

Council Chambers  
Municipal Building  
August 25, 2009

The McAlester City Council met in regular session on Tuesday, August 25, 2009, at 6:00 P.M. after proper notice and agenda was posted, August 20, 2009, at 11:15 A.M.

**CALL TO ORDER**

Mayor Priddle called the meeting to order.

**INVOCATION & PLEDGE OF ALLEGIANCE**

- **Stephanie Swinnea, Pastor, All Saints Episcopal 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: Mel Priddy, Community Services Director acting as City Manager; Dave Medley, Utilities Director; John Modzelewski, Public Works Director/City Engineer; Pete Stasiak, Planning and 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.*

- Approval of the Minutes from the July 28, 2009, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**
- Approval of the Minutes from the July 30, 2009, Special Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**
- Approval of the Minutes from the August 11, 2009, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**

- D. Concur with Mayor's reappointment of Sabra Tate to the Tree Board for a term that expires September, 2011. (Kevin E. Priddle, Mayor)**
- E. Concur with Mayor's reappointment of Theo Webb to the Tree Board for a term that expires September, 2011. (Kevin E. Priddle, Mayor)**
- F. Concur with Mayor's reappointment of Ted Evicks to the Tree Board for a term that expires September, 2011. (Kevin E. Priddle, Mayor)**
- G. Concur with Mayor's appointment of Marsha Green to the Tree Board for a term that expires September, 2011. (Kevin E. Priddle, Mayor)**
- H. Concur with Mayor's appointment of Karen Harrison to the Tree Board for a term that expires September, 2010. (Kevin E. Priddle, Mayor)**
- I. Accept and Place on File the Oklahomans for Independent Living Report for the Months of May and June, 2009. (Mike Ward, Executive Director, Oklahomans for Independent Living)**
- J. Approval of Claims for ending June 30, 2009. (Gayla Duke, City Financial Officer)**  
In the following amounts: General Fund - \$27,128.52 and E-911 - \$4,684.13.
- K. Approval of Claims for August 12, 2009 through August 25, 2009. (Gayla Duke, City Financial Officer)** In the following amounts: General Fund - \$163,950.57; Parking Authority - \$86.13; Nutrition - \$728.52; SE Expo Ctr/Tourism Fund - \$14,499.84; E-911 - \$4,235.97; Economic Development - \$62,462.25 and Dedicated Sales Tax-MPWA - \$5,500.00.
- L. Approval of Claims for August 12, 2009 through August 25, 2009. (Gayla Duke, City Financial Officer)** In the following amount: Economic Development – (\$18,320.75).

Councilman Condit moved for approval of the Consent Agenda. The motion was seconded by Councilman Browne.

Before the vote, Councilman Browne asked if the term for Ms. Harrison was correct. Mayor Priddle explained that she was completing an unexpired term for an individual that had resigned their position on the board. 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.

Mayor Priddle introduced Gayla Duke as the new Chief Financial Officer for the City of McAlester.

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**SCHEDULED BUSINESS**

- 1. Presentation of the “Yard of the Month”.** *(Kevin E. Priddle, Mayor and J. T. Collier, President of Pride-in-McAlester)*

Executive Summary

*This agenda item involves the naming of a “Yard of the Month”.*

Mayor Priddle announced the property of the month as 510 E. Choctaw, the Mercer & Belote Law Firm.

- 2. Presentation of the Mayor’s Monthly Financial Report through July 31, 2009.** *(Kevin E. Priddle, Mayor)*

Executive Summary

*This agenda item involves the financial report through July 31, 2009.*

Mayor Priddle reviewed the July 31, 2009 monthly financial report commenting that funds 38 and 40 would bear watching over the coming months.

- 3. Consider, and act upon, an Agreement with Oklahomans for Independent Living regarding services to people with disabilities.** *(Mike Ward, Executive Director, Oklahomans for Independent Living)*

Executive Summary

*This agenda item involves an agreement with the Oklahomans for Independent Living for fiscal year 2009/2010.*

Councilman Browne moved to approve an Agreement with Oklahomans for Independent Living regarding services to people with disabilities. The motion was seconded by Councilman Condit.

Before the vote, Mike Ward addressed the Council stating that he was pleased that O.I.L. would be able to aid the City of McAlester with their public transportation needs. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

- 4. Consider, and act upon, authorizing the Mayor to sign an agreement with Advanced Data Processing, Inc. (d/b/a Intermedix-ADPI) for rescue ambulance billing and related professional services.** *(Harold Stewart, Fire Chief)*

Executive Summary

*This agenda item involves an agreement to engage Advanced Data Processing, Inc. d/b/a Intermedix-ADPI to conduct EMS billings and collection.*

Councilman Fiedler moved to authorize the Mayor to sign an agreement with Advanced Data Processing, Inc. (d/b/a Intermedix-ADPI) for rescue ambulance billing and related professional services. The motion was seconded by Councilman Mason.

Before the vote Mayor Priddle read the letter submitted by the Audit & Finance Advisory Committee recommending that the City enter into an agreement with Intermedix Corporation for EMS billing services, segregate the revenue from the EMS billing, review the current charges for EMS services and consider a new fee structure.

Chief Stewart commented that the Fire Department administration felt that this company would be the best use of the departments' money.

There was discussion between the Council, the City Attorney and the Fire Chief regarding the segregation of the revenues, wording in the contract that allowed the fees charged to be increased with a thirty (30) day notice and having the City Attorney change the wording from a thirty (30) day notice to a ninety (90) day notice. Chief Stewart stressed the importance of this contract as his secretary would be taking off work for about a month in the near future.

Mayor Priddle restated the motion to read "authorize the Mayor to sign an agreement with Advanced Data Processing, Inc. (d/b/a Intermedix-ADPI) for rescue ambulance billing and related professional services with the thirty (30) day notice of fee charges being changed to a ninety (90) day notice of changes.

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, McAlester Main Street Program request to hold a car show, cruise night and burn out activity on October 10, 2009.** *(Donny Lenington, Executive Director, McAlester Main Street Program)*

Executive Summary

*This agenda item involves a request to hold a Cruise Night and other activities on October 10, 2009.*

Councilman Browne moved to approve the McAlester Main Street Program request to hold a car show, cruise night and burn out activity on October 10, 2009. The motion was seconded by Councilman Fiedler.

Before the vote, Harvey Bolinger addressed the Council explaining that there would not be any burnout activity during the Cruise Night because of problems with insurance. He added that since the burnouts would not be held other activities had been added to the program.

There was a brief discussion among the Council regarding the requests for various street closing during the Cruise Night activities and alternate routes that would be available to the general traffic on the affected streets. 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, authorizing the Mayor to sign an Equipment Maintenance Agreement with BizTel Communications for the McAlester EXPO Center.** *(Mark B. Roath, City Manager)*

Executive Summary

*This agenda item involves an equipment maintenance agreement with BizTel for communications equipment at the McAlester EXPO Center.*

Councilman Fiedler moved to authorize the Mayor to sign an Equipment Maintenance Agreement with BizTel Communications for the McAlester EXPO Center. 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, Wilkinson & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

- 7. Consider, and act upon, authorizing the Mayor to sign a Ratification of Lease No. 118 with First National Bank and Trust Company, McAlester, Oklahoma, for equipment at the McAlester EXPO Center.** *(Sherry Alessi, Assistant Chief Financial Officer)*

Executive Summary

*This agenda item involves ratifying and confirming a Lease Purchase entered into with First National Bank & Trust Company in September, 2002, for certain equipment at the McAlester EXPO Center.*

Councilman Condit moved to authorize the Mayor to sign a Ratification of Lease No. 118 with First National Bank and Trust Company, McAlester, Oklahoma, for equipment at the McAlester EXPO Center. The motion was seconded by Councilman Wilkinson.

Before the vote, Mayor Priddle stated that this was routine. 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.

**8. Consider, and act upon, waiving the bidding procedure for the purchase of Skate Park equipment.** *(Mel Priddy, Community Services Director)*

Executive Summary

*This agenda item involves declaring “sole source” a certain vendor for the purpose of purchasing skate park equipment for Connally Park.*

Councilman Browne moved to approve waiving the bidding procedure for the purchase of Skate Park equipment. The motion was seconded by Councilman Fiedler.

Before the vote, Mel Priddy explained that one third of the equipment for the Skate Park was already in place and had been purchased from a single vendor. He added that by purchasing the rest of the equipment from the same vendor would insure that it fit together.

There was discussion among the Council and the City Attorney concerning the cost of the purchase, how such a purchase was addressed in the Charter, the Council’s ability to write its own bidding procedures and having the City Manager and Mr. Priddy submit this item for competitive bidding as the Charter required. There was no further discussion, and Mayor Priddle stated that no vote was required on this item.

**9. Discussion, and possible action, on legislation to create a local bidder preference.** *(Chris Fiedler, City Councilmember)*

Executive Summary

*This agenda item involves a discussion regarding potential legislation to establish a “local preference” in bidding.*

Councilman Fiedler moved to approve legislation to create local bidder preference. The motion was seconded by Councilman Browne.

Before the vote, Councilman Fiedler explained that he had discussed this item with the Mayor, City Manager and City Attorney and he would like something that would allow the City to give local vendors preference.

There was discussion between the Council and the City Attorney as to whether the City could create this type of legislation, how other cities were adopting by ordinance this kind of legislation, making this part of the purchasing policy and requiring that local vendors be sent bid packages. The Mayor suggested that the City Attorney research this topic and report to the Council his findings. There was no vote on this item.

**10. Discussion, and possible action, on setting a public hearing to get citizen input on setting priorities for the future.** *(John Browne, City Councilmember)*

Executive Summary

*This agenda item involves setting a date for a public hearing to obtain citizen input in setting City priorities for the future.*

Councilman Browne moved to approve setting a public hearing to get citizen input on setting priorities for the future. The motion was seconded by Councilman Fiedler.

Before the vote, Councilman stated that with the outcome of the recent election it seemed that the Council was not doing what the citizens were wanting. He commented that he would like to have a specific date for a public hearing.

There was discussion among the Council and Pete Stasiak regarding the Strategic Plan process, how long before the public hearings related to the Strategic Plan would begin, how many hearings would be scheduled, including the dollar figures with the plans when identifying projects and what type of format the public hearings would be conducted.

Mayor Priddle clarified that the motion should be that the “Mayor work with the City Manager to establish a date for a public hearing within the next six (6) weeks.

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.

**11. 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.**

*(Dennis Lalli, Building Inspector)*

Executive Summary

*This agenda item involves the declaring the building at 2 E. Cherokee as “dilapidated and a detriment to the public welfare.”*

Councilman Mason moved to approve a Resolution declaring certain buildings as dangerous by reason of dilapidation and a detriment to the welfare of the public and community. The motion was seconded by Councilman Fiedler.

Before the vote, Pete Stasiak explained that the original owner had purchased a demolition permit to tear the previously two (2) story building down but had not completed the process before selling it to the current owner, Gary Manos. He added that Mr. Manos had purchased a remodel permit but that had expired.

Gary Manos addressed the Council requesting that the condemnation be stopped. He stated that he had intended to renovate the structure as storage but had not had the resources.

There was a brief discussion among the Council regarding the length of time that the structure had been sitting in its current condition, when the original demolition had started, how structures are considered for demolition, and options that were available to the Mr. Manos. There was no further discussion, and the vote was taken as follows:

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

NAY: Councilman Browne & Fiedler

Mayor Priddle declared the motion carried.

- 12. Consider and act upon, a Utilities Extension Agreement with Mr. Fred Ettner to participate in the cost of extending 317 linear feet of sewer main on the 14<sup>th</sup> Street and Village Boulevard Utility Extensions, Project No. MC-09-01.** (David Medley, Utilities Director)

Executive Summary

*This agenda item involves a utilities extension agreement with Fred Ettner.*

Councilman Condit moved to approve the Utilities Extension Agreement with Mr. Fred Ettner to participate in the cost of extending 317 linear feet of sewer main on the 14<sup>th</sup> Street and Village Boulevard Utility Extensions, Project No. MC-09-01. The motion was seconded by Councilman Browne.

Before the vote, David Medley explained that this agreement would provide for 100% of the unit price contract cost of extending the 8 inch sewer main at station 25+38 of the 14<sup>th</sup> Street and Village Boulevard Utility Extension Project. He commented that the total participation cost was \$9,629.45 which had been put on deposit by Mr. Ettner with the City. Mr. Medley added that the change order to include this work and the budget amendment to add this amount had been previously approved by the Council.

Councilman Mason asked if the contractor had asked for any extension of time. Mr. Medley answered that they had requested a seven (7) day extension. 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.

- 13. Consider and act upon, an agreement with Mr. Kenneth Beale to obtain a 15 foot wide utility easement in Townsite Addition No. 4 for the South 69 Bypass Sewer Extension Project, Project No. MC-09-04.** (David Medley, Utilities Director)

Executive Summary

*This agenda item involves a utilities easement agreement with Kenneth Beale.*

Councilman Condit moved to approve an agreement with Mr. Kenneth Beale to obtain a 15 foot wide utility easement in Townsite Addition No. 4 for the South 69 Bypass Sewer Extension Project, Project No. MC-09-04. The motion was seconded by Councilman Browne.

Before the vote, David Medley explained that this agreement would provide for a fifteen (15) foot wide utility easement on lots 55 and 77 Townsite Addition No. 4 in exchange for five (5) sanitary sewer connections on lots 54, 55 and 57 and one service line bore under Peaceable Road to serve lot 54 of Townsite Addition No. 4.

There was no other 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.

- 14. Consider and act upon, an agreement with Mr. Kenneth Sherrill to obtain a 15 foot wide utility easement in Townsite Addition No. 4 for the South 69 Bypass Sewer Extension Project, Project No. MC-09-04. (David Medley, Utilities Director)**

Executive Summary

*This agenda item involves a utilities easement agreement with Kenneth Sherrill.*

Councilman Condit moved to approve an agreement with Mr. Kenneth Sherrill to obtain a 15 foot wide utility easement in Townsite Addition No. 4 for the South 69 Bypass Sewer Extension Project, Project No. MC-09-04. The motion was seconded by Councilman Browne.

Before the vote, David Medley explained that this would provide for a fifteen (15) foot wide utility easement on Lot 54 Townsite Addition No. 4 in exchange for one (1) sanitary sewer connection on Lot 54 and two (2) sanitary sewer connections on Lot 77 of Townsite Addition No. 4. There was no other 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.

- 15. Consider and act upon, an agreement with Lakewood Christian Church to obtain a 15 foot wide utility easement in Townsite Addition No. 4 for the South 69 Bypass Sewer Extension Project, Project No. MC-09-04. (David Medley, Utilities Director)**

Executive Summary

*This agenda item involves a utilities easement agreement with Lakewood Christian Church.*

Councilman Browne moved to approve an agreement with Lakewood Christian Church to obtain a 15 foot wide utility easement in Townsite Addition No. 4 for the South 69 Bypass Sewer Extension Project, Project No. MC-09-04. The motion was seconded by Councilman Condit.

Before the vote, David Medley explained that this would provide for a fifteen (15) foot wide utility easement on Lots 86 and 87 in Townsite Addition No. 4 in exchange for two (2) sanitary sewer connections on Lots 86 and 87 if Townsite Addition No. 4. There was no other 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.

- 16. Consider, and act upon, a request by the Italian Festival Foundation to waive the rental fee for the use of the Southeast EXPO Center for the 2010 Annual Italian Festival by partnering with them in the amount of \$2,125.00. (Chris Fiedler, Councilmember and Jerry Lynn Wilson, EXPO Manager)**

Executive Summary

*This agenda item involves an EXPO Center partnering request by the Italian Festival Foundation.*

Councilman Fiedler moved to approve a partnering request by the Italian Festival Foundation to waive the rental fee for the use of the Southeast EXPO Center for the 2010 Annual Italian Festival by partnering with them in the amount of \$2,125.00. The motion was seconded by Councilman Wilkinson.

Before the vote, Mayor Priddle stated that this was the second group to request to partner with the City at the Expo and that if this was approved most of the funds, for the fiscal year, for that program would be used. 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.

**17. Discussion, and possible action, on supporting the part of the additional cost for site work related to the new fire station from the City's portion of the quarter cent excise tax (sales tax) for fire services. (Harold Stewart, Fire Chief)**

Executive Summary

*This agenda item involves a request by the Choctaw Nation of Oklahoma for the City to partially fund site work for the new fire station.*

Councilman Browne moved to support the part of the additional cost for site work related to the new fire station from the City's portion of the quarter cent excise tax (sales tax) for fire services. The motion was seconded by Councilman Fiedler.

Before the vote, Chief Stewart explained that the dirt that had been donated for use in preparing the site for the new fire station was not usable because of the amount of rock it contained. He stated that the Choctaw Nation was willing to contribute half of the additional cost. Chief Stewart explained that if the City was not able to contribute half of the expense then the contractor would consider other cost cutting options. He added that he had communicated with the District Attorney regarding the use of the City's portion of the County quarter cent excise tax for fire services and had been informed that this use would be allowed.

Jay T. Boynton addressed the Council explaining that the project had been originally set at \$1.6 million but after review the Nation had appropriated \$2 million. The bid had actually come in at \$1.9 million and they were asking for the City's participation with this additional cost.

There was discussion among the Council and Mr. Boynton regarding the construction site, the ownership of the property, if a change order had been issued and if the City could expend appropriated funds. During the discussion, Councilman Mason expressed his concerns about the cost overrun and how it was being handled. There was no further discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

**NEW BUSINESS**

Mayor Priddle stated that a letter of commitment to the Oklahoma Aeronautics Commission was needed for a project at the Municipal Airport. He commented that Mr. Priddy had not known about this early enough to get it placed on the agenda and he was asking the Council to authorize the Mayor to sign the letter so the project could proceed.

Councilman Browne moved to authorize the Mayor to sign a letter of commitment to the Oklahoma Aeronautics Commission for the project titled “Improve Runway 2-20 Safety Areas; Remove Runway 2-20 Approach Surface Obstructions; and Improve ROFA East of Runway 2-20, at McAlester Regional Airport.” 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.

Vice-Mayor Garvin commented on the City Manager’s absence and said the article in the newspaper stated that the Council was aware that the City Manager was looking for another position. He added that he would like to meet with the Mayor to schedule an executive session to discuss this matter.

Vice-Mayor Garvin asked David Medley if he was aware of the situation of the repairs of A Street near the railroad crossing. He commented that he had been contacted by citizens regarding a valve that had been leaking for some time and the leak was undermining the repairs in the area.

Mr. Medley stated that he had spoken with the Utility Supervisor and it was his understanding that the City’s work had been completed. Councilman Browne confirmed that information saying that he had looked into the matter and the valve had been repaired.

Vice-Mayor Garvin asked that when making repairs if the lines are old to consider replacing them while other repairs were being made.

Mr. Medley commented that he and the City Engineer had discussed that matter and had decided that when repairing lines that quality part would be installed.

**CITY MANAGER’S REPORT**

Mr. Priddy thanked the Council for authorizing the Mayor to sign the letter of commitment to the Oklahoma Aeronautics Commission.

**REMARKS AND INQUIRIES BY CITY COUNCIL**

Councilmen Fiedler, Condit and Wilkinson commented that they had nothing to report at this time.

Councilman Browne commented on the meeting that had been held about recycling and stated that information was still being gathered.

Vice-Mayor Garvin announced the Old Town Festival on September 17, 2009. He then asked to be excused at 8:05 P.M.

Councilman Mason commented on the Code of Condit that was required by the Charter to be submitted within one (1) year of the Charters passage.

Councilman Condit stated that the committee had met several times and hoped to have something by the first or second meeting in September.

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

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 8:07 P.M.

**RECONVENE COUNCIL MEETING**

The Regular Meeting was reconvened at 8:08 P.M.

**ADJOURNMENT**

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

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

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 8:09 P.M.

ATTEST:

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Kevin E. Priddle, Mayor

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Cora Middleton, City Clerk