

Council Chambers  
Municipal Building  
April 9, 2019

The McAlester City Council met in a Regular session on Tuesday, April 9, 2019, at 6:00 P.M. after proper notice and agenda was posted, April 5, 2019 at 4:30 P.M.

**Call to Order**

Mayor Browne called the meeting to order.

Pastor Bill Phillips, North McAlester Freewill Baptist Church gave the invocation and led the Pledge of Allegiance.

**Roll Call**

Council Roll Call was as follows:

Present: Weldon Smith, Cully Stevens, Travis Read, Zach Prichard & John Browne  
Absent: James Brown  
Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager; Toni Ervin, Asst. City Manager; An-Chen Lai, CFO; Gary Wansick, Police Chief; Kirk Ridenour, Economic Development Director; Stephanie Giacomo, Grant Writer/Public Information Officer; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Mayor Browne stated that the Council would be going in a different order than was on the agenda. He then read a letter that had been received from Ward 5 Council Elect Jeremy Thomas, as follows:

“Jeremy Thomas  
212 E. Mill  
McAlester, Oklahoma 74501

April 4,2019

Mayor John Browne  
McAlester City Council  
Pete Stasiak, City Manager  
28 E. Washington  
McAlester, Oklahoma 74501

Dear Mr. Mayor and Council,

After much thought and discussion with my family I have decided to decline to take office as the Fifth Ward Council Representative for McAlester. I ran for the position because I have lived in McAlester all of my life and I truly wanted to make a contribution to my hometown. I am humbled and very appreciative of the voters of Ward 5 who had confidence in me and I thank them for their votes.

I do not want to be a distraction from the important work that this Council has before it. I believe it is in the City's best interest that I not take office. I understand that this may mean that this Council must appoint someone to represent Ward 5 and for that position I recommend Billy Jack Boatright.

Thank you for your consideration and your public service to this community.

Sincerely,

Jeremy Thomas”

Mayor Browne explained the process that the Council would take to fill the vacancy and stated that at the Special Meeting on Thursday, April 11, 2019 the Council would declare a vacancy in the Fifth Ward Council seat.

### **Scheduled Business**

1. Discussion and possible action concerning Oklahoma Statute 26, Section 105-A. (*William Ervin, City Attorney*)
2. Consider and act upon, the seating of a new council member for Ward 5. (*John Brown, Mayor*)

### **Swearing-in Ceremony**

Judge Deborah Hackler will administer the Oath of Office to the Council Member

- Oath of Office – Council Member  
Ward 5 –

### **Incoming Council – Council Remarks – Opportunity for Council Remarks**

- New Council Member takes Office

The above items were not considered or acted upon. No Councilman was sworn in.

### **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.*

Thomas Ortiz, 206 E. Seminole Ave. addressed the Council concerning the operation of a “Green Business” within the City of McAlester. Mr. Ortiz asked how he could get permission to pick up yard waste.

Mayor Browne explained that since this was no an agenda item the Council could not discuss the matter with him. He advised Mr. Ortiz to schedule a meeting with Manager Stasiak and Director Clifton. He stated then if necessary the matter could be placed on a future agenda.

### **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 12, 2019, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
  
- B. Approval of Claims for March 20, 2019 through April 2, 2019. *(Toni Ervin, Assistant City Manager)* In the following amounts: General Fund - \$81,529.50; Nutrition - \$16,438.56; Tourism Fund - \$11,495.77; SE Expo Center - \$1,892.73; E-911 - \$59,268.18; Economic Development - \$6,060.50; Fleet Maintenance - \$10,854.67; CIP Fund - \$79,767.89; Technology Fund - \$82.28; Stormwater Fund - \$12,912.13 and Infrastructure Fund - \$86,989.75.
  
- C. Consider and act upon, a request from McAlester United for support and assistance in the construction of soccer fields to be located west of the Southeast Expo Center. *(Shawn McElvey/Jared Suttmiller, McAlester United)*
  
- D. Consider and act upon, authorizing the Mayor to sign the Work Order for Professional Services with Infrastructure Solutions Group, LLC for engineering services for Washington Avenue 6<sup>th</sup> Street through 5<sup>th</sup> Street Phase II Improvements. *(Dale Burke, Infrastructure Solutions Group, LLC)*

Councilman Read requested that items “A and C” be removed for individual consideration.

A motion to approve the Consent Agenda items “B and D” was made by Councilman Smith. The motion was seconded by Vice-Mayor Stevens. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Smith, Stevens, Read, Prichard & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried.

### **Items Removed From Consent Agenda**

- A. Approval of the Minutes from the March 12, 2019, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*

Councilman Read commented that his attendance needed to be corrected to show he was present at the March 12, 2019 meeting and the vote approving the EMERGENCY CLAUSE on **ORDINANCE NO. 2647** was missing from the minutes and needed to be added.

There was no further discussion, and a motion to approve the Minutes from the March 12, 2019, Regular Meeting of the McAlester City Council, with the corrections as stated, was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Read, Smith, Stevens, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

C. Consider and act upon, a request from McAlester United for support and assistance in the construction of soccer fields to be located west of the Southeast Expo Center. (*Shawn McElvey/Jared Suttmiller, McAlester United*)

Councilman Read commented that he would like to here from a representative from McAlester United about their financing plans. He asked if there were any assurances that this project would not be walked away from.

Jared Suttmiller, President of McAlester United Soccer Club addressed the Council explaining that the rough grading on the first two (2) pads had been finished through fund raising and donations. He commented that the dozer that was being used had broke down and the County had been unable to help so far.

There was discussion concerning the amount of funds the Club had been able to raise, their plans on finishing the fields, the donation of pipe for the irrigation of the fields, when the expected to be using the fields, what the in-kind contribution consisted of, how long it would take to install the irrigation, if there would be enough fields, if the City had any areas that could be used for the Club's activities and bringing that information to the next Council meeting.

A motion was made to approve the request from McAlester United for support and assistance in the construction of soccer fields to be located west of the Southeast Expo Center by Vice-Mayor Stevens. The motion was seconded by Councilman Read.

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

AYE: Councilman Stevens, Read, Prichard, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

A motion was made by Councilman Read and seconded by Vice-Mayor Stevens to open a Public Hearing to provide information about the Downtown Tax Increment Financing (TIF) District Project Plan and an ordinance creating a committee to aid in the advancement and development of economic development. There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Stevens, Prichard, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:22 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.*

### **PUBLIC HEARING TO PROVIDE INFORMATION AND ANSWER QUESTIONS PURSUANT TO 62 O.S. §859(B)(3), REGARDING THE PROPOSED ADOPTION OF A PROJECT PLAN AND CREATION OF A TAX INCREMENT FINANCING (TIF) DISTRICT TO BE LOCATED IN THE DOWNTOWN MAIN STREET AREA IN THE CITY OF MCALESTER.**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, PROVIDING FOR THE CREATION OF THE LOCAL ECONOMIC ADVANCEMENT AND DEVELOPMENT COMMITTEE; PROVIDING FOR THE PURPOSE, AUTHORITY AND DUTIES OF SUCH COMMITTEE; PROVIDING FOR THE MEMBERSHIP, TERMS AND METHOD OF APPOINTMENT OF ITS GENERAL MEMBERSHIP AND ELECTION OF ITS CHAIRMAN, AND DECLARING AN EMERGENCY.**

Economic Development Director Ridenour address the Council explaining that this was the first of two (2) Public Hearings required to be held per State Statute 62 O.S. §859(B)(3). Director Ridenour explained that the committee had approved a plan and the Planning and Zoning Commission has reviewed and approved the plan. He described the project plan, the area and informed the Council that funding would come from a combination of Sales Tax, Use Tax and Ad Valorem Tax. He added that it was a twenty-five (25) year TIF and proposes to collect 100% of the increment. He stated that there would be no bonding and the cost was \$30 million. Director Ridenour reviewed the breakdown of costs and distributed an Economic Impact Analysis for the TIF. He explained that there were no projects adopted up front and reviewed how the financing sources had been used. He then reviewed possible scenarios.

There were no comments from the audience or the Council regarding the either the TIF or the proposed ordinance, and Councilman Smith moved to close the Public Hearing. The motion was seconded by Councilman Prichard, and the vote was taken as follows:

AYE: Councilman Smith, Prichard, Stevens, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:34 P.M.

### **Scheduled Business**

3. Public hearing to provide information and answer questions pursuant to 62 O.S. §859(B)(3), regarding the proposed adoption of a project plan and creation of a tax increment financing (TIF) district to be located in the Downtown Main Street Area, in the City of McAlester.

Mayor Browne commented that this had been done during the Public Hearing section of the meeting.

4. **POSTPONED FROM THE FEBRUARY 26<sup>TH</sup> MEETING:** Consider and act upon, an ordinance of the City Council of the City of McAlester, Oklahoma, providing for the creation of the Local Economic Advancement and Development Committee; providing for the purpose, authority and duties of such committee; providing for the membership, terms and method of appointment of its general membership and election of its chairman, and declaring an emergency. (*Zach Prichard, Councilman Ward 6*)

Executive Summary

Motion to act upon and approve the above ordinance for the creation of the Local Economic Advancement and Development Committee.

Councilman Prichard addressed the Council explaining this ordinance had been presented on a previous agenda and there had been discussion about tweaks to the ordinance. He commented that he had not been able to come up with any revisions. He then described the committee makeup, purpose and duties. He added that funds in the Economic Development Fund could be used to help local small businesses.

Mayor Browne commented that he had submitted a version of the committee and explained how he thought the committee should be constructed with two members at large and representatives from the following sectors: Finance, Education, Defense, Small Business, Industry, Medical and Chamber of Commerce. He added that the Mayor or other Council designee and the City Manager would serve as ex-officio, non-voting members.

Councilman Smith commented that the only difference he would make would be to have each sector submit names and have the Mayor nominate from those names and submit to the Council for approval.

There was discussion concerning the makeup of the committee, the advantages of having representatives from each sector of business or group, the advantages of having interested individuals serve on the committee, the difficulty of finding people to serve on committees and boards, leaving the ordinance as it is and creating more geographic diversity in the makeup of the committee.

### **ORDINANCE NO. 2650**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, PROVIDING FOR THE CREATION OF THE LOCAL ECONOMIC**

**ADVANCEMENT AND DEVELOPMENT COMMITTEE; PROVIDING FOR THE PURPOSE, AUTHORITY AND DUTIES OF SUCH COMMITTEE; PROVIDING FOR THE MEMBERSHIP, TERMS AND METHOD OF APPOINTMENT OF ITS GENERAL MEMBERSHIP AND ELECTION OF ITS CHAIRMAN, AND DECLARING AN EMERGENCY.**

Councilman Smith moved to approve **ORDINANCE NO. 2650**, with nominations from Finance, Education, Defense, Small Business, Industry, Medical and Chamber of Commerce sectors submitting names and the Mayor nominating from those names and submitting to the Council for approval. The motion was seconded by Councilman Read. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Prichard & Mayor Browne

NAY: Councilman Stevens

Mayor Browne declared the motion carried.

Manager Stasiak commented that the City was grateful for additional help. He reminded the Council that the City funded half of the salary an employee with the Small Business Development Center that was housed at EOSC.

Councilman Read commented that he did not understand how this qualified for an emergency clause. Attorney Ervin stated that if you wanted it to go into immediate effect. He added that the Council could strike the emergency clause.

A motion to strike the Emergency Clause was made by Councilman Read and seconded by Councilman Smith.

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

AYE: Councilman Read, Smith, Stevens, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Presentation and discussion of Fiscal year 2019/2020 Budget.

Executive Summary

Presentation.

Manager Stasiak commented that the City had received the numbers for the April Sales Tax and things continued to show improvement in the City. He stated that the City was currently 9.73% ahead of last year's Sales Tax collections. He then presented the preliminary Budget for Fiscal Year 2019/2020. He stated that he was presenting a balanced budget, which was a requirement by law and maintained a minimum reserve of 10% in the Emergency Fund. He thanked the staff for the work they have done putting this together.

He presented them with a six (6) year trend line that projected an increase of \$140,000.00 over the 2018/2019 Budget. He explained what this increase could be attributed to. He reviewed the proposed Sales and Use Tax revenues, stating that the Sales tax revenue was budgeted at a 4% increase. He briefly reviewed the various department expenditures and commented that the Union negotiations were going well. He stated that this budget did include a 2% Cost of Living Adjustment.

Manager Stasiak reviewed the MPWA revenues and expenditures. He stated that the MPWA revenues increases were per the ordinance. He commented that the bulk of the MPWA expenditures were from garbage collections which were with Republic Services. He stated that the City would be coming to the Council at the next meeting with a recommendation for the Inframark contract. He then continued with a review of the outside entity support.

There was a brief discussion concerning the Nutrition Fund, who was served by the program, the number of seniors that were fed at the Stipe Center and the Kiowa Center.

Manager Stasiak commented on the Airport explaining that the runway was up and open. He added that Director Ridenour was looking at renting the CID building and a Data Center was considering the FAA building. He explained that the bond payments were subsidized because sales tax had not increased as projected but that number was decreasing because of the growth they had seen. He stated that Personnel and Benefits were remaining at the same levels. Health Insurance was being moved back to Blue Cross Blue Shield. They had come in with a 4% decrease and keeping coverage levels the same. He added that Blue Cross Blue Shield was also offering a \$50,000.00 wellness program to the City.

Mayor Browne asked if the local hospital was in network. Manager Stasiak commented that the hospital was in network.

There was a brief discussion concerning the decrease in injuries and the Safety program that was being implemented with this Budget.

Manager Stasiak stated that the Budget increased the number of employees from 223 to 225. He informed the Council that the increases were for a full-time floater and a full-time Stormwater Engineer.

Vice-Mayor Stevens asked what the difference in cost between a full-time and a part-time Stormwater Engineer was. Manager Stasiak stated approximately \$1200.00 per month.

There was a brief discussion concerning the number of employees including the Fire and Police departments.

Manager Stasiak reviewed the CIP, Stormwater and Infrastructure project lists. He completed the presentation by informing the Council that it was intended to have a joint City Council and Audit & Finance Advisory Board workshop and public hearing in the future.

There was no action taken 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.*

There was no new business.

### **City Manager's Report**

- Report on activities for the past two weeks.

Manager Stasiak reported that there was a Special Meeting Thursday, April 11<sup>th</sup> at 5:30 P.M. for the CIP public hearing and the Council vacancy. He stated that the City was looking at redoing the website. He informed the Council that the City had received a \$2,000.00 Safety Grant from OMAG and those funds would be used toward the purchase of a "Trench Box".

### **Remarks and Inquiries by City Council**

Councilman Smith thanked Pride in McAlester for the job they were doing during the "Spring Cleanup".

Councilman Prichard announced that there would be a second hearing for the Downtown Main Street Area TIF on April 23, 2019.

Councilmen Stevens and Read did not have any comments for the evening.

### **Mayor's Comments and Committee Appointments**

Mayor Browne reminded the Council of the mandatory "Ethics Training" that was required of all City employees, he asked the Council to complete the City Manager's evaluation and turn them in to him and he commented on an incident that had occurred at a City park and stated that the responding officers had handled the situation very well.

### **Recess Council Meeting**

Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Vice-Mayor Stevens. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Stevens, Prichard, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:33 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 7:34 P.M.

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

AYE: Councilman Read, Smith, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:35 P.M.

ATTEST:

\_\_\_\_\_  
John Browne, Mayor

\_\_\_\_\_  
Cora Middleton, City Clerk