

The McAlester City Council met in a Regular session on Tuesday, April 10, 2018, at 6:00 P.M. after proper notice and agenda was posted, May 7, 2018 at 12:40 P.M.

Call to Order

Mayor Browne called the meeting to order.

William J. Ervin, Jr. gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

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

Staff Present: Peter Stasiak, City Manager; Toni Ervin, CFO; Jayme Clifton, Community Development Director; David Horinek, Public Works Director; Kirk Ridenour, Economic Development Director; AnChen Lai, Chief Accountant; Gary Wansick, Police Chief; Brett Brewer, Fire Chief; Mel Priddy, Community Services Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Recognition and Awards

Mayor Browne presented Sergeant Mickey Virden of the McAlester Police Department as April, 2018 Employee of the Month. Officer Virden received a Certificate of Appreciation and a personal planner.

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.

Michael Hall, 401 N. 2nd Street, Executive Director of Southeastern Public Library System of Oklahoma addressed the Council to update them on the activities at the Library. He explained that the Library no longer charges to get books from other libraries and the books can be delivered within two (2) to five (5) days, the addition of tablets with a new educational format that is designed for youth, the improved downloadable content on the Library website, the availability of computers for public use, and the availability of Wi-Fi and increased Bandwidth.

There were a few questions from the Council and Attorney Ervin suggested that the Council ask Mr. Hall to come back at a later date.

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 April 10, 2018, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the April 17, 2018, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for April 18, 2018 through May 1, 2018. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$88,331.76; Nutrition - \$976.58; Tourism Fund - \$28,947.05; SE Expo Center - \$792.57; E-911 - \$7,697.52; Economic Development - \$15,641.62; Grants & Contributions - \$220.00; Fleet Maintenance - \$19,758.13; Worker's Compensation - \$941.68; CIP Fund - \$99,992.13; Technology Fund - \$50,980.40 and Stormwater Fund - \$20,914.58.
- D. Consider and act upon, approval of a Resolution to extend the term of the Cable Television Permit with Vyve Broadband A, LLC. *(Joe Ervin, City Attorney)* Resolution No. 18-10.
- E. Accept and place on file, the McAlester Main Street 1st and 2nd Quarter Reports for the months of July through December, 2017. *(Christine Hermsmeyer, Executive Director)*
- F. Consider and act upon, approval of the annual Utility Rate Increases based on this year's Consumer Price Index of 2.1%. *(Toni Ervin, Chief Financial Officer)*
- G. Consider and act upon, ratification of Change Order #2 to Infrastructure Solutions Group, LLC for the Cardinal Lane Curb & Gutter Improvements in the amount of \$ 2,135.90. *(Peter Stasiak, City Manager)*
- H. Consider and act upon, authorizing the Mayor to sign the update to the Districts and Wholesale Water Purchase Contracts. *(Peter Stasiak, City Manager)*

Councilman Brown requested Item "C" be removed for individual consideration

A motion to approve the Consent Agenda items "A, B and D through H" was made by Councilman Smith and seconded by Councilman Read.

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

AYE: Councilman Smith, Read, Brown, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

Items Removed from Consent Agenda

C. Approval of Claims for April 18, 2018 through May 1, 2018. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$88,331.76; Nutrition - \$976.58; Tourism Fund - \$28,947.05; SE Expo Center - \$792.57; E-911 - \$7,697.52; Economic Development - \$15,641.62; Grants & Contributions - \$220.00; Fleet Maintenance - \$19,758.13; Worker’s Compensation - \$941.68; CIP Fund - \$99,992.13; Technology Fund - \$50,980.40 and Stormwater Fund - \$20,914.58.

Councilman Brown inquired about a payment to Pauls Valley.

Manager Stasiak explained that this for a portable ice rink that would be purchased through Tourism. He added that it would be set up at special events during colder months. He also stated that the rink was acrylic and performed like an ice rink and it came with the ice skates and all of the accessories.

There was no further discussion, and a motion to approve Item “C” was made by Councilman Brown. The motion was seconded by Councilman Brown, and the vote was taken as follows:

AYE: Councilman Smith, Brown, Read, Garvin & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

A motion to open the Public Hearing to address two (2) ordinances was made by Councilman Smith and seconded by Councilman Read.

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

AYE: Councilman Smith, Read, Brown, Garvin & Mayor Browne
NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was opened at 6:18 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 POT-BELLIED PIGS WITHIN THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 10, ANIMALS, SECTION 10-1, DEFINITIONS; SECTION 10-78, KEEPING SWINE PROHIBITED, EXCEPTION; SECTION 10-148, LICENSES; REPEALING ALL CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER MUNICIPAL CODE CHAPTER 48, FEES, CHARGES AND SERVICE RATES, CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-57, FEES; AND ARTICLE IV, SECTION 10-148, LICENSES, AND REPEALING ALL CONFLICTING ORDINANCES.

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

AYE: Councilman Read, Smith, Brown, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was closed at 6:18 P.M.

Scheduled Business

1. Consider and act upon, an ordinance regulating the possession of pot-bellied pigs within the City of McAlester; amending Chapter 10, Section 10-1, Section 10-78, and Section 10-148, repealing all conflicting ordinances and declaring an emergency. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve an ordinance regulating the possession of pot-bellied pigs within the City of McAlester and declaring an emergency.

Manager Stasiak addressed the Council explaining that this was from a request from a citizen to allow pot-bellied pigs within the city limits. He reviewed the changes and stated that since this had been brought to the citizen's attention he had received a request from another citizen requesting pygmy goats be allowed also. He commented that now the City was getting into allowing farm animals in the city limits.

Director Clifton addressed the Council stating that she understood that the goal was to allow people and animals to co-exist peacefully within the City and neighborhoods. She commented that breed specific ordinances should possibly be reconsidered due to the number of other swine that were smaller than the pot-bellied pig. She reviewed the information that she had gathered from Oklahoma State University which included the vaccination requirements, diseases and other challenges that the animal might pose.

There was discussion concerning other communities method of handling swine, if the Council could write a breed specific ordinance, what had caused the restriction of swine in the City, if the pigs were noisy, studies that address the transfer of diseases between pigs and humans, if the City wanted to allow all miniature farm animals within its' limits, seeing how other cities handle this issue and unforeseen problems and other animals.

A motion was made by Mayor Browne, to postpone this item until the first meeting in June. The motion was seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Read, Brown & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

2. Consider and act upon, an ordinance amending Chapter 48, Section 10-57, Fees, and Section 10-148, Licenses. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve an ordinance amending Chapter 48, Section 10-57, Fees, and Section 10-148, Licenses.

Manager Stasiak explained that the fees are set by the County so the City was cleaning up the Code by removing those items.

There was a brief discussion concerning this item being tied to the previous item and not addressing it until the previous item was addressed.

There was no action taken on this item.

3. Consider and act upon, approval of a Special Warranty Deed and Donation Agreement and to authorize the Mayor's signature in acceptance of the property donated to the City of McAlester from ARVEST Bank for use as a public park. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve the Special Warranty Deed and authorize the Mayor to sign the Donation Agreement in acceptance of the property donated to the City of McAlester from ARVEST Bank for use as a public park.

Manager Stasiak addressed the Council explaining that ARVEST Bank had offered to donate property to the City for use as a park. He presented a mockup of the proposed park and stated that this was an opportunity for the community.

Tammie Blancett, Property Manager addressed the Council commenting that the Bank would donate the property for a park except a parking area on the east side to the property.

There was discussion concerning the Bank's legal ownership of the parking area property, if there was a time frame that the park had to be constructed, if there would be a curfew for that property, and an ordinance that controlled the parks in the City.

Attorney Ervin stated that the documents presented were proper if the City wanted to accept the donation. He suggested that fencing could be installed on the 2nd Street side of the property as a safety measure.

Ms. Blancett commented that the Bank would ask for a curb cut on the alley side.

A motion was made by Councilman Read to approve the Special Warranty Deed and authorize the Mayor to sign the Donation Agreement in acceptance of the property donated to the City of McAlester from ARVEST Bank for use as a public park. The motion was seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Brown, Garvin & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, acceptance of a bid of \$29,405.38 from Freedom Ford for a 2018 E-Series Cutaway Van Chassis for the Fire Department. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve and accept the bid of \$29,405.38 from Freedom Ford for a 2018 E-Series Cutaway Van Chassis for the Fire Department.

Chief Brewer addressed the Council explaining that on April 17, 2018 the City received and opened five (5) sealed bids the 20187 Cutaway Van Chassis. He stated that Freedom Ford was the third lowest bid but could deliver the Chassis by July 1, 2018 and the other bidders could not deliver until late August or early September.

There was a brief discussion concerning how the Chassis would be used and how the body of an ambulance the City currently owned would be remounted onto the new Chassis.

There was no further discussion, and a motion to approve and accept the bid of \$29,405.38 from Freedom Ford for a 2018 E-Series Cutaway Van Chassis for the Fire Department was made by Councilman Smith. The motion was seconded by Councilman Read, and the vote was taken as follows:

AYE: Councilman Smith, Read, Brown, Garvin & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

5. Discussion and possible action on approval of an agreement with KEDDO to accept the release and transfer of one 2500 gallon tank, to be mounted on our 2013 freightliner. This vehicle will be used in fire suppression as well as water transfer. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the agreement.

Chief Brewer addressed the Council explaining that with the acceptance of this agreement the McAlester Fire Department would receive the transfer of one (1) 2500 gallon tank that would be mounted onto their 2013 Freightliner and would aid in fire suppression, water transfer and training.

There was no discussion, and a motion to approve the agreement with KEDDO to accept the release and transfer of one 2500 gallon tank, to be mounted on the City of McAlester's 2013 Freightliner was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Read, Smith, Brown, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

6. Consider and act upon, authorizing the Mayor to sign the Contractor's Final Pay Estimate No. 2 and Certificate of Substantial Completion for the contract with Allen Oilfield Electric, LLC for the High Service Pump Motor Control Center (MCC) Replacement at the Water Treatment Plant and accept the project as completed. (*Dale Burke, Infrastructure Solutions Group, LLC*)

Executive Summary

Motion to authorize the Mayor to sign the Contractor's Final Pay Estimate No. 2 in the amount of \$61,230.13 and Certificate of Substantial Completion for the contract with Allen Oilfield Electric, LLC for the High Service Pump Motor Control Center (MCC) Replacement at the Water Treatment Plant and accept the project as completed.

Dale Burke, P.E., President Infrastructure Solutions Group, LLC addressed the Council explaining that this was the final pay estimate for the High Service Pump Motor Control Center (MMC) Replacement project at the Water Treatment Plant. He stated that the final inspection has been completed and all deficiencies found have been addressed. He added that the two (2) year warranty period began on April 6, 2018, the effective date of completion.

There was no discussion, and a motion was made by Councilman Read to authorize the Mayor to sign the Contractor's Final Pay Estimate No. 2 in the amount of \$61,230.13 and Certificate of Substantial Completion for the contract with Allen Oilfield Electric, LLC for the High Service Pump Motor Control Center (MCC) Replacement at the Water Treatment Plant and accept the project as completed. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Read, Smith, Brown, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

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.

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak informed the Council of his bicycle accident over the past weekend which resulted in his facial injuries. He reported that the City had received a donation of \$1,000.00 from the City of Eufaula for maintenance of the City's Firing Range. He stated that the employees had received training on the Asphalt Paving Machine two (2) weeks ago at the Expo and were practicing on various areas in the City where repairs were needed. He added that he had received an email from ODOT informing him that the State would begin a mill and fill

overlay project on both north bound lanes of US 69 Highway starting on May 10th from the Choctaw Casino north to Village Blvd. He stated that it would take about six (6) days and during that time the intersection at Hardy Springs' intersection would be closed to traffic

Remarks and Inquiries by City Council

Councilman Garvin inquired about the feasibility to have the City's ambulance service transport more patients out of town.

Councilman Read inquired about the activity at the old Holiday Inn Hotel.

Manager Stasiak explained that the property was owned by Narconon and they were removing all contents and preparing it to be sold.

Councilman Brown inquired about a nursing home on West Harrison that was boarded up.

Mayor Browne commented that the Tabernacle of Praise had purchased the property but had changed their minds on what they were going to use it for.

Manager Stasiak stated that the City would contact them about securing the property.

Councilman Garvin expressed his appreciation for schedule of streets that were planned to be worked on and asked that Electric Avenue be looked at for repairs. He added that some work needed to be done to keep the street and he would like it to be added to the list.

Councilmen Smith did not have any comments or inquiries for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne announced that the Main Street Awards Ceremony were this evening in Oklahoma City and three (3) of the Down Town businesses had been nominated for awards. He stated that those businesses were "The Venue", "Common Roots" and "Harper & Gray".

Recess Council Meeting

Councilman Read moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Smith.

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

AYE: Councilman Read, Smith, Brown, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 6:56 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:57 P.M.

A motion was made by Councilman Read to recess the Regular Meeting for an Executive Session in accordance with Title 25, Section 307.B.1 to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter Stasiak and Section 307.B.2 to discuss negotiations concerning employees and representatives of employee groups: FOP. The motion was seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Brown, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the Regular Meeting was recessed at 6:57 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.1 & B.2 et.seq. Oklahoma Statutes, to wit:

- Proposed Executive Session pursuant to Title 25, Sec. 307 (B) (1), to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter Stasiak
- Proposed Executive Session pursuant to Title 25, Sec. 307 (B) (2), to discuss negotiations concerning employees and representatives of employee groups: FOP

Reconvene Into Open Session

The Regular Meeting was reconvened at 8:00 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.1 to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter Stasiak and Section 307.B.2 to discuss negotiations concerning employees and representatives of employee groups: FOP. Only those matters were discussed, no action was taken and the Council returned to open session at 8:00 P.M., and this constitutes the Minutes of the Executive Session.

- Consider and act upon, the evaluation and contract of City Manager, Peter Stasiak.
- Consider and act upon, the proposed FOP Contract.

Mayor Browne stated that they discussed the action they will direct the City Manager to take with the FOP and he would discuss with the City Manager his evaluation they had during the Executive Session.

Adjournment

There being no further business to come before the Council, Councilman Smith moved for the meeting to be adjourned. The motion was seconded by Councilman Brown.

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

AYE: Councilman Smith, Brown, Read, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 8:01 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk