

Council Chambers
Municipal Building
August 11, 2009

The McAlester City Council met in regular session on Tuesday, August 11, 2009, at 6:00 P.M. after proper notice and agenda was posted, August 4, 2009, at 9:11 A.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

- **J.T. Carnell, Pastor of the Church of the Nazarene**

ROLL CALL

Council Roll Call was as follows:

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

Absent: Donnie Condit

Presiding: Kevin E. Priddle, Mayor

Staff Present: Mark Roath, City Manager; Mel Priddy, Community Services Director; Dave Medley, Utilities Director; John Modzelewski, Public Works Director/City Engineer, William J. Ervin, Jr., City Attorney and Cora Middleton, City Clerk

Mayor Priddle urged all citizens that had not voted in the Special Election to go vote.

Manager Roath introduced Mr. John Modzelewski as the new Public Works Director and City Engineer.

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 July 14, 2009, Regular Meeting of the McAlester City Council.** (Cora Middleton, City Clerk)
- B. Approval of Claims ending Jun 30, 2009.** (Sherry Alessi, Assistant City Financial Officer) In the following amounts: General Fund - \$7,912.02 and E-911 - \$54,444.54.

C. **Approval of Claims for July 29, 2009 through August 11, 2009.** (*Sherry Alessi, Assistant City Financial Officer*) In the following amounts: General Fund - \$138,081.19; Nutrition - \$672.75; State Forfeiture Fund - \$41,202.13; S Expo Ctr/Tourism Fund - \$8,339.50; E-911 - \$2,070.42 and Economic Development - \$44,424.00.

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Councilman Fiedler requested that items "B and C" be removed for individual consideration. Councilman Mason requested that item "A" be removed for individual consideration.

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ITEMS REMOVED FROM CONSENT AGENDA

A. **Approval of the Minutes from the July 14, 2009, Regular Meeting of the McAlester City Council.** (*Cora Middleton, City Clerk*)

Councilman Fiedler moved to approve the Minutes from the July 14, 2009, Regular Meeting of the McAlester City Council. The motion was seconded by Councilman Browne.

Before the vote, Councilman Mason commented that on page two (2) of the minutes the following corrections needed to be made. Where it read, "Councilman Mason requested that item "D" be removed for individual consideration." it should have read item "B", and the motion should have been to approve items "A and C through K." There was no further discussion and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

B. **Approval of Claims ending Jun 30, 2009.** (*Sherry Alessi, Assistant City Financial Officer*) In the following amounts: General Fund - \$7,912.02 and E-911 - \$54,444.54.

Vice-Mayor Garvin moved to approve the claims ending June 30, 2009. The motion was seconded by Councilman Browne.

Before the vote, Councilman Fiedler asked about the payment to Tulsa Freightliner. Manager Roath commented that he believed that it was for repair on one of the new trash trucks and that it was for damage that occurred at the landfill.

Councilman Mason inquired about the purchases from White Electrical and the purchase of the E-911 furniture. He suggested that the payments be held for the City Attorney to review to verify that they complied with the purchasing policies of the City of McAlester. Mr. Roath stated that the first three (3) purchases from White Electrical had been made on July 8 and the fourth purchase had been the result of that vendor having the lowest quote. Manager Roath commented that the purchase of the furniture had been previously approved by the Council.

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

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

Mayor Priddle declared the motion carried.

C. **Approval of Claims for July 29, 2009 through August 11, 2009.** (*Sherry Alessi, Assistant City Financial Officer*) In the following amounts: General Fund - \$135,581.19; Nutrition - \$672.75; State Forfeiture Fund - \$41,202.13; S Expo Ctr/Tourism Fund - \$8,339.50; E-911 - \$2,070.42 and Economic Development - \$26,103.25.

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Councilman Wilkinson moved to approve claims for July 29, 2009 through August 11, 2009. The motion was seconded by Councilman Fiedler.

Before the vote, Councilman Fiedler inquired about the payment to Skyway Communications and the payment to Tulsa Freightliner. Manager Roath commented that he did not have the information but he would obtain it and get back to the Councilman.

Councilman Mason asked about the payments to Sequoyah Engineering. David Medley answered that the payments were for tests that had been ran for the various industries. He added that those industries had been billed for reimbursement.

Councilman Mason then inquired about the payment to MEDS and the City Attorney. He commented that vendors should not be paid before services were rendered. There was a brief discussion between Mayor Priddle, Councilman Mason, Councilman Browne, Manager Roath and Mr. Ervin regarding when invoices are submitted and payment is rendered. It was decided that the August MEDS payment and City Attorney's August payment would be held until final claims of the month.

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

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Browne & 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.

Councilman Fiedler moved to open a Public Hearing to discuss an Ordinance amending Ordinance No. 2337 which established the budget for fiscal year 2009-2010. The motion was seconded by Councilman Wilkinson. There was no discussion and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried, and the Public Hearing was opened at 6:26 P.M.

- **Public Hearing: An Ordinance amending Ordinance No. 2337 which established the budget for fiscal year 2009-2010; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency**

There were no comments from the audience or the Council regarding the ordinance and Mayor Priddle for a motion to close the Public Hearing.

Councilman Wilkinson moved to close the Public, seconded by Councilman Browne. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was closed at 6:27 P.M.

SCHEDULED BUSINESS

1. **Consider, and act upon, a request by Make a Difference Day Committee for the City to designate Saturday, October 24, 2009, as Make a Difference Day in McAlester.** (Maureen Harrison, Petitioner)

Executive Summary

This agenda item involves declaring October 24, 2009 as "Make a Difference Day."

Councilman Browne moved to approve the request by Make a Difference Day Committee for the City to designate Saturday, October 24, 2009, as Make a Difference Day in McAlester. The motion was seconded by Councilman Fiedler.

Before the vote, Ms. Harrison addressed the Council stating that Saturday, October 24, 2009 was National Make a Difference Day. She thanked the Council for their support in the past and looked forward to working with them in the future.

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

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

NAY: None

Mayor Priddle declared the motion carried.

2. **Consider, and act upon, a Resolution supporting the participation in the 2009 Oklahoma Main Street Program with the goal of revitalizing the Historic Central Business District.** (Donny Lenington, Executive Director, McAlester Main Street)

Executive Summary

This agenda item involves a Resolution supporting the McAlester Main Street Program.

Councilman Browne moved to approve RESOLUTION NO. 09-12, supporting the 2009 participation of the Oklahoma Main Street Program. The motion was seconded by Councilman Fiedler.

Before the vote Manager Roath explained that this was the yearly resolution showing the support for the Main Street Program by the City of McAlester. He added that they needed this to submit to the State as one of the qualification requirements.

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

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

Mayor Priddle declared the motion carried.

3. Consider, and act upon, authorizing the Mayor to sign a lease agreement with EASTOK for corporate hanger #30 at the McAlester Municipal Airport for a period of one year. (Mel Priddy, Community Services Director)

Executive Summary

This agenda item involves the lease of a City owned airport hangar to EASTOK for \$1,700.00 per month.

Vice-Mayor Garvin moved to authorize the Mayor to sign a lease agreement with EASTOK for corporate hanger #30 at the McAlester Municipal Airport for a period of one year. The motion was seconded by Councilman Fiedler.

Before the vote, Mel Priddy stated that this would authorize the Airport to enter into a one year lease with Eastok. There was a brief discussion concerning which hangar this lease was for and what the lease payments would be. There was no further discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

4. Consider, and act upon, a donation of \$90,000.00 by Bob Wallace to the Community Services Department for improvements to and completion of the skateboard park in Connally Park. (Mel Priddy, Community Services Director)

Executive Summary

This agenda item involves a \$90,000 private donation, over five years, by Bob Wallace for the construction of a skateboard facility in Connally Park.

Councilman Browne moved to accept the donation of \$90,000.00 by Bob Wallace to the Community Services Department for improvements to and completion of the skateboard park in Connally Park. The motion was seconded by Councilman Wilkinson.

Before the vote, Mel Priddy expressed his appreciation to Mr. Wallace for his generosity of the donation to complete the Skate Park. He explained that this should help to finish the Park, add new restroom facilities, build a picnic shelter, install a new water fountain and install a mister to

help with the heat. There was a brief discussion regarding the drafting of a memorandum of understanding concerning the requirements of the donation and presenting some form of recognition for the donation to Mr. Wallace. There was no further discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

5. **Consider, and act upon, an Ordinance amending Ordinance No. 2327 which established the budget for fiscal year 2009-2010; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (Mark B. Roath, City Manager)**

Executive Summary

This agenda item involves a budget amendment for certain proposed expenditures not funded in the adopted budget for this fiscal year.

ORDINANCE NO. 2330

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2327 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2009-2010; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Councilman Fiedler moved to approve **ORDINANCE NO. 2330**, to amend the 2009-2010 Fiscal Year Budget. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Manager Roath reviewed the exhibits for the amendment.

Councilman Mason commented that he appreciated the donation for the Skate Park and recommended that the monies be placed into a separate fund to allow for better management.

Manager Roath stated that at the advice of the Auditor a line item for donations had been setup to help track activity.

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

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

Mayor Priddle declared the motion carried.

Councilman Browne moved for approval of the EMERGENCY CLAUSE, seconded by Councilman Fiedler. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

6. Consider, and act upon, Change Order No. 2 for the 2008 Water Treatment Plant Modifications Enhanced Coagulation Project with Northern Equipment Co., Inc. of Grove, Oklahoma. (David Medley, Utilities Director)

Executive Summary

This agenda item involves a Change Order reconciling the final quantities and results in a subtraction of \$136.80 to the Contract amount.

Vice-Mayor Garvin moved to approve Change Order No. 2 for the 2008 Water Treatment Plant Modifications Enhanced Coagulation Project with Northern Equipment Co., Inc. of Grove, Oklahoma. The motion was seconded by Councilman Browne.

Before the vote, David Medley explained that this Change Order reconciled the final quantities for the project by the deduction of 18 linear feet of clarifier concrete repair and lowered the to Contract price by \$136.80, leaving a total of \$778,390.04.

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

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

NAY: None

Mayor Priddle declared the motion carried.

7. Consider, and act upon, the final Contractor's Pay Estimate No. 9 for the 2008 Water Treatment Plant Modifications Enhanced Coagulation Project. (David Medley, Utilities Director)

Executive Summary

This agenda item involves the final pay estimate for the "WTP Modifications Enhanced Coagulation Project."

Councilman Fiedler moved to approve the final Contractor's Pay Estimate No. 9 for the 2008 Water Treatment Plant Modifications Enhanced Coagulation Project. The motion was seconded by Councilman Wilkinson.

Before the vote, David Medley addressed the Council explaining that the 2008 Water Treatment Plant Modification s Enhanced Coagulation Project had been completed with the Contractor of the Project confirming that all deficiencies associated with the Project had been completed as well. He added that the close out documents included a notarized written warranty letter for one (1) year effective from the date of completion.

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

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

NAY: None

Mayor Priddle declared the motion carried.

8. Consider, and act upon, Change Order No. 1 for the 14th St. & Village Blvd. Utility Extensions Project with Bravo Construction Inc. of Wilburton, Oklahoma. *(David Medley, Utilities Director)*

Executive Summary

This agenda item involves a change order of an additional \$20,629.45 for the above project.

Councilman Browne moved to approve Change Order No. 1 for the 14th St. & Village Blvd. Utility Extensions Project with Bravo Construction Inc. of Wilburton, Oklahoma. The motion was seconded by Councilman Fiedler.

Before the vote, David Medley stated that this Change Order adjusted several items in the Original Contract, to meet the agreement requirements of the property owners, which had been previously approved by the Council on July 14, 2009. He added that this included 317 linear feet of 8-inch sewer main for \$9,629.45 which had been verbally agreed to be repaid to the City in a 100% participation agreement by a local Developer.

Councilman Mason asked if the individual that had requested additional sewer line had submitted payment for 100 % participation by the local Developer. Mr. Medley answered that the check had been received and was on file with the Assistant City Finance Officer.

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

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

NAY: None

Mayor Priddle declared the motion carried.

9. Consider, and act upon, a renewal of the Business Customer Service Agreement for one year with United States Cellular Corporation related to wireless communication service. *(Mark B. Roath, City Manager)*

Executive Summary

This agenda item involves a one year renewal of cellular telephone service with U.S. Cellular Corporation.

Councilman Fiedler moved to approve the renewal of the Business Customer Service Agreement for one year with United States Cellular Corporation related to wireless communication service. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Manager Roath explained that this was to renew the contract for wireless communication service for one (1) year as was per the terms of the original agreement. He added that this would be at no additional cost to the City. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

- 10. Consider, and act upon, an Agreement for Engineering Services with Meshek & Associates, Inc. for Phase II Stormwater Management Program, Years 4 and 5, for the City of McAlester to meet DEQ requirements.** (*John Modzelewski, Public Works Director/City Engineer*)

Executive Summary

This agenda item involves Phase II, Stormwater Management Program.

Councilman Fiedler moved to approve an Agreement for Engineering Services with Meshek & Associates, Inc. for Phase II Stormwater Management Program, Years 4 and 5, for the City of McAlester to meet DEQ requirements. The motion was seconded by Councilman Wilkinson.

Before the vote, John Modzelewski explained that this would allow the consultant to complete year four (4) and five (5) of the current five (5) year permit, and do the application for the next five (5) year permit that would be coming up in 2010. There was no other discussion, and the vote was taken as follows on the remaining property:

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

Mayor Priddle declared the motion carried.

NEW BUSINESS

None

CITY MANAGER'S REPORT

Manager Roath expressed his appreciation to all the citizens that did vote no matter how they voted. He briefly explained the two (2) propositions. He then announced that the new CFO would begin on Monday, August 17th.

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REMARKS AND INQUIRIES BY CITY COUNCIL

Councilman Fiedler congratulated Shared Blessings for their Back to School Backpack program. He stated that there had been approximately one thousand (1000) backpacks made up and the last he heard they only had about twenty (20) left. He commented that he had been contacted by a local businessman concerning his water bill and he had informed the individual to contact Mr. Roath to discuss the matter. Councilman Fiedler announced that the production crew for the series "Saving Grace" would be in town filming for a later episode.

Councilman Browne commented on the low turn out for the Special Election and that it could be possible that this election could be decided by as few as five hundred (500) voters.

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Councilman Wilkinson reminded everyone that school was back in session and to be careful around the schools. He also reported that the Prison Rodeo was taking place this weekend and he urged everyone to go out and support this activity.

Vice-Mayor Garvin also commented on the low turn out of voters. He thanked everyone involved in getting the fire hydrants painted in Fifth Ward. He then commented on the signage at the Industrial Park and stated that it was a very nice sign. He further stated that while watching the Fox 23 broadcast he had been surprised at the comment by the newscasters about not realizing how much McAlester had to offer.

Councilman Mason commented that voter apathy was a nation wide problem.

Mayor Priddle stated that he was very pleased with the sign at the Industrial Park. He also mentioned the Prison Rodeo and how ticket sales were up 35% over what they had been last year. He urged everyone to attend, and promised that it would be a very good time. He commented that the City was beginning to look very good. Mayor Priddle added that an Irish film crew was in town filming various attractions in the area. He reported that the housing addition of Legends at Hickory Ridge was a very nice addition and appeared to be almost filled.

RECESS COUNCIL MEETING

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Mason 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 Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:02 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 7:04 P.M.

ADJOURNMENT

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

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

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:05 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk