

Council Chambers  
Municipal Building  
October 13, 2009

The McAlester City Council met in regular session on Tuesday, October 13, 2009, at 6:00 P.M. after proper notice and agenda was posted, October 6, 2009, at 4:33 P.M.

**CALL TO ORDER**

Mayor Priddle called the meeting to order.

**INVOCATION & PLEDGE OF ALLEGIANCE**

- Councilman Mason

**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: Peter J. Stasiak, Acting City Manager/Planning and Community Development  
Director; John Modzelewski, Public Works Director/City Engineer; Mel Priddy,  
Community Services Director; Gayla Duke, Chief Financial Officer; William J.  
Ervin, 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 the Minutes from the September 15, 2009, Special Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**
- B. Approval of the Minutes from the September 22, 2009, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**
- C. Concur with Mayor's reappointment of Emma Watts to the Ethics Board for a term to expire July, 2013. (Kevin E. Priddle, Mayor)**

- D. Concur with Mayor's reappointment of Ruth Harkins to the ADA Board for a term to expire August, 2011. (Kevin E. Priddle, Mayor)**
- E. Concur with Mayor's reappointment of LaDell Emmons to the ADA Board for a term to expire August, 2011. (Kevin E. Priddle, Mayor)**
- G. Concur with Mayor's appointment of Donny Lenington to the ADA Board for a term to expire August, 2011. (Kevin E. Priddle, Mayor)**
- H. Approval of Claims for September 23, 2009 through October 13, 2009. (Gayla Duke, Chief Financial Officer)** In the following amounts: General Fund, - \$199,100.42; Nutrition - \$734.80; SE Expo Ctr/Tourism Fund - \$7,048.65; E-911 - \$51,092.93; Economic Development - \$21,083.48 and Federal Forfeiture Fund - \$125.00.

Mayor Priddle requested item "C" be pulled for individual consideration.

Councilman Browne asked for a brief bio of all appointees in the future.

Councilman Browne moved for approval of the Consent Agenda items "A, B and D through H". The motion was 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.

#### ITEMS REMOVED FROM CONSENT AGENDA

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- C. Concur with Mayor's reappointment of Emma Watts to the Ethics Board for a term to expire July, 2013. (Kevin E. Priddle, Mayor)**

Councilman Browne moved for approval of Consent Agenda item "C". The motion was seconded by Councilman Condit.

Before the vote, Mayor Priddle explained that he had received questions concerning the residency of Ms. Watts and he wanted to clarify any concerns. He commented that Ms. Watts has lived at the Wardens residence at 1203 1/2 N. West Street for two years but she does have a house in the Eufaula area. There was no further discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

Vice-Mayor Garvin moved to open a Public Hearing to receive public input on an Ordinance amending the fiscal year 2009-2010 budget. The motion was seconded by Councilman Wilkinson. 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 opened at 6:07 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.**

There were no comments on either item from the public or the Council and Councilman Condit moved to close the Public Hearing. 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 Public Hearing was closed at 6:08 P.M.

#### SCHEDULED BUSINESS

1. **Consider, and act upon, approval of 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. Exhibits: A1, A2, A3, A4, A5 & A6. (Gayla Duke, Chief Financial Officer)**

*Executive Summary*

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

#### **ORDINANCE NO. 2335**

**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 Browne moved for approval of **ORDINANCE NO. 2335**, seconded by Vice-Mayor Garvin.

Before the vote, Ms. Duke reviewed the exhibits of the amendment with the Council. She commented that the first two (2) were to show where the extra money was coming from for the Fire Department. She stated that exhibit three (3) was to appropriate reimbursement revenue

received by the City and exhibits four (4) through six (6) were to appropriately expend funding for the repairs for “A” and “D” streets.

Mayor Priddle asked City Engineer, John Modzelewski to update the Council on the repairs to “A” Street.

Mr. Modzelewski explained that during the repairs the Street Department had encountered a lot of unsuitable material but they had addressed that and hoped to have “A” Street completed around Thanksgiving and “D” Street completed in December.

There was a brief discussion among the Council and Mr. Modzelewski concerning the budget for maintenance in MPWA, the initial estimates for the repairs, the responsibility of the railroad to repair crossings and the other crossings within the City that needed to be repaired.

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.

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

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

NAY: None

Mayor Priddle declared the motion carried.

**2. Consider, and act upon a Resolution amending established policy and authorizing the City Manager to waive fee(s), permit(s), license(s) or other related charges not to exceed in the amount of \$250 in a single transaction. (Kevin E. Priddle, Mayor)**

*Executive Summary*

*This agenda item involves amending established policy and authorizing the City Manager to waive fees, permits, licenses or other related charges.*

Councilman Fiedler moved to approve RESOLUITON NO. 09-14, amending the no waiver policy. The motion was seconded by Councilman Browne.

Before the vote, Mayor Priddle explained why he had brought this before the Council. He commented that the City Manager is frequently contacted to waive small fees, and he felt that the Manager should have the ability to waive fees up to \$250.00 and submit reports explaining such actions.

Councilman Mason commented that the Council sets the fees, permits and licenses for the City and he had a problem with passing that authority to someone else. He then asked the City Attorney if the Council could pass that authority to the City Manager.

Mr. Ervin answered that the Council could delegate such authority to the City Manager.

There was a brief discussion among the Council regarding the amount of various fees, if other communities had similar resolutions, why the original resolution had been passed, if utility bills could be considered with this resolution, and how this particular resolution was written included accountability.

Mayor Priddle commented that the way this resolution was written utility bills could be considered. He added that this resolution was not meant to create regular waivers.

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.

- 3. Consider and act upon, requesting the City Administration to compile a list of equipment and vehicles for sale by auction, including vehicles that were recently replaced in the Community Services and Police Departments, and to furnish said list to the City Council at its next regular meeting. (Sam Mason, Councilman Ward 6 & Vice Mayor Buddy Garvin)**

Executive Summary

*This agenda item involves the City Administration to compile and present a list of equipment and vehicles for sale by Auction.*

Councilman Fiedler moved to approve a request for the City Administration to compile a list of equipment and vehicles for sale by auction. The motion was seconded by Councilman Browne.

Before the vote, Mr. Stasiak distributed an updated list of surplus vehicles. He explained that in the past replaced vehicles had been farmed out to other departments and that would create problems of not having the correct vehicle for the job. He added that many of the vehicles that were being replaced and farmed out were in worse shape than the vehicles that other departments had.

Councilman Mason asked if the vehicles that had been replaced were in the same condition as before they were removed from service. He also inquired as to when the list of surplus vehicles would be submitted to the Council.

Manager Stasiak stated that to his knowledge they were still in the same condition and the list would be furnished by the next meeting.

Vice-Mayor Garvin and Councilman Fiedler inquired why the Tourism van was being used to transport inmates and if it was going to be used to transport inmates the City signs needed to be removed.

Manager Stasiak stated that he would find out what was happening with the van.

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.

**4. Consider, and act upon, the Mayor to sign an Agreement for Professional Airport Consulting Services with LBR, Inc. (Mel Priddy, Community Services Director)**

Executive Summary:

*This agenda item involves airport consulting services for McAlester Regional Airport.*

Councilman Wilkinson moved to approve the Mayor signing an Agreement for Professional Airport Consulting Services with LBR, Inc. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Mel Priddy explained that this agreement was sent out for RFP's every five (5) years and he had met with the Engineering Department and the Airport Manager and it was decided that LBR was the best company.

Mr. Ervin stated that he had not reviewed the agreement but he had no problem with agreement as long as approval was subject to review and normal changes.

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

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

NAY: None

Mayor Priddle declared the motion carried.

**5. Update on the City of McAlester booth and exhibit at the Tulsa State Fair held October 1 – October 11, 2009.(Chris Fiedler, Councilman Ward One)**

Executive Summary:

*This agenda item is an update on the City of McAlester booth and exhibit at the Tulsa State Fair.*

Councilman Condit moved to open this item for discussion. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Councilman Fiedler commented that the Fair had ended the past Sunday. He stated that they had a lot of success; he had visited with several businesses and individuals and found that they were amazed at what McAlester had to offer. He then played the video that had been produced for the booth. Councilman Fiedler thanked all of the contributors and the volunteers that had helped make the booth such a success.

Mayor Priddle stated that there was no need for a vote.

Councilman Browne asked if there was a count of people that visited the booth and commended Councilman Fiedler for doing the work on this project.

Mayor Priddle stated that the first weekend he had visited with about one hundred fifty people but the total was not known for the entire time of the Fair.

**6. Donation of bench from Webcoat Innovations. (Chris Fiedler, Councilman Ward One)**

Executive Summary:

*This agenda item is regarding a donation of a bench from Webcoat Innovations.*

Councilman Fiedler stated that he had met with Greg McNall to borrow a bench for the Fair and they decided to make a special bench and donate it the City.

Mayor Priddle thanked Mr. McNall for his company's help and gift to the City.

Mr. McNall stated that Webcoat was happy to help and officially presented the bench to the City.

**7. Consider and act upon, approval the Amendment to the ACH Origination Agreement with First National Bank & Trust Company of McAlester. Said Agreement is for process ACH transmittals for payroll direct deposits. (Gayla Duke, Chief Financial Officer)**

Executive Summary:

*This agenda item is authorizing the Mayor to sign the Amendment to ACH Origination Agreement.*

Vice-Mayor Garvin moved to approve the Amendment to the ACH Origination Agreement with First National Bank & Trust Company of McAlester. The motion was seconded by Councilman Condit.

Before the vote, Gayla Duke explained that with this amendment the City would not sending funds over seas.

Mayor Priddle stated that all banks are required to have this amendment

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.

**NEW BUSINESS**

None

**CITY MANAGER'S REPORT**

Manager Stasiak stated that he had two (2) items that he wanted to report on. The first was the Strategic Plan for McAlester. He reported that the Request for Information or RFI had been issued to eleven (11) organizations. The deadline was Friday, October 16, 2009, and they had only received five (5) to date. He added that the Request for Proposal or RFP was ready and would be issued to the selected companies when they were picked. Mr. Stasiak commented that the staff was constantly working on cutting costs and the rest of the employees were getting the

message as well. He then thanked the Audit and Finance Advisory Committee for the ideas they had been putting out, they were very helpful.

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

Councilman Fiedler commented that it was good to be home. He added that the committee would be looking at the fair experience and analyzing the information to decide when the City goes back.

Councilman Condit plans to have the Code of Conduct before the Council at the next meeting. He then asked to be excused from the Executive Session due to illness.

Councilman Browne stated that he would like to welcome two (2) new businesses to the downtown area, which were Abba's Gifts and The Red Door. He added that he had spoken with the businesses after the Cruise Night Saturday and they reported that as the busiest day in a long time. Councilman Browne reported that two (2) or three (3) weeks ago Bethel Missionary Baptist Church had celebrated their ninety-fifth (95) year anniversary as a church.

Councilman Wilkinson stressed the preventative measures for the flu.

Vice-Mayor Garvin commented that Councilman Fiedler had done a very good job with the Fair project and had been a lot of fun.

Councilman Mason asked the Acting City Manager if the RFP's had been sent out on the landfill.

Mr. Stasiak stated that they were about a week to ten (10) days away from that. The City Engineer was reviewing them at this time.

Mayor Priddle congratulated the City employees for the awards for service that were given at the awards dinner. He stated that Current Magazine indicated that McAlester is the place to be as there are several things that are going on. He mentioned the Mathew West concert that was scheduled at the Expo on Thursday, October 15<sup>th</sup> and the week after that the Art and Quilt show. He urged everyone to get out and linger longer as he had said in the video for the Fair.

### **RECESS COUNCIL MEETING**

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Condit 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 6:55 P.M.

### **RECONVENE COUNCIL MEETING**

The Regular Meeting was reconvened at 6:59 P.M.

Councilman Mason moved to recess the Regular Meeting for an Executive Session to discuss the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee: City Manager, in accordance with Title 25, Section 307.B.1. The motion was seconded by Vice-Mayor Garvin. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried and the Regular meeting was recessed at 7:00 P.M. He then excused Councilman Condit from the remainder of the meeting.

#### EXECUTIVE SESSION

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*Recess into Executive Session in compliance with Section Title 25 Section 307 B.1, et.seq. Oklahoma Statutes, to wit:*

- **Section 307 (B) (1) – Discuss the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee: City Manager.**

#### RECONVENE INTO OPEN SESSION

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**Take any action as a result from Executive Session.**

The Regular Meeting was reconvened at 7:43 P.M. Mayor Priddle reported that the Council had recessed the Regular Meeting for an Executive Session to discuss the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee: City Manager, in accordance with Title 25, Section 307.B.1. Only that matter had been discussed, no action was taken and the Council had returned to open session at 7:43 P.M., and this constituted the minutes of the Executive Session.

#### ADJOURNMENT

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

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

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:43 P.M.

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Kevin E. Priddle, Mayor

ATTEST:

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Cora Middleton, City Clerk