

The McAlester City Council met in a Regular session on Tuesday, December 10, 2019, at 6:00 P.M. after proper notice and agenda was posted, December 6, 2019 at 9:45 A.M.

### **Call to Order**

Mayor Browne called the meeting to order.

Paul Vanderveer, Pastor Lake Wood Christian 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, James Brown, Maureen Harrison, Zach Prichard & John Browne

Absent: None

Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager; Stephanie Giacomo, Grant Writer/Public Information Officer; Kirk Ridenour, Economic Development Director; Jayme Clifton, Community Development Director; David Horinek, Public Works Director; Oliver Skimbo, Environmental Program Coordinator; Mel Priddy, Community Services Director; 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 citizen's 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 November 12, 2019, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*

B. Approval of Claims for November 20, 2019 through December 3, 2019. *(Sherri Swift, Chief Financial Officer)* In the following amounts: General fund - \$99,752.34; Nutrition - \$2,440.54; Tourism Fund - \$7,334.91; SE Expo Center - \$7,638.31; E-911 - \$2,558.29;

Economic Development - \$10,841.96; Fleet Maintenance - \$7,170.03; Worker's Compensation - \$1,750.00; CIP Fund - \$32,165.95; Technology Fund - \$258.05; Stormwater Fund - \$51,087.88 and Infrastructure Fund - \$153,019.10.

- C. Consider and act upon, receipt of the Permit No. SL000061190877 from the Oklahoma Department of Environmental Quality (ODEQ) for the construction of 2,117 linear feet of sanitary sewer line and all appurtenances for the 2019 CDBG Sewer Line Project. *(David Horinek, Public Works Director)*
- D. Consider and act upon, a \$250 one-time net pay for all full and part time regular employees. *(Peter Stasiak, City Manager)*

Councilman Brown asked about the letter from DEQ being addressed to Steve Harrison.

Manager Stasiak commented that the City had sent numerous letters updating the Mayor's information.

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

AYE: Councilmembers Smith, Brown, Stevens, Read, Harrison, Prichard & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to address a proposed rezoning ordinance was made by Councilman Smith and seconded by Councilman Read. There was no discussion, and the vote was taken as follows:

AYE: Councilmembers Smith, Read, Stevens, Brown, Harrison, Prichard & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:04 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 OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 62, LAND DEVELOPMENT, PLANNING, ZONING AND SUBDIVISIONS, ARTICLE IV, DIVISION 2, THE USES PERMITTED AFTER REVIEW FOR SEC. 62-255 R-1A SINGLE-FAMILY RESIDENTIAL DISTRICT, SEC. 62-256 R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT, SEC. 62-258 R-2 TWO-FAMILY DWELLING DISTRICT, AND SEC. 62-259 R-3 MULTIPLE-FAMILY DWELLING DISTRICT; AMENDING THE DEVELOPMENT STANDARDS**

**OF SEC. 62-274 COTTAGE HOUSE DEVELOPMENT OVERLAY DISTRICT; 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: Councilmembers Read, Smith, Brown, Harrison, Prichard, Stevens & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:05 P.M.

**Scheduled Business**

1. Consider and act upon, an ordinance amending McAlester City Code Chapter 62, Land Development, Planning, Zoning and Subdivisions, Article IV, Division 2, the Uses Permitted After Review for Sec. 62-255 R-1A Single-family Residential District, Sec. 62-256 R-1B Single-family Residential District, Sec. 62-258 R-2 Two-family Dwelling District, and Sec. 62-259 R-3 Multiple-family Dwelling District, amending the development standards of Sec. 62-274 Cottage House Development Overlay District; and repealing all conflicting ordinances. (*Jayme Clifton, Community & Economic Development Director*)

Executive Summary

Motion to act upon and approve the above ordinance amending McAlester City Code Chapter 62, Land Development, Planning, Zoning and Subdivisions, Article IV, Division 2, the Uses Permitted After Review for Sec. 62-255 R-1A Single-family Residential District, Sec. 62-256 R-1B Single-family Residential District, Sec. 62-258 R-2 Two-family Dwelling District, and Sec. 62-259 R-3 Multiple-family Dwelling District, amending the development standards of Sec. 62-274 Cottage House Development Overlay District; repealing all conflicting ordinances and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council explaining that this was an amendment to the Cottage House Development Overlay District. She stated that the Council had passed the Cottage House Development Overlay District ordinance a little over a year ago. She commented that this ordinance was to expand this to other residential areas of the City as a “Use Permitted After Review”. She added that an applicant would go through the notice and public hearing as with any other “Use Permitted After Review”.

Mayor Browne asked that Director Clifton explain what a Cottage House Development would entail.

Director Clifton described a Cottage House Development.

There was a brief discussion regarding the location of a Cottage House Development and if the current overlay area would be affected by this proposed ordinance.

Vice-Mayor Stevens moved to approve the amendment to the Cottage House Development Overlay District but remove the “Use Permitted After Review” requirement. He explained that

getting anything rezoned was already a cumbersome and difficult task. He added that this type of development was connected to the Comprehensive Plan and the citizens expressed the need for housing.

There was discussion concerning what if any review would be done if the “Use Permitted After Review” were removed, covenants being set by residents and developers, if this proposed ordinance would have to go back before the Planning and Zoning Commission if changes were made, allowing the neighbors to have a say in what was developed, letting staff, the Planning and Zoning Commission and developer convince the Council that this would not have an adverse effect on property values, if there had been any problems with the current Cottage House Development, the uphill battle for multi-family dwellings construction, how development in an overlay district was approved, the size of houses in a Cottage House Development, having an HOA in the development to help with maintenance, and considering the advice of the Planning and Zoning Commission.

Councilman Prichard asked that Vice-Mayor Stevens restate his motion.

Councilman Prichard then seconded the motion to approve the amendment to the Cottage House Development Overlay District but remove the “Use Permitted After Review” requirement.

Before the vote, Councilman Read clarified what the original proposed ordinance allowed and what the motion allowed. He commented that he supported the original proposed ordinance but not the motion to amend the proposed ordinance.

There was further discussion regarding residents feelings about renters, the Councils consideration of the needs of the City as a whole, development on vacant lots in the City limits, if the “Use Permitted After Review” were removed citizens would not have any say, allowing citizens to have a say, who would be going through the “Use Permitted After Review” process, the amount of fees received from the applicant, this captures use of existing infrastructure, these being single family dwellings just more density in areas and no builders building within the City limits.

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

AYE: Councilmembers Stevens, Prichard & Harrison

NAY: Councilmembers Brown, Smith, Read & Mayor Browne

Mayor Browne declared the motion failed.

Mayor Browne moved to study this item and bring it back on the first meeting in January. The motion was seconded by Councilman Brown.

After a brief discussion concerning what would be studied on this item the vote was taken as follows:

AYE: Councilmembers Brown, Harrison, Read & Mayor Browne

NAY: Councilmembers Prichard, Smith & Vice-Mayor Stevens

Mayor Browne declared the motion carried.

2. Consider and act upon, a proposal from Waterworks International for the purchase of splashpad equipment for Leadership Park. (*Mel Priddy, Community Services Director*)

Executive Summary

Staff recommends accepting the proposal from Waterworks International in the amount of \$37,835.00 for the purchase of splashpad equipment for Leadership Park.

Director Priddy addressed the Council the two (2) proposals had been received and opened, on November 12, 2019 at 3:00 P.M., for the Splashpad Equipment for Leadership Park. He added that the low bid had been from Waterworks International in the amount of \$37,835.00.

There was discussion concerning the plans for the park, if there would be security cameras at the Park, who would maintain the Park, when this would be completed, if this bid included the cost to install the equipment, and who would install the equipment.

A motion to accept the proposal from Waterworks International in the amount of \$37,835.00 for the purchase of splashpad equipment for Leadership Park was made by Councilman Read and seconded by Councilman Smith.

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

AYE: Councilmembers Read, Smith, Prichard, Stevens, Brown, Harrison & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, authorizing the Mayor to sign the Contractor's Pay Applications No. 5 and No. 6 and to sign the Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the Downtown Streetscape project, and to accept the project as completed. (*Robert Vaughan, Infrastructure Solutions Group, LLC*)

Executive Summary

Motion to authorize the Mayor to sign the Final Pay Applications and to sign the Certificate of Substantial Completion, and to accept the project as completed.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council explaining that this was for the Choctaw Avenue Streetscape Improvements. He stated that it had went well, was completed on schedule and under budget. he added that the two (2) year warranty started October 7, 2019.

Councilman Prichard commented that the street signs at First Street and Choctaw Avenue were crooked.

Mr. Vaughan stated that the signs would be looked at and would be considered as a warranty item.

There was no further discussion, and a motion to authorize the Mayor to sign the Contractor's Pay Applications No. 5, in the amount of \$2,302.80 and No. 6, in the amount of \$33,439.93 and to sign the Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the Downtown Streetscape project, and to accept the project as completed was made by Councilman Prichard. The motion was seconded by Councilman Brown, and the vote was taken as follows;

AYE: Councilmembers Prichard, Brown, Smith, Stevens, Read, Harrison & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

4. Presentation and update on Stormwater projects. (*Oliver Skimbo, Environmental Program Coordinator*)

Executive Summary  
Presentation.

Environmental Program Coordinator Skimbo addressed the Council updating them on completed and planned Stormwater projects. During the update he reviewed the amount of rainfall the community had received for the year and explained that water flowed in and out of the City in all four (4) directions. He commented that damage to buildings from stormwater flooding was obvious but the damage to infrastructure was unseen. He reviewed the impact that flooding could have on homes, businesses, streets and sanitary sewer system. He informed the Council that the City had 25.9 miles of Blue Line Streams and 296 identified Stormwater outfalls that had to be inspected every five (5) years. Mr. Skimbo reviewed the program the City had developed to address the maintenance of the City's canals. He added that in three (3) months the City had removed 1,232,000 pounds of trash, brush and silt from the storm drain system. He ended his update with recommendations to develop and adopt a Stormwater Management Criteria Manual, a Stormwater Infrastructure Maintenance Plan, and implement a Master Drainage Plan.

Councilman Smith thanked Mr. Skimbo and his crew for all of their work.

There was discussion concerning the amount of fees received from Stormwater fee, the work done at Twin Cities property in North McAlester, the higher standards that needed to be developed, if the activities at the McAlester Army Ammunition Plant impacted the City's Stormwater infrastructure, the storm drain behind the Dollar General Store on North Main, a bridge on Brick Street, and how green development would affect the City's Stormwater Plan.

There was no action taken on this item.

5. Discussion on the existing water treatment plant and distribution system with the intention of initiating research on the cost of a new facility. (*Cully Stevens, Ward Two Councilman*)

Executive Summary  
Discussion.

Vice-Mayor Stevens referred this item to Manager Stasiak.

Manager Stasiak stated that Vice-Mayor Stevens had contacted him about having a discussion regarding the recent impact the City had with the water system. He reviewed the various issues that the City had experienced with the water distribution system. He reminded the Council of the age of the Water Treatment Plant, the capacity of the Plant, the average output and the life expectancy of the Plant. He commented that to replace the Water Treatment Plant could cost around \$30 million but according to INFRAMARK replacement could be pushed back another fifteen (15) to twenty (20) years. He stated that the Water Treatment Plant was in good shape, it was the infrastructure that was the real problem. He then reviewed the improvements that had been made to the Plant since 2014 and a few improvements that needed to be made. He stated that the City had 170 miles of water lines and 156 miles of sewer lines and those lines were seventy (70) to eighty (80) years old. He commented that without a complete analysis of the entire infrastructure of the City, staff would not have a full understanding of what was going on. He added that the City needed a Master Plan for the entire City and then implement that plan.

Vice-Mayor Stevens stated that this was not about replacing the Water Treatment Plant but with all that had been going on, the Council needed to know what was happening. He commented that the Council needed to take some concrete steps to address the water and sewer lines. He added he would like Manager Stasiak to find a firm to evaluate the City's liabilities, that could tell the City what was in the ground and furnish a realistic cost.

There was discussion concerning the City not having a mapping system to record infrastructure, needing to budget appropriately for needed improvements, the possible cost of an analysis, and being willing to fix the issue by adding revenue or cutting services.

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 would be a Special Council Meeting next Tuesday, December 17, 2019 at 5:30 P.M. with the Audit & Finance Advisory Board to address the Audit for fiscal year ending June 30, 2019. He stated that the Regular Council Meeting would follow at 6:00 P.M. He then commended the City employees for the creativity of the decorations on Choctaw Avenue and in the Farmer's Market.

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

Councilman Smith reminded everyone of the Council election on February 11, 2020 and stated that he planned on filing for the Ward 1 seat.

Vice-Mayor Stevens thanked the City employees for all they do.

Councilman Read stated that he planned on running for the Ward 3 seat.

Councilman Brown commented that the decorations were beautiful and commended the City employees. He commented on the McAlester High School Basketball team.

Councilwoman Harrison thanked the City employees for the Down Town decorations. She announced that she would be having a Holiday event on Saturday, December 14, 2019 between 1:00 P.M. and 2:00 P.M. at Jay Henry's Barbeque. She announced that Mrs. "LG" Green would be turning 100 years old. She then commented that Ward 5 Council was open.

Councilman Prichard did not have any comments for the evening.

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

Mayor Browne commented that the Streetscape and decorations added to the Parade and there was a lot of activity Down Town after the Parade. Saturday, December 14, 2019 at 11:00 A.M. "Wreaths Across America" would be at Oakhill Cemetery. He added that it was a very nice and gracious event. He commented on the attendance at the Ground Breaking for the "Shops at McAlester". He announced that the Congress of Mayors would be on February 7, 2020 and it was open to all Councilmembers that were interested in attending. He added that it was a very interesting event.

### **Recess Council Meeting**

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: Councilmembers Smith, Read, Brown, Harrison, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:39 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 7:41 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: Councilmembers Read, Smith, Brown, Harrison, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:41 P.M.

ATTEST:

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John Browne, Mayor

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Cora Middleton, City Clerk