

Council Chambers
Municipal Building
April 25, 2017

The McAlester City Council met in a Regular session on Tuesday, April 25, 2017, at 6:00 P.M. after proper notice and agenda was posted, April 24, 2017 at 4:55 P.M.

Call to Order

Mayor Browne called the meeting to order.

Councilman Buddy Garvin gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Cully Stevens, Travis Read, Robert Karr, Buddy Garvin, Jason Barnett & John Browne

Absent: None

Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; Gary Wansick, Police Chief; Kirk Ridenour, Economic Development Manager; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizens Comments on Non-Agenda Items

Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to five (5) minutes.

There were no Citizens comments.

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 March 3, 2017, Special Meeting of the McAlester City Council. (Cora Middleton, City Clerk)
- B. Approval of the Minutes from the March 28, 2017, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)
- C. Approval of Claims for April 5, 2017 through April 18, 2017. (Toni Ervin, Chief Financial Officer) In the following amounts: General Fund - \$172,543.02; Parking

Authority - \$130.95; Nutrition - \$2,345.83; Landfill Reserve - \$5,869.00; Tourism Fund - \$7,838.56; SE Expo Center - \$8,690.52; E-911 - \$20,150.86; Economic Development - \$7,867.04; Grants & Contributions - \$8,091.42; Fleet Maintenance - \$7,007.82; CIP Fund - \$3,150.00; Technology Fund - \$1,483.99 and Stormwater Fund - \$17,419.00.

- D. Consider and act upon, a request from Pittsburg County Choctaw Community, to partner with them for the rental fee for the use of the Southeast Expo Center for the Annual Pittsburg County Pow Wow set for April 29, 2017 in the amount of \$900.00. (*Mel Priddy, Community Services*)
- E. Concur with the Mayor's appointment of Ashley Lerblance to the Expo Authority Board for a term to expire June, 2020. (*John Browne, Mayor*)
- F. Consider and act upon, authorizing the Mayor to sign an agreement with the Oklahoma Department of Corrections for use of State property to conduct the Annual Fireworks Display. (*Mel Priddy, Community Services*)
- G. Consider and act upon, authorizing the Mayor to sign an agreement with Hance Pyrotechnics for the July 4, 2017 fireworks display. (*Mel Priddy, Community Services*)
- H. Consider and act upon, concurrence with the City Manager's recommendations and completing a Ballot for the Election of three (3) Trustees to the Board of Trustees of the Oklahoma Municipal Assurance Group. (*Cora Middleton, City Clerk*)

A motion was made by Councilman Read and seconded by Councilman Smith to approve the Consent Agenda. There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Stevens, Karr, Garvin, Barnett & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

A motion was made by Councilman Garvin and seconded by Vice-Mayor Karr to open a Public Hearing addressing an Ordinance regulating the number of domestic fowl allowed in the City limits. There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Karr, Stevens, Read, Barnett, Smith & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:06 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.

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER REGULATING THE POSSESSION OF DOMESTIC FOWL WITHIN THE CITY OF

MCALESTER, OKLAHOMA; ESTABLISHING MCALESTER CITY CODE CHAPTER 10, ANIMALS, ARTICLE I, SECTION 10-22, DEFINITIONS; SECTION 10-23, PERMITTED NUMBER OF DOMESTIC FOWL; SECTION 10-24, ENCLOSURE REQUIREMENTS; AND PROVIDING FOR REPEALER AND SEVERABILITY.

There were no comments on the Public Hearing and a motion to close the Public Hearing was made by Councilman Smith. The motion was seconded by Councilman Read, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:07 P.M.

Scheduled Business

1. Consider and act upon, an ordinance regulating the possession of domestic fowl within the City of McAlester. (*Gary Wansick, Police Chief*)

Executive Summary

Motion to approve an ordinance regulating the possession of domestic fowl within the City of McAlester.

Chief Wansick addressed the Council explaining that there had been two (2) main changes to the ordinance. One had been changing chicken to domestic fowl and the number of domestic fowl allowed had increased to ten (10). He commented that the current ordinance was not specific and this ordinance would furnish direction for the City's Animal Control officer. He added that peacocks had also been added as a prohibited fowl.

Vice-Mayor Karr thanked Chief Wansick for adding the other fowl.

Randy Roden, 507 W. Stonewall addressed the Council expressing his concerns and appreciation of the ordinance.

Mayor Browne clarified that roosters were prohibited. Councilman Smith asked how long the current permits had before they expired.

Chief Wansick stated that the permits were good for one (1) year.

ORDINANCE NO. 2600

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER REGULATING THE POSSESSION OF DOMESTIC FOWL WITHIN THE CITY OF MCALESTER, OKLAHOMA; ESTABLISHING MCALESTER CITY CODE CHAPTER 10, ANIMALS, ARTICLE I, SECTION 10-22, DEFINITIONS; SECTION 10-23, PERMITTED NUMBER OF DOMESTIC FOWL; SECTION 10-24, ENCLOSURE REQUIREMENTS; AND PROVIDING FOR REPEALER AND SEVERABILITY.

A motion was made by Councilman Smith and seconded by Councilman Read to approve **ORDINANCE NO. 2600**. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

2. Consider and act upon, selling one (1) surplused 1991 model C931 Fire Pumper Truck to Wilburton Fire Department. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve the sale of one (1) surplused 1991 model C931 Fire Pumper Truck to Wilburton Fire Department.

David Donoley, City of Wilburton Fire Chief addressed the Council explaining what had happened to the Wilburton Fire Truck and thanking them for allowing the City of Wilburton the opportunity to purchase the '91 Fire Truck.

After a discussion concerning the value of the fire truck, what the reserve had been when it was placed on an online auction, what the highest bid had been from the online auction, being consistent when selling surplused vehicles and equipment and the legality of the City selling vehicles and equipment for less than market value, a motion to sell the fire truck for the lesser of \$1,500.00 or salvage value was made by Councilman Stevens. The motion was seconded by Vice-Mayor Karr and the vote was taken as follows:

AYE: Councilman Stevens, Karr, Garvin, Smith, Barnett, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, the adoption of the Healthy Food Retail Resolution, including the creation of the Healthy Food Retail Taskforce. (*Kirk Ridenour, Community & Economic Development Director*)

Executive Summary

Motion to adopt the Healthy Food Retail Resolution and to approve the creation of the Healthy Food Retail Taskforce.

Kirk Ridenour, Manager Economic Development Manager addressed the Council explaining that the Pittsburg County Health Department had invited the City to be involved in the process to research the supply and demand for agricultural products and local access to healthy foods that the Health Department had recently started.

There was discussion concerning the definition of healthy food, the statistics that were used in the study, promoting a groups agenda without criticizing other industries, the format of the resolution, how many citizens do not have access to healthy food options and removing the language regarding fast food and convenience stores.

A motion was made by Councilman Read to adopt RESOLUTION NO. 17-02, supporting access to healthy foods less the language regarding fast food restaurants and convenience stores. The motion was seconded by Vice-Mayor Karr and the vote was taken as follows:

AYE: Councilman Read, Karr, Barnett, Stevens, Garvin & Mayor Browne

NAY: Councilman Smith

Mayor Browne declared the motion carried.

4. Consider and act upon, approval of Resolution removing deed restrictions on City of McAlester Lake Lot 49 at Lake McAlester. (*Joe Ervin, City Attorney*)

Executive Summary

Motion to approve the resolution removing the deed restrictions on City of McAlester Lake Lot 49.

Attorney Ervin addressed the Council explaining that the Wagoner's had approached the Council about removing some restrictions on their lake property. He commented that the Council as the entity that placed the restrictions on the property they would be the entity that could remove those restrictions. He stated that this may not be a perfect fix but best solution without doing a quite title suit. He added that if the Council chooses to remove the restrictions that there were other property owners that could ask for the same consideration.

Ms. Wagoner addressed the Council that she and her husband had owned the property since 1991 and had done considerable improvements to the property and had changed it from a party place into a good place.

There was discussion concerning the restrictions that had been placed on the property to protect the City's water source, if by removing these restrictions could hamper the City's efforts to protect its' water source, if all of the lots had the same restrictions, how the septic system had been updated and improved, the Council having discretion on how they addressed any future requests and how the lots could be used for full time residency.

A motion was made by Vice-Mayor Karr and seconded by Councilman Read to approve RESOLUTION NO. 17-03, removing deed restrictions one (1) and two (2). There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr, Read, Smith, Garvin, Barnett & Mayor Browne

NAY: Councilman Stevens

Mayor Browne declared the motion carried.

5. Presentation and discussion of the City of McAlester Budget for FY 2017-2018. (*Peter Stasiak, City Manager, Toni Ervin, Chief Financial Officer*)

Executive Summary

Discussion.

Manager Stasiak addressed the Council presenting the City of McAlester Budget for FY 2017-2018. During this presentation Manager Stasiak reviewed the proposed revenues and expenses

for all departments and funds. He explained that the Sales Tax revenue for the FY 2016/2017 budget had been decreased 1.7% and that the Sales Tax revenue for the FY 2017/2018 Budget had been reduced 2.4%. He stated that it was becoming very difficult to project what was going on in the Sales Tax for the City. He reviewed some of the expected increases in hiring for the Army Ammunition Plant and Choctaw Defense. Manager Stasiak briefly commented on the new water meters that were being installed in the south side of the City and how they were expected to affect water revenue. He reviewed the Capital Improvement Plan. He informed the Council that this Budget kept all pension in place and that they would be presented with the budget detail in two (2) weeks.

There was no vote on this item.

New Business

Any matter not known or which could not have been reasonably foreseen prior to the time of posting the Agenda in accordance with Sec. 311.9, Title 25, Oklahoma State Statutes.

Manager Stasiak informed the Council that this had been brought to his attention at 4:00 P.M. this afternoon and he had spoken with the City Attorney. He explained that this had to do with the City's Capital Improvement Plan for 2017/2018-2021/2022. He stated that the Public Hearing for the Capital Improvement Plan had been conducted at the last meeting and the City had received comments and questions at that time. He informed the Council that by Charter the Capital Improvement Plan had to be adopted by resolution before the last day of April and he had been informed that this had not been placed on the agenda. He stated that he was requesting that the Council adopt the CIP by resolution at this time.

There was no discussion and a motion to approve RESOLUTION NO. 17-04, adopting the Capital Improvement Plan for 2017/2018-2021/2022 was made by Councilman Read and seconded by Councilman Smith. The vote was taken as follows:

AYE: Councilman Read, Smith, Karr, Garvin, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak informed that he had hired David Horinek as Public Works Director and that he would begin on May 8th. He added that he would be bringing some other recommendations for Department changes to the Council in two (2) weeks with the new Budget.

Remarks and Inquiries by City Council

Councilman Read inquired about the status of the Carl Albert Parkway signal light project.

Manager Stasiak commented that the last conversation with ODOT was that the project would be moving forward sometime in July.

Vice-Mayor Karr invited everyone to the Choctaw Nation Pow Wow at the Expo this coming weekend.

Councilmen Smith, Stevens, Garvin and Barnett did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne asked if the City had gotten any information about keeping the light at Third Street.

Manager Stasiak commented that he had and he would be sharing that information with the Mayor over the next day or two.

Mayor Browne announced that after the "Armed Forces Day" parade there would be a dedication ceremony for the new memorial for the armed forces, south of McAlester. He added that those in attendance needed to park in the north parking lot of the Choctaw Casino.

Recess Council Meeting

Mayor Browne asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Read. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:20 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:22 P.M.

A motion was made by Councilman Read and seconded by Councilman Smith to recess the Regular Meeting for an Executive Session in accordance with Title 25 Section 307.B.3 and 307.C.9, for the purpose of conferring on matters pertaining to Economic Development, including transfer or purchase of real property and discussion of option to purchase real property.

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

AYE: Councilman Read, Smith, Stevens, Karr, Garvin, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the Regular Meeting was recessed at 7:23 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.3 & C.9 et.seq. Oklahoma Statutes, to wit:

- Consider and Act to convene in Executive Session for the purpose of conferring on matters pertaining to Economic Development, including transfer or purchase of real property and discussion of option to purchase real property per Title 25 Oklahoma Statute Sec. 307 B(3) & C(9).

Reconvene into Open Session

The Regular Meeting was reconvened at 7:48 P.M. Mayor Browne reported that the Council had recessed the Regular Meeting for an Executive Session in accordance with Title 25 Section 307.B.3 and 307.C.9, for the purpose of conferring on matters pertaining to Economic Development, including transfer or purchase of real property and discussion of option to purchase real property. Only that matter was discussed, no action was taken and the Council returned to open session at 7:48 P.M., and this constituted the Minutes of the Executive Session.

Adjournment

There being no further business to come before the Council, Councilman Read moved for the meeting to be adjourned. The motion was seconded by Councilman Stevens. There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Stevens, Karr, Garvin, Barnett, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:48 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk