

Council Chambers
Municipal Building
December 21, 2009

The McAlester City Council met in Rescheduled regular session on Monday, December 21, 2009, at 6:00 P.M. after proper notice and agenda was posted, December 18, 2009, at 3:50 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

- **Robert Tate, First Indian Baptist Church**

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: Peter J. Stasiak, Acting City Manager/Planning and Community Development Director; Gayla Duke, Chief Financial Officer; John Modzelewski, Public Works Director/City Engineer; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Mayor Priddle recognized Fireman Jeff Nave for twenty-five (25) years of service to the City and presented him with a certificate from the Oklahoma Municipal League.

CITIZENS' COMMENTS ON NON-AGENDA ITEMS

Louis Smitherman addressed the Council to inform them of the events scheduled for the Martin Luther King, Jr. Birthday Celebration. He explained that there would be a service at Grand Avenue Methodist Church on Friday, January 15, 2010 and a dinner at the McAlester High School on Saturday, January 16, 2010. Mr. Smitherman asked if the Mayor could present a proclamation and sit for a picture for the newspaper. He then invited the Council to both events.

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 December 1, 2009, Special Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**

- B. Approval of the Minutes from the December 8, 2009, Regular Meeting of the McAlester City Council.** *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the December 11, 2009, Special Meeting of the McAlester City Council.** *(Cora Middleton, City Clerk)*
- D. Approval of Claims for December 9, 2009 through December 21, 2009.** *(Gayla Duke, Chief Financial Officer)* In the following amounts: General Fund - \$137,344.65; Nutrition - \$896.25; SE expo Ctr/Tourism Fund - \$5,990.21; E-911 - \$26,457.71; Economic Development - \$137,299.77 and Gifts & Contributions - \$5,236.01.

Mayor Priddle stated that the City Manager had requested item “D” be removed for individual consideration.

Councilman Browne moved for approval of the Consent Agenda items “A through C”. The motion was seconded by Councilman Condit. There was no 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.

ITEMS REMOVED FROM CONSENT AGENDA

- D. Approval of Claims for December 9, 2009 through December 21, 2009.** *(Gayla Duke, Chief Financial Officer)* In the following amounts: General Fund - \$137,344.65; Nutrition - \$896.25; SE expo Ctr/Tourism Fund - \$5,990.21; E-911 - \$26,457.71; Economic Development - \$137,299.77 and Gifts & Contributions - \$5,236.01.

Councilman Browne moved for approval of Claims for December 9, 2009 through December 21, 2009. The motion was seconded by Councilman Fiedler.

Before the vote, Mr. Stasiak explained that the payment to MEDS on page 16 had been miscalculated. He stated that the original payment had been calculated at \$12,693.45 but should have been for \$12,627.89. He added that the original check would be voided.

Councilman Browne inquired about the payment on page eight (8) to FAO USACE, Tulsa District. Mr. Stasiak commented that he would look into the payment and report back to the Council.

Councilman Mason explained the payment was for a water storage contract with the Corp of Engineers. He added that the City had never used it but they had been informed if they let it go it could be hard to get back.

Mayor Priddle restated that motion as the approval of Claims for December 9, 2009 through December 21, 2009 with the modification of the MEDS payment in the amount of \$65.56.

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 Fiedler moved to open the Public Hearing to consider the two (2) Ordinances on the agenda. The motion was seconded by Councilman Browne. There was no 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 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 to null, vacate and close the platted alleyway between lots 4 and 5 in Block 172, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma, located between Jackson Avenue and Harrison Avenue; alleyway runs East/West between “B” Street and “A” Street; granting ownership to said property to the abutting property owners retaining a 20’ utility easement in the alley.

There were no comments or remarks on either Ordinance from the Council or citizens. Vice-Mayor Garvin moved to close the Public Hearing. The motion was seconded by Councilman Fiedler. There was no 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 and the Public Hearing was closed at 6:13 P.M.

SCHEDULED BUSINESS

1. City of McAlester’s Treasury Report and Financial Information. *(Gayla Duke, Chief Financial Officer)*

Executive Summary

This item involves a financial report and presentation from Chief Financial Officer.

Vice-Mayor Garvin moved to open the presentation and discussion of the City of McAlester's Treasury Report and Financial Information. The motion was seconded by Councilman Wilkinson.

Before the vote, Ms. Duke reviewed the balances of the various accounts with the Council stating that the total as of November 30, 2009 was \$12,750,539.00. She then explained that the funds were correctly collateralized. Mayor Priddle asked that in the future the interest rates of the CD's be furnished with this information.

There was a brief discussion between Ms. Duke, Councilman Fiedler and Acting City Manager Stasiak regarding the Lowe's payment. There was no vote taken on this item.

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.

ORDINANCE NO. 2340

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 Wilkinson moved to approve **ORDINANCE NO. 2340**, seconded by Councilman Fiedler.

Before the vote, Ms. Duke distributed an amended exhibit to the Council explaining the correction. She continued explaining that the contributions from the "help a neighbor" program would be transferred to the gifts and contributions account for correct accounting. She then explained the budget adjustments that had been submitted by various departments and that those adjustments would reduce the respective departments working budgets.

There was a short discussion between the Mayor, Councilman Browne and Ms. Duke regarding the amount of funding in the Emergency Fund.

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.

Councilman Fiedler moved to approve the EMERGENCY CLAUSE, seconded by Vice-Mayor Garvin. There was no 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.

3. Consider and act upon a resolution setting the election dates for Wards 2, 4 & 6.
(Cora Middleton, City Clerk)

Executive Summary

This agenda item involves a resolution setting the election dates for Wards, 2, 4 & 6.

Councilman Wilkinson moved to approve RESOLUTION NO. 09-15, setting the 2010 election dates for Wards 2, 4 and 6. The motion was seconded by Councilman Browne.

Before the vote, Mayor Priddle commented that this Resolution by law had to be presented to the County Election Board prior to the filing of any candidates and at least sixty (60) days before the Primary election.

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.

(Previously Tabled)

4. Consider, and act upon, authorizing the Mayor to sign a Memorandum of Understanding (MOU) for Emergency Management Services with Pittsburg County, Oklahoma. *(Peter J. Stasiak, Acting City Manager)*

Executive Summary

This item involves authorizing the Mayor to sign a MOU for Emergency Management Services with Pittsburg County, Oklahoma.

Councilman Browne moved to authorize the Mayor to sign a Memorandum of Understanding (MOU) for Emergency Management Services with Pittsburg County, Oklahoma. The motion was seconded by Councilman Fiedler.

Before the vote, Mr. Stasiak asked if Trent Myers would address the Council concerning the MOU and the services that Emergency Management provided the City of McAlester.

Mr. Myers commented that Emergency Management was like law enforcement. They're not important until you needed them. He explained that the phone was answered twenty-four (24) hours a day, seven (7) days a week and all calls were returned. He stated that incorporated cities were required by the State to have Emergency Management, either by furnishing the service themselves or contracting with the county and in the 1980's the City of McAlester had decided to contract with Pittsburg County. He added that during times of disaster the local representative could declare a disaster before the City and they would apply for grants to help citizens of both

the county and city. Mr. Myers explained how the Emergency Management office was funded and the various activities that they perform.

There was a brief discussion among the Council, Mr. Myers and Mr. Stasiak concerning storm shelters or safe rooms in public buildings, the date on the MOU and some of the language in the MOU. Mr. Ervin commented that the language could be changed at the next renewal.

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.

5. **Consider, and act upon, Resolution of the City of McAlester for fiscal year 2009 re-affirming the cities commitment to facilitate and administer funds from the Oklahoma Department of Commerce, Community Development Block Grant – Economic Development Infrastructure Financing (CDBG-EDIF).** *(Peter J. Stasiak, Acting City Manager)*

Executive Summary

This item involves a resolution re-affirming the Cities commitment to facilitate and administer funds from ODOC.

Councilman Fiedler moved to approve a Resolution of the City of McAlester for fiscal year 2009 re-affirming the cities commitment to facilitate and administer funds from the Oklahoma Department of Commerce, Community Development Block Grant – Economic Development Infrastructure Financing (CDBG-EDIF). The motion was seconded by Councilman Browne.

Before the vote, Mr. Stasiak stated that on June 23, 2009 the Council had approved a preliminary resolution affirming the City's commitment and this was to reaffirm and update the Council on changes in the project. He explained that the amount had been reduced from a four (4) million dollar project to a \$2,065,100.00 project. He continued commenting that when completed this would bring one hundred twenty-five jobs (125) with an average annual income of thirty-five (35) to thirty-six (36) thousand dollars. Mr. Stasiak stated that Mehlberger Brawley would be the engineering consultant for the project and he then reviewed the requirements for the project and the various attachments.

There was discussion among the Council and Mr. Stasiak regarding what the construction bond proceeds could be spent on, the effect of the 125 jobs, if a local company might be able to help in the production process and if other companies might come into the area because of this project.

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

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

NAY: Councilman Mason

Mayor Priddle declared the motion carried.

6. Consider, and act upon, recommendation of Planning and Zoning Committee to annex property adjacent to City. (Peter J. Stasiak, Acting City Manager)

Executive Summary

This item involves a motion to authorize the City of McAlester to proceed with the annexation of additional lands adjacent to the City.

Councilman Fiedler moved to approve the recommendation of Planning and Zoning Committee to annex property adjacent to City. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Mr. Stasiak explained that he had been working with the Planning Committee and the Committee had come up with a number of recommendations for annexation for the City as they see it grow. He commented that this annexation if approved would square up the area. He stated that he was asking the Council for permission to proceed as there were many steps that had to be completed before actual annexation could occur.

There was a brief discussion among the Council, Mr. Stasiak and the City Attorney regarding the length of time this process would take and when it come back before the Council.

There was no other 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.

7. Consider, and act upon, recommendation of Planning and Zoning Committee to annex property adjacent to City. (Peter J. Stasiak, Acting City Manager)

Executive Summary

This item involves a motion to authorize the City of McAlester to proceed with the annexation of additional lands adjacent to the City.

Councilman Mason moved to approve a recommendation of Planning and Zoning Committee to annex property adjacent to City. The motion was seconded by Councilman Wilkinson. There was no 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.

8. Consider, and act upon, an Ordinance to close an alleyway between “A” Street and “B” Street in Block 172 of the City of McAlester. (Peter J. Stasiak, Acting City Manager)

Executive Summary

This item involves approving an ordinance to close alleyway between “A” and “B” Street in Block 172 of the City of McAlester.

ORDINANCE NO. 2341

AN ORDINANCE TO NULL, VACATE, AND CLOSE THE PLATTED ALLEYWAY BETWEEN LOTS 4 AND 5, IN BLOCK 172, CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA, LOCATED BETWEEN JACKSON AVENUE AND HARRISON AVENUE; ALLEYWAY RUNS EAST/WEST BETWEEN “B” STREET AND “A” STREET; GRANTING OWNERSHIP TO SAID PROPERTY TO THE ABUTTING PROPERTY OWNERS; RETAINING A 20’ UTILITY EASEMENT IN THE ALLEY.

Councilman Fiedler moved for approval of **ORDINANCE NO. 2341**, seconded by Councilman Wilkinson.

Before the vote, Acting City Manager Stasiak stated that this would complete the closure of this alleyway between “A” Street and “B” Street and that the Planning Committee had voted unanimously on this recommendation.

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.

9. Consider, and act upon, authorizing the Mayor to sign an Agreement with Iron Mountain for secure shredding services. (Cora Middleton, City Clerk).

Executive Summary

This item involves authorizing the Mayor to sign an Agreement with Iron Mountain.

Councilman Fiedler moved to authorize the Mayor to sign an Agreement with Iron Mountain for secure shredding services. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Ms. Middleton explained that this service would help the City comply with the Red Flag Identity Theft Regulations that were currently in place and it would help to with the storage space problem by allowing the City to securely destroy documents that had met the retention requirement of the State. She added that all shredded materials would be recycled and not be added to the municipality’s landfill. Ms. Middleton stated that if this was approved and signed before the December 31, 2009 the City would receive two (2) months of service free.

Mr. Ervin stated that he had reviewed and he suggested approval subject to recommended changes.

There was no other 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.

10. Consider, and act upon, a Resolution of the City of McAlester for direct settlement fund proceeds, obtained in Case Number C-2007-498; City of McAlester vs. Western Surety, ET AL., in the District Court of Pittsburg County State of Oklahoma. ((Peter J. Stasiak, Acting City Manager)

Executive Summary

This item involves a resolution of the City of McAlester for the direct settlement fund proceeds with Western Surety.

Councilman Wilkinson moved to approve a Resolution of the City of McAlester for direct settlement fund proceeds, obtained in Case Number C-2007-498; City of McAlester vs. Western Surety, ET AL., in the District Court of Pittsburg County State of Oklahoma. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Mr. Stasiak explained that this was in regard to the mediation that he and the City Attorney had attended two (2) weeks ago. He then requested that this item be withdrawn until the next meeting to allow him time to gather all information regarding expenses related to this case.

Councilman Mason commented that a budget amendment should be considered at the time that this item was brought back before the Council. Mr. Ervin stated that comment was correct.

Mayor Priddle moved to table this item until the next meeting. The motion was seconded by Councilman Browne. There was no 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.

11. Consider, and act upon, amending contracts for OIL, MEDS, and Pride in McAlester. ((Peter J. Stasiak, Acting City Manager)

Executive Summary

This item involves a motion to approve decreasing fund for MEDS, OIL and PIM and amending contracts.

Councilman Browne moved to amend the contracts for OIL, MEDS Pride of McAlester in McAlester. The motion was seconded by Councilman Fiedler.

Before the vote, Mr. Stasiak explained that these were the addendums that had been discussed at a prior meeting. He explained that there had been a miscalculation on the MEDS addendum and distributed the corrected document to the Council. He then reviewed the addendums highlighting the decreases in each of the groups' agreements which were as follows:

OIL decrease of \$2,400.00

Pride in McAlester decrease of \$6,000.00

MEDS decrease of \$39,850.00

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.

12. Consider, and act upon, authorizing expenditure of approximately \$80,000 to repair a portion of the Sandy Creek canal wall. (John C. Modzelewski, PE, Engineering/Public Works Director.

Executive Summary

This item involves a motion to authorize expenditure of \$80,000 to repair a portion of the Sandy Creek canal wall.

Councilman Browne moved to authorize an expenditure of approximately \$80,000 to repair a portion of the Sandy Creek canal wall. The motion was seconded by Councilman Fiedler.

Before the vote, Mr. Modzelewski explained that a recent flash flood had severely damaged a section of the Sandy Creek canal wall at Puterbaugh Park. The damage included the collapse of 126.5 linear feet of concrete canal wall. He stated that this project would include the repair of the 126.5 linear feet of vertical wall and footing. He added that the site was currently fenced to provide safety in the vicinity of the collapse. Mr. Modzelewski commented that the project would be advertised after funding was in place for the repairs.

There was a brief discussion among the Council, Mr. Modzelewski and Mr. Stasiak regarding the pipe that ran through the canal, previous problems with sink holes, if there would be any funding from the state or federal emergency agencies and contacting Henry Roe with the Federal Mine Corporation to check for mines in the area.

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.

William Murchoch addressed the Council to express his appreciation for their work running the City. He then expressed his concerns about MEDS, their activities and practices.

NEW BUSINESS

None

CITY MANAGER'S REPORT

Mr. Stasiak reported that there had been one fee waived in the month of November in the amount of \$50.00 for a bond fire at the McAlester High School. The dozer had arrived at the landfill and the compactor would be delivered before the end of the year if the transporter could obtain the necessary permits. He added that several City employees had built a float and participated in the

recent Christmas Parade. He explained that they donated their time and much of the materials for the float and he wanted to commend them for their work.

REMARKS AND INQUIRIES BY CITY COUNCIL

Each of the Councilmen wished everyone a Merry Christmas and a Happy New Year.

Councilman Fiedler urged everyone to be careful he reminded the audience that the \$10,000.00 drawing was tomorrow night and he thanked the Staff and all of the City employees for their work.

Councilman Browne recognized the work that had been done by MEDS and he asked about the street repairs on “A” Street.

Mr. Modzelewski commented that they were waiting on the railroad to complete their repairs and hopefully all of the work would be done by next week.

Councilman Wilkinson reminded everyone to watch for children because they were out of school on Christmas break.

Vice-Mayor Garvin urged everyone to be safe and commented that it had been a pleasure working with the Council this year and added that the City was very fortunate to have the Mayor. He added that Mayor Priddle was always involved in the happenings in the City.

Councilman Mason urged everyone to remember what Christmas was all about.

Mayor Priddle remarked on how the Council had moved forward but there was still a lot of work to be done. He added that it was great to live in McAlester.

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 Browne, Wilkinson, Garvin, Mason, Fiedler & 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 7:47 P.M.

ADJOURNMENT

There being no further business to come before the Council, Vice-Mayor Garvin moved for the meeting to be adjourned, seconded by Councilman Wilkinson. 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 meeting was adjourned at 7:47 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk