Sheriff Bill Alexander had shot and killed three (3) of the four (4) escapees. Vice-Mayor Garvin stated that he had considered purchasing the property and erecting an historical monument on that location.

Mr. Stasiak stated that he would work with Vice-Mayor Garvin toward that end.

There was a brief discussion among the Council and Mr. Stasiak concerning the property at 415 E. Wichita, the permit that the owner had applied for and if the structure was demolished if the permit fee would be refunded to the property owner.

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

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

NAY: None

Mayor Priddle declared the motion carried.

**7. Consider, and act upon, authorizing the Mayor to sign a Deputation Agreement and Addendum for Law Enforcement in the Choctaw Nation of Oklahoma.** (*Jim Lyles, Chief of Police*)

Executive Summary

*This agenda item involves a cross deputation agreement and addendum with the Choctaw Nation of Oklahoma.*

Councilman Condit moved to authorize the Mayor to sign a Deputation Agreement and Addendum for Law Enforcement in the Choctaw Nation of Oklahoma. The motion was seconded by Councilman Fiedler.

Before the discussion, Manager Roath reported that this item had been reviewed and approved by the City Attorney. Mr. Ervin commented that this was a standard agreement. He stated that there territorial and jurisdiction problems. He added that this would increase efficiency and protect all individuals involved.

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

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

NAY: None

Mayor Priddle declared the motion carried.

**8. Consider, and act upon, authorizing the Mayor to sign an Engagement Letter with Crawford and Associates, P.C., for the period from July 1, 2009 through June 30, 2010.** (*Mark B. Roath, City Manager*)

Executive Summary

*This agenda item involves an Engagement Letter covering the accounting services that Crawford and Associates, P.C., might provide during the period from July 1, 2009 through June 30, 2010.*

Councilman Condit moved to authorize the Mayor to sign an Engagement Letter with Crawford and Associates, P.C., for the period from July 1, 2009 through June 30, 2010. The motion was seconded by Councilman Wilkinson.

Before the vote, Mr. Roath reported that annually the City receives an Engagement Letter for services from Crawford and Associates, P.C. He commented that there was no specified fee and the charges would be for only the hours that the firm actually worked on items for the City.

There was other further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

**9. Consider, and act upon, a Resolution establishing the position of part-time Electrical Inspector within the City's Classification and Compensation Plan.** (*Pete Stasiak, Planning and Community Development Director*)

Executive Summary

*This agenda item involves establishing a part-time electrical inspector position and setting a salary for said position within the Building Division of the Planning and Community Development Department*

Councilman Fiedler moved to approved **RESOLUTION NO. 09-06**, which established a part-time position for the Electrical Inspector. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Pete Stasiak addressed the Council explaining that in January of 2009 the City's Electrical Inspector had retired. He commented that after study it was decided that a part-time inspector would be able to satisfy the needs of the City. He added that they were asking that the full-time position be put aside for a part-time position. Mr. Stasiak stated that the work load would be carefully monitored. Mr. Roath reported that since this was a budgeted full-time position and a new position was being created in the middle of the year a resolution was necessary.

There was discussion among the Council, Mr. Stasiak and Mr. Roath regarding the number of hours this individual would work each week, if the local electricians had been informed of the change, if the inspector would be available if an emergency occurred, if by creating this new position would the old position would be removed and if possibly the inspectors position and code enforcement could be combined.

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

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

Mayor Priddle declared the motion carried.

**10. Consider, and act upon, a Resolution authorizing the sale of certain real property located in the City of McAlester, County of Pittsburg, State of Oklahoma, to the Choctaw Nation of Oklahoma. (William J. Ervin, City Attorney)**

Executive Summary

*This agenda item involves the sale of the "King Ranch Property" to the Choctaw Nation of Oklahoma for the sum of \$1,425,000.00 and authorizing the City Attorney to prepare the documents and the Mayor to sign said documents.*

Before any action was taken, Mr. Ervin explained that this item may have not been timely provided to the City Manager and he recommended that it be removed from the agenda and placed on a future agenda.

There was discussion among the Council, Manager Roath and Mr. Ervin regarding the process by which items were submitted for the agenda, calling a Special Meeting for the following Tuesday, that it could take several meetings to actually decide this matter and if the Special Meeting would be for discussion only.

Mayor Priddle commented that there would be a Special Meeting with a Public Hearing on Tuesday, May 19, 2009 and that no action would be needed at this time.

## **NEW BUSINESS**

None

## **CITY MANAGER'S REPORT**

Manager Roath reported that the position for Chief Financial Officer was closer to being filled. The City was accepting applications for the Director of Public Works position and he reminded citizens not to sweep grass clippings into the streets.

## **REMARKS AND INQUIRIES BY CITY COUNCIL**

Councilmen Wilkinson, Garvin, Mason and Condit did not have any comments to make at this time.

Councilman Fiedler reminded everyone of the Italian Festival on May 16<sup>th</sup> and 17<sup>th</sup>. He informed the audience that the Councilmen would be serving in the food tent. He thanked Mr. Stasiak for getting the curbs in the downtown area painted.

Councilman Browne reported that a bus load of Senior Citizens from Bartlesville had stopped in McAlester and had spent the day shopping and eating in the downtown area. He then thanked everyone that had participated in the Letter Carriers' Food Drive, it had raised over 7300 pounds in the southeast part of the state and 4200 was in McAlester. He added that all local donations stayed in the area.

Mayor Priddle commented that the retirement ceremony for Superintendent Jim Northcutt would be Sunday, May 17<sup>th</sup> at 2:00 P.M. in the Lucy Smith Center on the McAlester High School Campus.

## **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 Mason, Fiedler, Condit, Browne, Wilkinson, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:26 P.M.

## **RECONVENE COUNCIL MEETING**

The Regular Meeting was reconvened at 7:28 P.M.

## **ADJOURNMENT**

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

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

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:29 P.M.

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Kevin E. Priddle, Mayor

ATTEST:

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Cora Middleton, City Clerk