

Council Chambers  
Municipal Building  
September 13, 2011

The McAlester City Council met in Regular session on Tuesday, September 13, 2011, at 6:00 P.M. after proper notice and agenda was posted, September 9, 2011, at 9:50 A. M.

**Call to Order**

Mayor Priddle called the meeting to order.

Mayor Priddle gave the invocation and led the Pledge of Allegiance.

**Roll Call**

Council Roll Call was as follows:

Present: Weldon Smith, Steve Harrison, Robert Karr, Buddy Garvin, Sam Mason & Kevin Priddle  
Absent: John Browne  
Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Toni Ervin, Interim Chief Financial Officer; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Mayor Priddle announced that the August Employee of the Month award would be postponed until the September 27, 2011 Council meeting. He stated that Danny Bennett was unable to attend this meeting due to previous obligations.

**Citizen's Comments on Non-agenda Items**

None

**Consent Agenda**

- A. Approval of the Minutes from the August 23, 2011 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
  
- B. Approval of Claims for August 17, 2011 through September 6, 2011. *(Toni Ervin, Interim Chief Financial Officer)* In the following amounts: General Fund - \$69,873.51; Nutrition - \$857.15; Landfill Res./Sub-Title D - \$2,730.00; Airport Grant - \$307.55; Tourism Fund - \$6,687.63; SE Expo Center - \$9,990.83; E-911 - \$12,734.29; Economic Development - \$19,021.91; Fleet Maintenance - \$39,116.89; Dedicated Sales Tax-MPWA - \$2,500.00 and CIP Fund - \$22,958.84.

- C. Authorize the Mayor to sign a resolution of the City of McAlester which supports the protection and maintenance of existing rail lines, and the reopening of the rail line between Shawnee, Oklahoma and McAlester, Oklahoma. *(Peter J. Stasiak, CM)* Resolution No. 11-14.
- D. To ratify 2011-2012 Memorandum of Understanding between the City of McAlester and Ki Bois Community Action Foundation, Inc. for the development of a recycling program for the City of McAlester. *(Peter J. Stasiak, CM and R. Carroll Huggins, CEO Ki Bois Community Action, Inc.)*
- E. Authorize the Mayor to sign a Lease Agreement between McAlester Regional Airport Authority and City of McAlester hereinafter referred to as “Lessor” and EASTOK hereinafter referred to as “Lessee” for a term of one year beginning July 1, 2011 and ending on June 30, 2012. *(Mel Priddy, Director of Community Services.)*
- F. To ratify a Business Customer Service Agreement with U.S. Cellular Corporation for cellular telephone service and equipment, that will expire on June 30, 2012. The Terms of this Agreement shall renew thereafter for a single one year unless either party notifies the other party in writing of its intent not to renew this Agreement, or such notice is provided at least five days prior to the expiration of the Initial Term. *(Cora Middleton, City Clerk)*
- G. Authorize the Mayor to sign an agreement for Administration of the Sales and Use Tax Ordinances of the City Town of McAlester. *(Toni Ervin, Interim Chief Financial Officer)*
- H. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 30807 and 30808-ME. *(Cora Middleton, City Clerk)*
- I. Concur with Mayor’s Re-Appointment of Sabre Tate to the Tree Board for a term to expire September 2013. *(Kevin E. Priddle, Mayor)*
- J. Concur with Mayor’s Re-Appointment of Marsha Green to the Tree Board for a term to expire September 2013. *(Kevin E. Priddle, Mayor)*
- K. Concur with Mayor’s Re-Appointment of Theo Webb to the Tree Board for a term to expire September 2013. *(Kevin E. Priddle, Mayor)*

Mr. Ervin commented on the payment that had been made to Ervin & Ervin. Manager Stasiak informed Mr. Ervin that the City was tracking the various cases separately.

Councilman Mason requested that item “E” be removed for individual consideration.

Councilman Harrison moved to approve Consent Agenda items “A through D” and “F through K”. The motion was seconded by Councilman Karr.

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

AYE: Councilman Smith, Harrison, Karr, Garvin, Mason & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

**Items Removed from Consent Agenda**

E. Authorize the Mayor to sign a Lease Agreement between McAlester Regional Airport Authority and City of McAlester hereinafter referred to as “Lessor” and EASTOK hereinafter referred to as “Lessee” for a term of one year beginning July 1, 2011 and ending on June 30, 2012. (*Mel Priddy, Director of Community Services.*)

Councilman Harrison moved to authorize the Mayor to sign a Lease Agreement between McAlester Regional Airport Authority and City of McAlester hereinafter referred to as “Lessor” and EASTOK hereinafter referred to as “Lessee” for a term of one year beginning July 1, 2011 and ending on June 30, 2012. The motion was seconded by Councilman Garvin.

Before the vote, there was discussion among the Council including the City Attorney concerning the review of the agreement by the City Attorney, if the agreement protected the City against improper use of the hangar, the amount of the hangar lease and having any information available for the Council’s review.

Councilman Mason moved to amend the motion to require the lessee to insure the property and indemnify the City of McAlester. The motion was seconded by Councilman Harrison.

Before the vote, Councilman Harrison commented that he would like to have information in the future to review to insure that the base was accurate.

Mayor Priddle restated that the motion was to “authorize the Mayor to sign a Lease Agreement between McAlester Regional Airport Authority and City of McAlester hereinafter referred to as “Lessor” and EASTOK hereinafter referred to as “Lessee” for a term of one year beginning July 1, 2011 and ending on June 30, 2012, subject to Eastok’s acceptance of indemnity clause and insurance of the property. There was no discussion, and the vote was taken as follows:

AYE: Councilman Harrison, Karr, Garvin, Mason, Smith & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

1. Discussion and possible action to hire LANDPLAN Consultants Inc. to prepare a Trails Master Plan for the City of McAlester. (*Peter J. Stasiak, CM and Councilman Steve Harrison*)

Executive Summary

Discussion and possible action to approve hiring LANDPLAN Consultants Inc. to prepare a Trails Master Plan for the City of McAlester in the amount of \$46,000 (\$36,500 Citywide Trail Master Plan and \$9,500 Conceptual Trail Design) and authorizing the Mayor to sign the appropriate documents.

Councilman Harrison moved to open the floor for discussion of LANDPLAN Consultants Inc. The motion was seconded by Councilman Garvin.

Councilman Harrison introduced Keith Franklin, President of LANDPLAN Consultants Inc.

Mr. Franklin presented the Council with a Power Point presentation of examples of the various trails plans that the company had developed since it was founded in 1983.

After the presentation there was discussion among the Council concerning the need for a Trails Plan in the City, how this plan would be funded, if this would be part of the City's Master Plan and how the money used for this project could not be used for infrastructure improvements.

Councilman Harrison moved to approve hiring LANDPLAN Consultants Inc. to prepare a Trails Master Plan for the City of McAlester in the amount of \$46,000 (\$36,500 Citywide Trail Master Plan and \$9,500 Conceptual Trail Design) and authorizing the Mayor to sign the appropriate documents. The motion was seconded by Councilman Mason.

Before the vote, Councilman Garvin asked if the company could help find grant money for this project. Mr. Franklin commented that they could and the Federal grants were usually 80-20 matches.

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

AYE: Councilman Garvin, Mason, Smith, Harrison & Mayor Priddle

NAY: Councilman Karr,

Mayor Priddle declared the motion carried

Councilman Harrison moved to open a Public Hearing to address two (2) ordinances. The motion was seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Mason, Smith, Harrison & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 7:02 P.M.

### **Public Hearing**

- **AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**
- **AN ORDINANCE TO RESCIND ORDINANCE NO. 2391 THAT AMENDED CHAPTER 82; OFFENSES AND MISCELLANEOUS PROVISIONS, CREATED**

There were no comments from either the public or the Council and Councilman Karr moved to close the Public Hearing. The motion was seconded by Councilman Smith.

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

AYE: Councilman Garvin, Mason, Smith, Harrison, Karr & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was closed at 7:03 P.M.

### **Scheduled Business**

2. Consider, and act upon, an Ordinance amending Ordinance No. 2392 which established the budget for fiscal year 2011-2012; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Toni Ervin, Interim Chief Financial Officer*)

Executive Summary

Motion to approve the budget amendment ordinance.

### **ORDINANCE NO. 2398**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

Councilman Harrison moved to approve **ORDINANCE NO. 2398**, seconded by Councilman Karr.

Before the vote, Ms. Ervin reviewed the amendments with the Council. There was no discussion, and the vote was taken as follows:

AYE: Councilman Mason, Smith, Harrison, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Councilman Mason moved to approve the EMERGENCY CLAUSE, seconded by Councilman Garvin. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Harrison, Karr, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

3. Discussion and possible action, on a recommendation by Councilman Sam Mason to rescind Ordinance 2391 (restriction on sales of pseudoephedrine) based on the Oklahoma Attorney General's Opinion. (*Councilman Sam Mason*)

Executive Summary

A recommendation to rescind Ordinance 2391.

### **ORDINANCE NO. 2399**

**AN ORDINANCE TO RESCIND ORDINANCE NO. 2391 THAT AMENDED CHAPTER 82; OFFENSES AND MISCELLANEOUS PROVISIONS, CREATED SECTION 82-3, RESTRICTION ON SALES OF PSEUDOEPHEDRINE, OF ARTICLE I, IN GENERAL AND DECLARING AN EMERGENCY.**

A motion was made by Councilman Garvin and seconded by Councilman Harrison to open the floor for discussion to rescind **ORDINANCE NO. 2391**.

Before the vote, Councilman Mason explained this had been submitted to the City Attorney for review and there had been suggestions to modify the draft to the form as it was submitted to the Council for consideration. He added that **ORDINANCE NO. 2391**, had been ruled as unenforceable by the Attorney General.

Mr. Ervin commented that the recommended changes were only to mirror the language used by the Attorney General.

There was discussion among the Council and the City Attorney concerning the Attorney General's opinion, why the original ordinance had passed on the matter and submitting a resolution to the Representatives informing them of the City's stand on this matter.

Councilman Mason moved to approve **ORDINANCE NO. 2391**, rescinding **ORDINANCE NO. 2391**. The motion was seconded by Councilman Harrison.

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

AYE: Councilman Garvin, Mason, Smith & Harrison

NAY: Councilman Karr & Mayor Priddle

Mayor Priddle declared the motion carried.

There was discussion among the Council and the City Attorney regarding the confusion about the EMERGENCY CLAUSE.

Councilman Harrison moved to approve the EMERGENCY CLAUSE, seconded by Councilman Mason.

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

AYE: Councilman Smith, Harrison, Garvin & Mason  
NAY: Councilman Karr & Mayor Priddle

Mayor Priddle declared the motion failed.

4. Consider, and act upon, a 2011-2012 Oklahoma Highway Safety Grant Agreement between the City of McAlester Police Department, and the Oklahoma Highway Safety Office. *(Jim Lyles, Police Chief)*

Executive Summary

Motion to Approve, and authorize the mayor to sign a 2011-2012 Oklahoma Highway Safety Grant Agreement in the amount of \$30,000.00.

Councilman Karr moved to approve and authorize the Mayor to sign a 2011-2012 Oklahoma Highway Safety Grant Agreement in the amount of \$30,000.00. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak explained that annually the McAlester Police Department received a Highway Safety Grant for the reimbursement of overtime for police officers to work highway safety. He added that the Grant authorized reimbursement of overtime up to \$24,000.00 and reimbursement for equipment up to \$6,000.00. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Harrison, Karr, Garvin, Mason, Smith & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

### **New Business**

There was no new business.

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

Manager Stasiak reported that the City had conducted testing of the Black Board Connect system the past two (2) days and it had worked very well. He stated that the replacement enclosure for the Recycling Center had been installed today and Vice-Mayor Browne had a company interested in the City's recycling material. He commented that the City had received a Justice Assistance Grant for \$10,000.00 and this would be used to purchase mobile radios. Manager Stasiak reported that the Fire Department had installed a toning system, which had been approved by the Council, and since that installation about ten (10) days ago every call has come through very clear. He stated that it was a great enhancement. He informed the Council that site B7 at the Industrial Park had been cleared and about seventeen (17) acres of B9 had been cleared. He announced that Mayor Priddle had been nominated for OML "Mayor of the Year" and the results would be announced Thursday, September 15<sup>th</sup> during the OML Business Meeting and Awards Breakfast.

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

Each of the Council congratulated Mayor Priddle on his nomination.

Councilman Smith mentioned the October 11<sup>th</sup> election for the restructuring of some of the City's debt. He stressed how important this election was and briefly explained that it would lower interest that was being charged on the debt and not raise any sales tax or extend the length of the debt.

Councilman Harrison urged the voters to vote at the October 11<sup>th</sup> election.

Councilman Karr asked about the results from the new Code enforcement process and if there was a schedule for street repairs that were connected to water line breaks. He also mentioned a new business on highway 69.

Manager Stasiak commented that the new Code enforcement process was having tremendous success and the street repairs were being systematically addressed.

Councilman Mason asked for an update on when the City would advertise for bids for the signalization at Wyandotte and Strong and commented that he would like to have that information by the next meeting. He also inquired about the status of the Allied Waste Contract and ordinance and requested that information at the next meeting.

Mr. Ervin explained that he had not yet met with Allied and he was working on continuity issues with the contract. He stated that the information would not be ready by the next meeting and that he wanted to make sure that the contract was correct when it was completed.

Councilman Mason asked if the Council could receive updates at each meeting.

Mr. Ervin stated that he could furnish the Council with updates.

Mayor Priddle expressed appreciation for the work that was being done by the City employees in their efforts to keep everything running and he stated that he had met with Berry Plastics in the Industrial Park about their issues when water is cutoff due to line breaks. He asked about a cut off valve that might be installed to allow water service to continue and if the companies could be notified whenever there were line breaks that would affect their business. He further explained that the coming election was to only refinance some of the City's debt with a lower interest rate.

## **Recess Council Meeting**

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Harrison moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Karr and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Mason, Smith, Harrison & Mayor Priddle

NAY: None



Mayor Priddle declared the motion carried and the meeting was recessed at 7:46 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:48 P.M.

Adjournment

There being no further business to come before the Council, Councilman Garvin moved for the meeting to be adjourned, seconded by Councilman Karr.

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

AYE: Councilman Karr, Garvin, Mason, Smith, Harrison & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:49 P.M.

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Kevin E. Priddle, Mayor

ATTEST:

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Cora Middleton, City Clerk