

The McAlester City Council met in regular session on Tuesday, June 9, 2009, at 6:00 P.M. after proper notice and agenda was posted, June 4, 2009, at 4:05 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

- **Kay Crawford, Pastor, Harvest Church**

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; Jim Lyles, Police Chief; Mel Priddy, Community Services Direction; 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 Minutes from the May 19, 2009, Special Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**
- B. Approval of Minutes from the May 26, 2009, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**
- C. Concur with Mayor's reappointment of Karl Scifres to the Planning Commission for a term that expires May, 2012. (Kevin E. Priddle, Mayor)**
- D. Concur with Mayor's reappointment of Karen Stobaugh to the Planning Commission for a term that expires May, 2012. (Kevin E. Priddle, Mayor)**

- E. Concur with Mayor's reappointment of Primus Moore to the Planning Commission for a term that expires May, 2012. (Kevin E. Priddle, Mayor)**
- F. Concur with Mayor's reappointment of Robert Way to the Planning Commission for a term that expires May, 2012. (Kevin E. Priddle, Mayor)**
- G. Concur with Mayor's reappointment of Susan Kanard to the Board of Adjustment for a term that expires March, 2012. (Kevin E. Priddle, Mayor)**
- H. Accept, and place on file, the Oklahomans for Independent Living Report for January, February, March and April, 2009. (Mike Ward, Executive Director)**
- I. Accept, and place on file, the Oklahoma Department of Environmental Quality Permit No. SL000061090388 for the 14th Street and Village Boulevard Sanitary Sewer Line Extension. (David Medley, Utilities Director)**
- J. Accept, and place on file, the Oklahoma Department of Environmental Quality Permit No. WL000061090387 for the 14th Street Water Line Extension. (David Medley, Utilities Director)**
- K. Approval of Claims for May 27, 2009 through June 9, 2009. (Sherry Alessi, Assistant Chief Financial Officer) In the following amounts: General Fund - \$93,946.2; Nutrition - \$574.55; SE Expo Ctr/Tourism Fund - \$30,262.47; E-911 - \$769.89 and Economic Development - \$36,582.50.**

Councilman Wilkinson 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

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.

Councilman Fiedler moved to open the Public Hearing to consider the proposed Annual Operating Budget for FY 2009/2010, and to consider an Ordinance relating to the imposition of a City Excise Tax (Sales Tax) of One Percent (1%); providing that said Excise Tax shall replace a one percent (1%) Excise Tax presently being levied; providing for the use of the proceeds of said Excise Tax; providing for the effective date and stated termination date of said Excise Tax. The motion was seconded by Councilman Browne. 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 6:05 P.M.

- **Public Hearing: The proposed Annual Operating Budget for FY 2009/2010.**

Steve Harrison addressed the Council expressing his concerns about the proposed FY 2009/2010 Operating Budget. He commented that it was very optimistic and this could lead to a shortfall during the coming year if the sales tax receipts were not as projected. He stated that personnel costs were still very high and that the requested MEDS funding would increase from 33% in the past years to 92% for the next year. He also reminded the Council that the Emergency Fund did not allow transfers for Budget shortfalls.

- **Public Hearing: An Ordinance relating to the imposition of a City Excise Tax (Sales Tax) of One Percent (1%); providing that said Excise Tax shall replace a one percent (1%) Excise Tax presently being levied; providing for the use of the proceeds of said Excise Tax; providing for the effective date and stated termination date of said Excise Tax.**

Steve Harrison addressed the Council regarding the proposal concerning this particular Ordinance and how he did not feel it met the criteria he had requested be used in the creation of this Ordinance.

There were no other comments from the audience or the Council. Councilman Fiedler moved to close the Public Hearing and the motion was seconded by Councilman Browne. 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 6:17 P.M.

SCHEDULED BUSINESS

1. **Presentation on the status of Pride-In-McAlester.** (*J.T. Collier, President of Pride-in-McAlester, Presenter*)

Executive Summary

This agenda item involves Pride-in-McAlester's past, present and future.

Councilman Wilkinson moved to open the floor for the presentation on the status of Pride-In-McAlester. The motion was seconded by Vice-Mayor Garvin.

Before the vote, J.T. Collier introduced Mark Wilkett, Treasurer for Pride In McAlester and commented that Mr. Wilkett would provide the Council with a report of their past accomplishments.

Mr. Wilkett briefly explained the projects that Pride In McAlester had undertaken in the previous year, their success with each of them and how they planned to proceed in the future by expanding on many of those projects. He acknowledged the long hours that the volunteers had contributed to each of the projects and informed Councilman Browne that Pride In McAlester was looking into starting a recycling program.

There was no action taken on the presentation.

2. Presentation, and then accept and place on file, a formal report by the Americans with Disabilities Act Board. (*Joel Duncan, Chair of the Americans with Disabilities Act Board, Presenter*)

Executive Summary

This agenda item involves a report on Board activities related to the Americans with Disabilities Act.

Councilman Mason moved to open the floor for the presentation of the formal report by the Americans with Disabilities Act Board. The motion was seconded by Councilman Condit.

Before the vote, Mike Ward reviewed the ADA Board's activities of the past year. He stated that repairs or upgrades had been done to the Library, City Hall and various sidewalks and the Komar Park parking lot. He explained that almost all of the allocated funds for the year had been spent and after the beginning of the next fiscal year the Board would begin choosing which of the areas needed the most urgent repairs.

Councilman Mason moved to accept and place on file, a formal report by the Americans with Disabilities Act Board. The motion was seconded by Councilman Browne.

There was no further 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.

3. 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 City property, referred to as "King Ranch" property, to the Choctaw Nation of Oklahoma for the sum of \$1,425,000.

Councilman Browne moved to approve 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. The motion was seconded by Councilman Fiedler.

Before the vote, Mayor Priddle reviewed this item for the Council citing three possible options that were available to them. Those options were as follows: 1. Sell the property entirely; 2. Sell a portion of the property and 3. Do not sell any of the property. He stated that there were some

questions he had that had not been asked at the earlier meeting. He clarified that only land placed in trust by the Choctaw Nation would be taken off of the tax rolls.

Councilman Browne and Vice-Mayor Garvin disagreed with selling only a portion of the land because the City would still have property that it could not afford to develop. Vice-Mayor Garvin asked if Manager Roath had received responses from any of the communities contacted about the impact that the Choctaw Nation had on their cities. Mr. Roath replied he had received answers from three communities and none of them indicated there had been an adverse effect on their communities from the Choctaw Nations' involvement in their communities. He then read from a letter he had received from the City of Durant, which is as follows:

"June 9, 2009

Mr. Buddy Garvin, Vice-Mayor
City of McAlester
P.O. Box 578
McAlester, OK 74502

Dear Mr. Garvin,

This letter is in reference to the Choctaw Nation of Oklahoma and their partnership on infrastructure with the City of Durant. The Choctaw Nation is one of the greatest assets we have in Durant. The thousands of people they bring to the community to spend money with other businesses in town as well as contractors and employees has resulted in Durant having continued sales tax growth.

I feel the Choctaw Nation is one of the utmost resources any city could have; an opportunity that communities in other parts of the country would pay to get. For the Choctaw Nation to invest in your City would be in the best interest not only of every business in McAlester, but all of Southeast Oklahoma.

Sincerely,

James H. Dunegan, City Manager

JHD/ls"

There was a lengthy discussion among the Council, Manager Roath and various members of the audience concerning the repercussions of selling the entire piece of property, what the funds from the sale could be used for, if the Choctaw Nation would be interested in purchasing only a portion of the property, if there was a plan on how to use the proceeds from the sale of any or all of this property and how the Council seems to be too hesitant to make decisions. Councilman Wilkinson commented that the funds from this sale could go along way in helping to develop Taylor Industrial Park. Councilman Mason commented that the Council had engaged Tim Wynn to evaluate this property and they had received possible uses.

Mayor Priddle reviewed the vacant City owned property at Taylor Park. He commented that the City had land but it needed to be developed. He stated that this could be tabled and request that

the Assistant Chief come speak to the Council or we could take the vote and see what the outcome of that vote was.

Councilman Browne moved to sell the entire property to the Choctaw Nation. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Steve Harrison addressed the Council regarding the information provided by Pete Stasiak and he asked that the Council review this information before they voted on this item. J. T. Collier commented that the Council had not heard what the staff recommended and he felt this required further investigation before the vote.

Mayor Priddle asked for Manager Roath's opinion.

Mr. Roath stated that he only knew his opinion and the City could entertain selling a portion to the Choctaw Nation at this time and they could proceed with their project. Then the Council and staff could review and plan the best use of the remaining property. He commented an advantage could be that, the revenue could be used on remaining property or other Economic Development projects. He added that short term planning process would allow the City review projected uses of the property.

Mr. Stasiak commented that the Choctaws deserved an answer. They had immediate needs and they are good for the community. He went further to state that the City needed a strategic plan and that would help pull the community together. He added that he believed there were opportunities for this property and the community was ready for larger retail development and a plan would tell us where.

Mayor Priddle commented that the City could sell a portion of the property, hang on to the rest and see if it fit into the City's long range plan.

Mel Stubbings addressed the Council stating that we were obligated to respond to the Choctaw Nation and the need for a plan was obvious. He added that retail development was not like industrial development. This land was near the airport which made it a valuable asset.

Mr. Ervin informed the Council that since this item dealt with Economic Development, the Charter would require a super majority of five (5), not just a simple majority, to approve the sale.

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

AYE: Councilman Wilkinson, Garvin, Fiedler & Browne

NAY: Councilman Mason, Condit & Mayor Priddle

Mayor Priddle declared the motion failed.

Mayor Priddle moved for the Council to authorize him, the Vice-Mayor, the City Manager and City Attorney to negotiate with the Choctaw Nation what their specific needs were and to move

forward with a plan to sell a portion of the property. The motion was seconded by Councilman Condit. 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.

Councilman Garvin asked that one year from today he would like to see where they actually were with this project.

Mayor Priddle commended the Council for their ability to work through a very difficult matter cordially.

4. **Consider, and act upon, an Ordinance relating to the imposition of a City Excise Tax (Sales Tax) of One Percent (1%); providing that said Excise Tax shall replace a one percent (1%) Excise Tax presently being levied; providing for the use of the proceeds of said Excise Tax; providing for the effective date and stated termination date of said Excise Tax; providing for severability of provisions; and containing other provisions related thereto. (Kevin E. Priddle, Mayor, Sam Mason, Councilmember and John Browne, Councilmember)**

Executive Summary

This agenda item involves replacement of the Ordinance that sets forth the one cent sales tax presently be levied to correct ambiguities in the current legislation.

ORDINANCE NO. 2325

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE PERCENT (1%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE; PROVIDED THAT SAID EXCISE TAX SHALL REPLACE AND SUPERCEDE A ONE PERCENT (1%) EXCISE TAX PRESENTLY BEING LEVIED PURSUANT TO ORDINANCE NO. 1166 OF THE CITY, AS HERETOFORE AMENDED, AND AS MOST RECENTLY AMENDED PURSUANT TO ORDINANCE NO. 2144 OF THE CITY), SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND STATED TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Councilman Browne moved to approve **ORDINANCE NO. 2325**, the motion was seconded by Councilman Condit.

Before the vote, Mr. Ervin explained that previously his office had issued an opinion that the original sales tax ordinance had not been specific enough. He stated that this ordinance would not extend, add or change the sales tax. It would only clarify the purpose of the tax.

There was a lengthy discussion among the Council, Mr. Ervin and Manager Roath regarding the usages of the excess monies if this was approved by the citizens, how the language had been tightened up to be more specific and how the committee had prioritized the identified areas that this money could be used .

Councilman Browne stressed the fact that this was not a new tax.

Steve Harrison addressed the Council to point out some corrections that he felt needed to be made to the Ordinance.

Mayor Priddle moved for approval of **ORDINANCE NO. 2325** with the recommended corrections to the wording. The motion was seconded by Councilman Fiedler. There was no 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.

- 5. Consider, and act upon, a Resolution calling for an election regarding a One Percent (1%) Excise Tax (Sales Tax); providing that said Excise Tax shall replace a One Percent (1%) Excise Tax presently being levied; and containing other provisions relating thereto. (Kevin E. Priddle, Mayor, Sam Mason, Councilmember and John Browne, Councilmember)**

Executive Summary

This agenda item involves the calling of an election to consider replacing the present one cent sales tax.

Councilman Browne moved for approval of RESOLUTION NO. 09-08, calling for an election regarding a One Percent (1%) Excise Tax (Sales Tax); providing that said Excise Tax shall replace a One Percent (1%) Excise Tax presently being levied; and containing other provisions relating thereto. The motion was seconded by Councilman Wilkinson.

Before the vote, Mr. Ervin stated that language within the Resolution would need to be changed as was with **ORDINANCE NO. 2325**.

Steve Harrison addressed the Council regarding the termination date and that it needed to be changed.

Mayor Priddle moved to approval of RESOLUTION NO. 09-08, with the noted corrections and change to the termination date of the sales tax. The motion was seconded by Councilman Mason. There was no further discussion, and the vote was seconded by Councilman Mason.

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

Mayor Priddle declared the motion carried.

- 6. Consider, and act upon, a Resolution calling for an election regarding submitting to the registered qualified electors the question of approval or rejection of the creation of indebtedness by the McAlester Public Works Authority, Oklahoma as the beneficiary thereof; and containing other provisions relating thereto. (Kevin E. Priddle, Mayor; Sam Mason, Councilmember and John Browne, Councilmember)**

Executive Summary

This agenda item involves the calling of an election to decide whether to allow the City to incur indebtedness for certain capital improvements.

Councilman Condit moved for approval of RESOLUTION NO. 09-09, calling for an election regarding submitting to the registered qualified electors the question of approval or rejection of the creation of indebtedness by the McAlester Public Works Authority, Oklahoma as the beneficiary thereof; and containing other provisions relating thereto. The motion was seconded by Councilman Wilkinson.

Before the vote, Mayor Priddle explained that he, Councilmen Mason and Browne in conjunction with the Bond Counsel, the City Attorney and the City Manager had developed a resolution to seek approval from the voters to exceed the debt limitation set forth in the City Charter. And that the purpose behind this resolution was to allow the City to seek Federal stimulus funds for water and wastewater improvements.

Manager Roath commented that if this were approved it would allow the City to incur debt through stimulus funds with low interest rate loans and grants. He stressed that these funds were given out on a first come basis and even if the voters approved the proposal the funds could already be distributed.

Councilman Browne commented that not all members of the committee supported the proposal but supported the citizens' right to vote on the proposal. Vice-Mayor Garvin asked that if this should be approved by the voters and the City did receive these funds that Manager Roath stay on top of how these funds were spent.

Steve Harrison again addressed the Council about corrections that needed to be made to the Resolution.

Mayor Priddle clarified the motion was to approve RESOLUTION NO. 09-09, calling for an election regarding submitting to the registered qualified electors the question of approval or rejection of the creation of indebtedness by the McAlester Public Works Authority, Oklahoma as the beneficiary thereof; and containing other provisions relating thereto and to verify the figures within the Resolution. There was no further 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.

7. Consider, and act upon, a Resolution amending the City's Non-Uniform Pay Plan and/or other benefits. (Donnie Condit, Councilmember and John Browne, Councilmember)

Executive Summary

This agenda item involves an increase to the non-uniform pay plan and/or other benefits.

Councilman Browne moved for approval of RESOLUTION NO. 09-10, amending the City's Non-Uniform Pay Plan and/or other benefits. The motion was seconded by Councilman Condit.

Before the vote, Manager Roath explained that Councilman Condit and Browne had approached him to submit for Council consideration a non-uniform pay raise. He explained that in the coming budget there were no raises included. He reviewed the two (2) options submitted for Council consideration and he recommended option 1 that would give the non-uniformed employees a 4% pay increase retroactive to July 1, 2008. He added that if this option was approved he would submit a budget amendment at the June 23rd meeting to allow this expenditure.

Mayor Priddle moved to approve RESOLUTION NO. 09-10, amending the City's Non-Uniform Pay Plan and/or other benefits, selecting option 1 to give the non-uniformed employees a 4% pay increase retroactive to July 1, 2008. The motion was seconded by Councilman Condit.

Before the vote, there was a brief discussion between Councilman Mason, Fiedler and Mr. Roath regarding how this would affect step increases, revenue, what would happen if the revenues did not cover the expenditures and how it would affect employees that had topped out.

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.

8. Discussion, and possible action, regarding goals for the City in general, and each ward in particular. (John Browne, Councilmember)

Executive Summary

This agenda item involves a general discussion on short and long-range goals for the City.

Councilman Browne moved to open the floor for discussion regarding goals for the City in general, and each ward in particular. The motion was seconded by Councilman Fiedler.

Before the vote, Councilman Browne commented that the Council seemed to take a shotgun approach to doing things and because of the length of the agenda he would be willing to table this to a later date.

Mayor Priddle commented that this would be a good topic for a work shop. He added that he did not think this would require a motion or second to table. There was no vote taken.

9. Consider, and act upon, a proposal by Midwest Employers Casualty Company regarding excess workers compensation insurance. (Mark B. Roath, City Manager)

Executive Summary

This agenda item involves a one-year policy for excess worker's compensation insurance.

Vice-Mayor Garvin moved to approve the proposal by Midwest Employers Casualty Company regarding excess workers compensation insurance. The motion was seconded by Councilman Wilkinson.

Before the vote, Manager Roath reported that the Jordan Carris Agency, in McAlester, had handled this policy for a number of years and that United Safety and Claims handled the worker compensation claims. He stated that in turn, Midwest Employers Casualty Company was the reinsurer for the workers compensation claims over \$300,000.00. He explained that this policy was for one year beginning July 1, 2009 in the amount of \$49,622.00.

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.

10. Consider, and act upon, awarding a bid to Xybix Systems to purchase three dispatch sit-to-stand workstations in the amount of \$28,028. (Jim Lyles, Police Chief)

Executive Summary

This agenda item involves a bid to purchase three dispatch workstations for the E-911 Center.

Councilman Browne moved to authorize awarding a bid to Xybix Systems to purchase three dispatch sit-to-stand workstations in the amount of \$28,028. The motion was seconded by Councilman Wilkinson.

Before the vote, Chief Lyles expressed his appreciation to Lisa Sutterfield, 911 Coordinator, for the work she had put into getting the 911 system up and running.

Ms. Sutterfield explained that in April of 2009, the Police Department advertised for sit-to-stand workstations for the remodeled 911 dispatch center. Four bids packages had been sent out to vendors and three bids had been received and opened on May 21, 2009. These bids had been reviewed by the Police Administration with the lowest bid being received from Xybix Systems in the amount of \$27,002.00. She added that Xybix Systems had met the minimum requirements of the bid specifications. She commented that optional equipment that needed to be purchased was task lighting for each workstation which had an additional cost of \$1,026.00 and this brought the total bid to \$28,028.00. She stated that Police Administration recommended that the bid be awarded to Xybix Systems. Ms. Sutterfield explained that the workstations would raise or lower as the dispatcher needed to adjust his or her area.

There was no 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.

- 11. Consider, and act upon, authorizing the Mayor to sign a Personal Service Agreement with Larry Cox for Hay Baling on McAlester Water Shed and the Southside Industrial Park in the amount of \$1,780. (Mel Priddy, Community Services Director)**

Executive Summary

This agenda item involves a hay baling contract for certain City property.

Councilman Mason moved to authorize the Mayor to sign a Personal Service Agreement with Larry Cox for Hay Baling on McAlester Water Shed and the Southside Industrial Park in the amount of \$1,780. The motion was seconded by Councilman Browne.

Before the vote, Mel Priddy addressed the Council commenting that this may need to be tabled since part of this agreement included the “King Ranch” property. Manager Roath recommended that the Council consider and then amend the agreement if necessary.

Councilman Mason stated that the areas affected by this agreement could be negotiated with the Choctaw Nation. He reminded the Council that a Certificate of Insurance was required at the same time the payment was received.

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.

- 12. Consider, and act upon, authorizing the Mayor to sign a Master Agreement, including Managed Internet Services, with AT&T Corporation regarding ISP T1’s. (Mark B. Roath, City Manager)**

Executive Summary

This agenda item involves an AT&T rate change for the City’s T1 lines.

Councilman Browne moved to authorize the Mayor to sign a Master Agreement, including Managed Internet Services, with AT&T Corporation regarding ISP T1’s. The motion was seconded by Councilman Fiedler.

Before the vote, Manager Roath explained that this was an AT&T promotional offer that would allow for the City to reduce its two (2) T1 line costs by \$372.50 per month or \$13,410.00 over a three (3) year contract term.

Councilman Mason asked if one Council could bind another Council for three (3) years. Mr. Ervin stated that the Council could require the agreement be ratified annually.

Mayor Priddle restated the motion as to authorize the Mayor to sign a Master Agreement, including Managed Internet Services, with AT&T Corporation regarding ISP T1's with annual ratification.

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.

13. Consider, and act upon, authorizing the Mayor to sign an Agreement with SimplexGrinnell regarding fire alarm testing and inspection in the amount of \$4,117.41. (Harold Steward, Fire Chief)

Executive Summary

This agenda item involves the inspection and testing of the City's fire alarms.

Councilman Wilkinson moved to authorize the Mayor to sign an Agreement with SimplexGrinnell regarding fire alarm testing and inspection in the amount of \$4,117.41. The motion was seconded by Councilman Condit.

Before the vote, Manager Roath explained that this was for fire alarm inspections for a year.

There was no further 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.

14. Consider, and act upon, authorizing the Mayor to sign an Agreement with Pitney Bowes relating to a Digital Mailing System for a monthly amount of \$1,099. (Cora Middleton, City Clerk)

Executive Summary

This agenda item involves the City's mail machine.

Councilman Browne moved to authorize the Mayor to sign an Agreement with Pitney Bowes relating to a Digital Mailing System for a monthly amount of \$1,099. The motion was seconded by Councilman Fiedler.

Before the vote, Manager Roath explained that the City currently rents the mail system for \$1243.00 per month from Pitney Bowes and this proposal involved upgrading the mail system and lowering the monthly cost to \$1,009.00 and/or a \$1,728.00 savings per year.

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.

NEW BUSINESS

None

CITY MANAGER'S REPORT

Manager Roath stated that he did not have any comments.

REMARKS AND INQUIRIES BY CITY COUNCIL

Councilman Fiedler commented on the vandalism at Oak Hill Cemetery and urged the citizens to contact Crime Stoppers or the Police Department if they had any information pertaining to this incident.

Councilmen Condit and Mason did not have any comments for this meeting.

Councilman Browne thanked the employees for the job they do and he was extremely happy that the Council could help them out tonight.

Councilman Wilkinson commented that he wanted to congratulate his girlfriend, Catherine "Katie" Yandell, for graduating from LPN school.

Vice-Mayor Garvin mentioned that there were some recurring burglaries in Fifth Ward and he asked that all the citizens be watchful of their neighborhoods. He announced that the construction of a new hardware store had started and he wanted to inform the citizens.

Mayor Priddle thanked the Council for all the effort they put into the meetings.

RECESS COUNCIL MEETING

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Browne moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Fiedler 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, and the Regular Meeting was recessed at 8:15 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 8:17 P.M.

Mayor Priddle asked for a motion to go into Executive Session. Councilman Condit moved to recess the Regular Meeting for an Executive Session to discuss employment relating to the City Manager and City Clerk in accordance with Title 25, Sec. 307.B.1. and to discuss negotiations concerning employees and representatives of employee groups: FOP and IAFF in accordance

with Title 25, Sec. 307.B.2. The motion was seconded by Councilman Browne. 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 Regular Meeting was recessed at 8:17 P.M.

EXECUTIVE SESSION

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

- **Section 307 (B) (1) – Discussion of employment relating to the City Manager and City Clerk.**
- **Section 307 (B) (2) – Discussion of negotiations concerning employees and representatives of employee groups: FOP and IAFF.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

The Regular Meeting was reconvened at 9:54 P.M. Mayor Priddle reported that the Council had recessed the Regular Meeting for an Executive Session to discuss employment relating to the City Manager and City Clerk in accordance with Title 25, Sec. 307.B.1. and to discuss negotiations concerning employees and representatives of employee groups: FOP and IAFF in accordance with Title 25, Sec. 307.B.2. Only those matters were discussed, no action was taken and the Council returned to open session at 9:54 P.M., and this constituted the Minutes of the Executive Session.

ADJOURNMENT

There being no further business to come before the Council, Councilman Condit moved for the meeting to be adjourned, seconded by Councilman Fiedler. 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 meeting was adjourned at 9:55 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk