

Council Chambers
Municipal Building
September 22, 2009

The McAlester City Council met in regular session on Tuesday, September 22, 2009, at 6:00 P.M. after proper notice and agenda was posted, September 15, 2009, at 4:00 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

- **Robert Tate, Pastor, First Indian Baptist 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: Jim Lyles, Police Chief; 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

Steve Harrison addressed the Council expressing his appreciation for the job that Mr. Roath had done during his employment, his approach to City government and his accomplishments during his tenure. He then thanked the City Council for hiring Mr. Roath and their quick action in appointing Peter Stasiak as Acting City Manager.

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 September 3, 2009, Special Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**
- B. Approval of the Minutes from the September 8, 2009, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**
- C. Approval of Claims ending June 30, 2009. (Gayla Duke, City Financial Officer) In the following amounts: General Fund - \$4,794.24.**

D. Approval of Claims for September 9, 2009 through September 22, 2009. (*Gayla Duke, City Financial Officer*) In the following amounts: General Fund - \$185,576.76; Parking Authority - \$84.57; Nutrition - \$806.32; SE Expo Ctr/Tourism Fund - \$11,382.08; E-911 - \$5,084.91; Economic Development - \$25,820.75 and Federal Forfeiture Fund - \$900.00.

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

Councilman Condit moved to open a Public Hearing to receive public input on an Ordinance amending the fiscal year 2009-2010 budget and an Ordinance to increase municipal court costs. The motion was seconded by Councilman Fiedler. 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.

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.

- **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.**
- **An Ordinance authorizing the City to contract for collection services and to impose collection fees; amending Ordinance No. 2206 to increase municipal court costs, providing for filing claims with the Oklahoma Tax Commission and declaring an emergency.**

There were no comments on either item from the public or the Council and Councilman Fiedler moved to close the Public Hearing. The motion was seconded by Councilman Condit.

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 related to the Oklahoma Dental Association Mission of Mercy. (Douglas Auld, Presenter)

Executive Summary

This agenda item involves the Oklahoma Dental Association Mission of Mercy scheduled to take place in McAlester.

Councilman Fiedler moved to open for discussion of the presentation by Dr. Auld. The motion was seconded by Councilman Browne.

Dr. Auld addressed the Council briefly describing the Mission of Mercy. He explained that the Expo Center was the only place in the area to host this event and that there would be approximately 200 dentists, 75 hygienists and 500 to 600 other volunteers coming into the community. He commented that they would see about 2000 patients free of charge. He asked for use of the entire Expo Center and for the Council to relieve some of the costs. Dr. Auld added that this would have a positive economic impact to the City. He then presented a short video from the Mission of Mercy in Arkansas.

After the video there was a brief discussion among the Council and Mr. Roath concerning the present Council not being able to bind a future Council, showing support for the event with a resolution that encouraged the 2011-2012 Council to budget for the event and directing the City Attorney to draft a resolution of support.

Mayor Priddle moved to direct the City Attorney to draft a resolution of support. The motion was seconded by Councilman Wilkinson. 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.

2. Presentation of the Monthly Financial Report through August, 2009. (Gayla Duke, Chief Financial Officer)

Executive Summary

This agenda item involves the Monthly Financial Report for the City.

Councilman Condit moved to open for discussion the monthly financial report through August, 2009. The motion was seconded by Councilman Fiedler.

Ms. Duke briefly reviewed the financial report for the Council explaining that these reports were different from what the Council had previously seen. She stated that she was working on developing a monthly treasurer's report which would hopefully make the information more understandable for the Council and give more detailed information.

There was no other discussion, and Mayor Priddle stated that this item did not require a vote.

3. **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. (Gayla Duke, Chief Financial Officer)**

Executive Summary

This agenda item involves amending the budget for fiscal year 2009/10.

ORDINANCE NO. 2333

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. 2333**, seconded by Vice-Mayor Garvin.

Before the vote, Ms. Duke reviewed the three (3) exhibits to the Ordinance for the Council. She explained that exhibit one (1) was to increase the insurance line item for the Expo Center, exhibit two (2) was to show receipt of a Department of Justice grant for the Police Department and exhibit three (3) was to adjust an insurance reimbursement received to repair or replace A/C units that had not been expended in the 2009-2010 fiscal year.

There was a brief discussion about Ms. Duke furnishing a running total of all budget amendments to the Council. Ms. Duke commented that she could compile that information for the Council.

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.

Councilman Browne moved for approval of the EMERGENCY CLAUSE, seconded by Vice-Mayor Garvin. 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.

4. **Consider, and act upon, an Ordinance authorizing the City to contract for collection services and to impose collection fees; amending Ordinance No. 2206 to increase municipal court costs, providing for filing claims with the Oklahoma Tax Commission and declaring an emergency. (Gayla Duke, Chief Financial Officer)**

Executive Summary

This agenda item involves amending Ordinance No. 2206 to increase municipal court costs, etc.

ORDINANCE NO. 2334

AN ORDINANCE OF THE CITY OF McALESTER AUTHORIZING THE CITY TO CONTRACT FOR COLLECTION SERVICES AND TO IMPOSE COLLECTION FEES; AMENDING ORDINANCE NO. 2206 TO INCREASE MUNICIPAL COURT COSTS, PROVIDING FOR FILING CLAIMS WITH THE OKLAHOMA TAX COMMISSION AND DECLARING AN EMERGENCY.

Councilman Fiedler moved for approval of **ORDINANCE NO. 2334**, seconded by Councilman Condit.

Before the vote, Ms. Duke explained that the Municipal Court staff had been working on this prior to her arrival. She added that this would authorize the City to increase the court costs to \$30.00. It would allow the City to add a collection fee to unpaid fines that are submitted to a collection agency not to exceed 35%, and permit the municipal court to file claims with the Oklahoma Tax Commission to deduct the amount owed from any state income tax refund due to the delinquent violator.

There was a brief discussion among the Council, the City Attorney and Ms. Duke about the possibility of adding part of the warrant officers pay to the cost of the fines, setting a portion of the collected fines aside for future technology upgrades and if there was a way that the City could adjust fines and fees without bringing it before the Council.

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.

Councilman Wilkinson moved to approve the EMERGENCY CLAUSE, seconded by Councilman Fiedler.

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.

- 5. Consider, and act upon, Change Order No. 2 for the 14th Street and Village Boulevard Utility Extension Project with Bravo Construction Inc., of Wilburton, Oklahoma. (David Medley, Utilities Director)**

Executive Summary

This agenda item involves a change order for the above named utility extension (water and wastewater) project.

Councilman Condit moved to approve a Change Order No. 2 for the 14th Street and Village Boulevard Utility Extension Project with Bravo Construction Inc., of Wilburton, Oklahoma. The motion was seconded by Councilman Fiedler.

Before the vote, David Medley addressed the Council explaining the Change Order adjusted several items in the original contract. He stated that this would combine the 14th Street and Village Boulevard Utility Extension project with the Highway 69 Sewer Extension Project and save the City approximately \$400,000.00. He added that this Change Order had been reviewed by the City Attorney, all of the required utility easements had been acquired by the City, and funds were available in the Economic Development account for this project.

There was a short discussion among the Council concerning the pending contract with Mr. Miller, the number of taps given to the various individuals and the value of the taps.

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.

6. Consider, and act upon, the purchase of one (1) 2010 Ford F-350 Chassis Cab 4X4 truck. (Harold Stewart, Fire Chief)

Executive Summary

This agenda item involves the purchase of a truck chassis cab from Nix Ford Mercury in the amount of \$22,172.00.

Councilman Condit moved to approve the purchase of one (1) 2010 Ford F-350 Chassis Cab 4X4 truck. The motion was seconded by Councilman Fiedler.

Before the vote, Chief Stewart explained that the Fire Department had received a \$22,000.00 grant from the Department of Agriculture in 2008 to purchase a one (1) ton 4X4 cab and chassis to be used as a grass/brush truck. He stated that the Fire Department would be reimbursed after the invoice had been properly submitted. He added that during the bid process the Fire Department had mailed out six (6) packets and received three (3) back.

Steve Belcher addressed the Council expressing concerns about the purchase of the vehicle and why this purchase had been made.

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.

7. Consider, and act upon, request to purchase New and Unused One Ton Two Wheel Drive Crew Cab Pickup with Utility Bed. (Mel Priddy, Community Services Director)

Executive Summary

This agenda item involves the purchase of a pickup truck from Carter Chevrolet in the amount of \$25,632.00.

Councilman Condit moved to approve the purchase of a new and unused One (1) Ton Two (2) Wheel Drive Crew Cab Pickup with Utility Bed. The motion was seconded by Councilman Fiedler.

Before the vote, Mel Priddy explained that this pickup was to replace a 1995 Dodge ¾ ton pickup with 107,000 miles. He added that this vehicle was used by the Parks Department Gardner I employee and the bid came in under the \$29,000.00 amount that had been budgeted.

There was a brief discussion among the Council, Mr. Priddy and Manager Roath concerning what was done with the vehicles that were replaced, the use of the replaced Police Department vehicles and what had caused the difference in the amount of the bids.

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.

Mayor Priddle commented that he would like to change the order of business and move on to the Authorities then come back to the comments section of the meeting.

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 Condit 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, and the Regular Meeting was recessed at 7:16 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 7:18 P.M.

NEW BUSINESS

None

CITY MANAGER'S REPORT

Manager Roath thanked the Council and Mayor for their support during his tenure as City Manager. He expressed his appreciation to the employees and citizens. He thanked the City Attorneys for their support and aid. He then acknowledged Mr. Harrison for his comments and commented on the drawing of the new fire station.

Mayor Priddle presented Mr. Roath with a plaque and on behalf of the City Council and himself expressed appreciation for the work he had done and wished him good luck at his new employment.

REMARKS AND INQUIRIES BY CITY COUNCIL

Mayor Priddle stated that he had no comments at this time.

Councilman Fiedler thanked Mr. Roath and commented that it had been a privilege to work with him. He then reminded everyone that the Tulsa State Fair started Wednesday, September 30th.

Councilman Condit thanked Mr. Roath.

Councilman Browne commented that he had been contacted by citizens regarding the enforcement of the water service cut off procedures and that the public had not been informed that the Utility Office was enacting the Ordinance. He then thanked Manager Roath for his service.

Councilman Wilkinson thanked Manager Roath and commented that he had exceeded his expectations.

Councilman Garvin thanked Mr. Roath for his service. He then commented that the Old Town Festival had been the past weekend and had been very nice. He added that he was excited about the Tulsa State Fair project.

Councilman Mason wished Mr. Roath good luck and that he had appreciated all of the responses that he had given to his inquiries. He stated that he had previously requested copies of all consent orders and asked that all the Councilmen review agenda item number seven (7). He stressed that they needed to take a serious look at funding some the problems with the City's water quality.

ADJOURNMENT

There being no further business to come before the Council, Councilman Fiedler moved for the meeting to be adjourned, seconded by Councilman Condit. 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 7:35 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk