

The McAlester City Council met in regular session on Tuesday, November 24, 2009, at 6:00 P.M. after proper notice and agenda was posted, November 18, 2009, at 5:00 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

- **Brandon Parker, New Life 4 Today Ministries**

ROLL CALL

Council Roll Call was as follows:

Present: Chris Fiedler, Donnie Condit, John Browne, Buddy Garvin, Sam Mason & Mayor Priddle

Absent: Haven Wilkinson

Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, Acting City Manager/Planning and Community Development Director; David Medley, Utilities Director; Gayla Duke, Chief Financial Officer; William J. Ervin, City Attorney and Cora Middleton, City Clerk

CITIZENS' COMMENTS ON NON-AGENDA ITEMS

J.T. Collier and Mark Wilkett addressed the Council presenting the awards that Pride In McAlester had received through the "Keep Oklahoma Beautiful" program. They also recognized the volunteers that had helped in achieving these awards.

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 November 3, 2009, Special Meeting of the McAlester City Council.** *(Cora Middleton, City Clerk)*
- B. **Approval of the Minutes from the November 10, 2009, Regular Meeting of the McAlester City Council.** *(Cora Middleton, City Clerk)*
- C. **Approval of Claims for November 11, 2009 through November 24, 2009.** *(Gayla Duke, Chief Financial Officer)* In the following amounts: General Fund - \$85,924.41; Parking Authority - \$80.31; Nutrition - \$744.90; Police Grant Fund - \$6,000.00; State

Forfeiture Fund - \$2,164.16; Fire Improvement Grant - \$22,172.00; SE Expo Ctr/Tourism Fund - \$7,383.11; E-911 - \$58,170.82; and Economic Development - \$25,820.75.

Councilman Browne 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, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

None

Councilman Fiedler moved to open a Public Hearing to obtain comments concerning two (2) Ordinances for consideration by the Council. The motion was seconded by Vice-Mayor Garvin.

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

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

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:11 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 amending Ordinance No. 2331 which established an Ordinance for the City of McAlester which will **EITHER** repeal or amend Ordinance 2331 which amended the Code of Ordinances, Chapter 2, Article VII, Section 2-259 related to establishing the McAlester City Emergency Ambulance Fund, providing for a severability clause; and declaring an **emergency**.

Greg McNall, chairman of the Audit & Finance Advisory Committee, addressed the Council regarding the two ordinances. He commented that the Emergency Fund or Rainy Day Fund was over funded by \$500,000.00 and those additional funds could be used by the City for any non-emergency event. He further stated that anything over that amount could only be used for emergency events approved by the Council. Mr. McNall then addressed the 10% reduction in funding to the various groups, hiring curtailments and looking at opportunities to refinance the

City's bonds. He then commented on the Ambulance Fund, stating that the information could be tracked as a cost center and did not need to be set up as an Enterprise Fund.

There were no other comments from the public or the Council, and Councilman Browne moved to close the Public Hearing. The motion was seconded by Councilman Fiedler. The vote was taken as follows:

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

Mayor Priddle declared the motion carried and the Public Hearing was closed at 6:19 P.M.

SCHEDULED BUSINESS

1. City of McAlester's Financial Report and Presentation. *(Gayla Duke, Chief Financial Officer)*

Executive Summary

This item involves a financial report and presentation from Gayla Duke, CFO.

Councilman Condit moved to open the presentation of the City of McAlester's Financial Report. The motion was seconded by Councilman Fiedler.

Before the vote, Gayla Duke addressed the Council reviewing the power point and handouts that had been distributed earlier. She explained that the information was current as of November 20, 2009 and the prior year fund balance had not been included in the revenue received. She compared the revenue and expenses in the six (6) funds she was reviewing and stated that the General Fund would be \$1,814,458.00 under budget if things continued as they were. She commented that revenue was down considerably from the previous year but the City had also drastically reduced its' expenses. She finished the presentation with a review of the grants and donations fund. There were no comments from the Council and no vote was taken.

2. 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 Ordinance No. 2327 which established the budget for fiscal year 2009-2010.

Exhibit A-1: General Fund:

- a) Need to include transfer to Gifts and Contributions Fund for ADA Compliance dedicated funds of \$32,957 and prior year donation for repairs at park of \$5,000.
- b) Need to record and appropriate transfer from Economic Development Fund to cover expenses paid in General Fund for Steven Taylor Industrial Park cleanup.

Exhibit A-2: Economic Development Fund: Need to transfer and include in the budget funds that were previously expensed in General Fund for Steven Taylor Industrial Park cleanup.

Exhibit A-3: Airport Authority Fund: Need to appropriate emergency expense for costs to remove concrete, replace fuel lines to fuel tank and obtain re-inspection on system.

ORDINANCE NO. 2338

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. 2338**, seconded by Councilman Condit.

Before the vote, Ms. Duke explained each of the exhibits included in the Budget Amendment. She noted that there was an error in Exhibit A-1.a and the prior year donation for repairs at the park was \$500.00 not \$5,000.00. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

Councilman Fiedler moved to approve the EMERGENCY CLAUSE, seconded by Vice-Mayor Garvin. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

- 3. Consider, and act upon, an Ordinance for the City of McAlester which will EITHER repeal or amend Ordinance 2331 which amended the Code of Ordinances, Chapter 2, Article VII, Section 2-259 related to establishing the McAlester City Emergency Ambulance Fund, providing for a severability clause; and declaring an emergency. (Gayla Duke, Chief Financial Officer)**

Executive Summary

This item involves either repealing or amending Ordinance 2331 establishing the McAlester City Emergency Ambulance Fund.

ORDINANCE NO. 2339

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, REPEALING ORDINANCE NO. 2331, WHICH AMENDED THE CODE OF ORDINANCES,

CHAPTER 2, ARTICLE VII, SECTION 2-259 RELATING TO THE ESTABLISHMENT OF THE McALESTER CITY EMERGENCY AMBULANCE FUND; AND DECLARING AN EMERGENCY.

Councilman Browne moved for approval of ORDINANCE NO. 2339, seconded by Councilman Fiedler.

Before the vote, Ms. Duke explained the two (2) options that had been presented to the Council and how she would like to handle the Ambulance Fund.

There was discussion, among the Council, the City Attorney, Greg McNall and Ms. Duke regarding the two (2) options, if the ambulance information could still be tracked if the original ordinance was repealed, if there were any legal problems with repealing the original ordinance and which option would be easier.

Mr. Ervin stated that there were no legal problems with either option and this was a policy decision.

Mayor Priddle moved to repeal ORDINANCE NO. 2331, seconded by Councilman Browne.

Before the vote, Councilman Mason stated that the City Attorney had suggested that a change in policy would still need to be done. Mr. Ervin stated that he did not direct the Council and the Ordinance could be repealed and then the Council could see what information Ms. Duke could provide. Then if the Council wanted they could come back with an Ordinance or Resolution if they felt it was necessary. There was no further discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

Councilman Fiedler moved to approve the EMERGENCY CLAUSE, seconded by Councilman Browne. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

- 4. Consider and act upon issuing a thirty (30) day notice to McAlester Economic Development Services (MEDS), Oklahomans for Independent Living (OIL) and Pride in McAlester (PIM) to decrease the funding allotted to these organizations for fiscal year 2009-2010. (Peter J. Stasiak, Acting City Manager)**

Executive Summary

This item involves a motion to approve sending a thirty (30) day notice decreasing fund for MEDS, OIL and PIM.

Councilman Fiedler moved to approve issuing a thirty (30) day notice to McAlester Economic Development Services (MEDS), Oklahomans for Independent Living (OIL) and Pride in McAlester (PIM) to decrease the funding allotted to these organizations for fiscal year 2009-2010. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Mayor Priddle stated that he had asked Mr. Stasiak to put this item on the agenda. He then commented that the dollar amount for MEDS needed to be changed to \$39,850.00. He explained that he had requested that Pride In McAlester and O.I.L. take a 10% decrease and with the absence of an Executive Director MEDS had saved around \$20,000.00 he had lowered their funding by that amount and then asked that they also decrease another 10%. He commented that when he had discussed this with each of the groups they had expressed their agreement.

There was discussion among the Council concerning the correct amount for the MEDS reduction, how much MEDS had actually done for the community and having amended contracts for each of the groups be brought to the Council at the next meeting.

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

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

NAY: Councilman Fiedler

Mayor Priddle declared the motion carried.

5. 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 for the City of McAlester)

Executive Summary

This item involves declaring certain buildings as dangerous to the welfare of the public and community.

Councilman Condit moved to approve the 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 Browne.

Before the vote, Mr. Stasiak reviewed the structures with the Council explaining why they had been included in the resolution.

Steve Bogard addressed the Council asking how he could get an extension of time to clean up the property at 1812 Cardinal Lane and dispose of the building.

Mayor Priddle explained that he could file for a demolition permit and post a \$2,500.00 bond. He added that if the structure was removed within the allowed time Mr. Bogard could get his bond back.

Vickie Brown, Joe Richmond and Larry Butler each addressed the Council expressing their concerns about the structure at 821 Indiana Ave. and asking the Council to approve the condemnation of that building.

Vice-Mayor Garvin asked that the proper barriers be set up to protect the citizens if this property was condemned.

Councilman Fiedler asked if an injunction could be gotten to block the City. Mr. Ervin stated that it was not likely.

Councilman Condit asked how long it would take to demolish the structure if this was approved. Mr. Stasiak stated that it would take thirty (30) to forty-five (45) days.

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

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

NAY: None

Mayor Priddle declared the motion carried.

6. Consider, and act upon, authorizing the Mayor to sign a Lease Purchase Agreement with Landfill Equipment for the lease of one refurbished 2006 D7 Dozer and one refurbished 2000 Al-Jon 81K Trash Compactor. (John C. Modzelewski, P.E., Engineering and Public Works Director)

Executive Summary

This item involves authorizing the Mayor to sign a Lease Purchase Agreement with Landfill Equipment.

Vice-Mayor Garvin moved to authorize the Mayor to sign a Lease Purchase Agreement with Landfill Equipment for the lease of one refurbished 2006 D7 Dozer and one refurbished 2000 Al-Jon 81K Trash Compactor. The motion was seconded by Councilman Condit.

Before the vote, Mr. Modzelewski addressed the Council explaining the need to have the proper equipment for the job that was to be done. He added that this company was offering newer equipment at a lower cost.

Mayor Priddle commented that this was the third piece of equipment at the landfill. He then asked if this was the right equipment and if it would last.

Mr. Modzelewski answered that the equipment was right for the landfill and had been reviewed by the company that was performing the study on the landfill.

Vice-Mayor Garvin stressed the importance of the equipment having cabs. Mr. Modzelewski stated that the equipment did have cabs.

There was a short discussion among the Council regarding purchasing the equipment instead of renting, if there would be any warranty and who would be performing maintenance on the equipment.

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

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

Mayor Priddle declared the motion carried.

NEW BUSINESS

None

CITY MANAGER'S REPORT

Acting City Manager Stasiak wished everyone a Happy Thanksgiving. He reported that on the 20th of this month the RFP's were sent out on the privatization of the Landfill. He commented that the Requests for Information for the Strategic Plan had been received and the proposals had been tallied by private citizens in the community. The RFP's would be sent out tomorrow and he looked forward to receiving the RFP's back by the 15th or the 20th of December.

REMARKS AND INQUIRIES BY CITY COUNCIL

Councilman Fiedler wished everyone a Happy Thanksgiving and that all the travelers would be careful. He stressed the need for the City to continue to purchase from local vendors.

Councilman Condit wished everyone a Happy Thanksgiving.

Councilman Browne wished everyone a Happy Thanksgiving. He commented that Interior Resources was conducting a toy drive. He asked the City Engineer if there was a date for the opening of "A" Street.

Mr. Modzelewski stated that he did not have the exact information with him but he hoped it would be opened by the end of December.

Councilman Browne continued by congratulating Pride In McAlester for their awards. He then thanked the City employees and staff for all of the work that they have done.

Mr. Stasiak thanked the Council for stepping forward and getting the right equipment for the landfill. He commented that the departments in the Public Works took a tremendous amount of pride in their work.

Vice-Mayor Garvin stated that he appreciated all of the groups for continuing to work with the funding cut and they all did a good job. He expressed appreciation for the good job that Ms. Duke had done. Vice-Mayor Garvin stated that he had asked Mr. Frank Phillips to address the Council concerning the electrical lines and the work that the tree trimming company was doing in the wards. He thanked the City employees for the good job that they always did and he commented that the City would get through the tough times.

Councilman Mason did not have any comments.

Mayor Priddle wished everyone a Happy Thanksgiving. He commented that the Christmas lights would be turned on the evening of Wednesday, November 25th. He congratulated Pride In McAlester stating that they had set the bar for the entire State. Mayor Priddle commented that McAlester was one of three (3) cities to receive a custom sculpture from the Oklahoma Visual Arts Coalition created by Dan Garrett. He stated that trash would not be picked up on Thursday or Friday. He then congratulated Mr. Stasiak, Ms. Duke and the Department Heads for the great work they were doing.

RECESS COUNCIL MEETING

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

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:44 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 7:45 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 Councilman Browne. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried and the Regular meeting was recessed at 7:46.M.

EXECUTIVE SESSION

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

Take any action as a result from Executive Session.

The Regular Meeting was reconvened at 8:05 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 8:05 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 Browne. The vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 8:07 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk