

The McAlester City Council met in Regular session on Tuesday, January 12, 2010, at 6:00 P.M. after proper notice and agenda was posted, January 15, 2010, at 3:50 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

- **Jack Hawkins, Central Christian Church**

ROLL CALL

Council Roll Call was as follows:

Present: Chris Fiedler, Donnie Condit, John Browne, Haven Wilkinson, Buddy Garvin, Sam Mason & Mayor Priddle

Absent: None

Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, Acting City Manager/Planning and Community Development Director; Gayla Duke, Chief Financial Officer; John Modzelewski, Public Works Director/City Engineer; David Medley, Utilities Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

CITIZENS' COMMENTS ON NON-AGENDA ITEMS

None

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 December 21, 2009, Rescheduled Regular Meeting of the McAlester City Council.** *(Cora Middleton, City Clerk)*
- B. **Approval of the Minutes from the December 28, 2009, Special Meeting of the McAlester City Council.** *(Cora Middleton, City Clerk)*
- C. **Approval of the Minutes from the December 30, 2009, Special Meeting of the McAlester City Council.** *(Cora Middleton, City Clerk)*

- D. Approval of Claims for December 22, 2009 through December 12, 2009.** (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$110,177.94; Parking Authority - \$143.18; Nutrition - \$610.45; Landfill Res./Sub-Title D - \$12,009.50; Police Grant Fund - \$780.00; SE Expo Ctr/Tourism Fund - \$2,655.61; E-911 - \$124,487.25; Economic Development - \$70,869.53 and Gifts & Contributions - \$1,250.00.
- E. Concur with Mayor's appointment of J. Michael Matkin to the Planning Commission Committee for a term that expires May 2010 (Filling the unexpired term of Ralph Nepveux).** (*Kevin E. Priddle, Mayor*)
- F. Concur with Mayor's appointment of J. Michael Matkin to the Board of Adjustment Committee for a term that expires March 2012.** (*Kevin E. Priddle, Mayor*)

Councilman Mason requested that item "A" be removed for individual consideration.

Councilman Mason moved for approval of the Consent Agenda items "B through F". The motion was seconded by Councilman Wilkinson. There was no discussion and the vote was taken as follows:

AYE: Councilman Fiedler, Condit, Browne, Wilkinson, Garvin, Mason & Mayor Priddle
 NAY: None

Mayor Priddle declared the motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

- A. Approval of the Minutes from the December 21, 2009, Rescheduled Regular Meeting of the McAlester City Council.** (*Cora Middleton, City Clerk*)

Councilman Fiedler moved to approve item "A" of the consent agenda. The motion was seconded by Councilman Condit.

Before the vote, Councilman Mason commented that the agenda notice date needed to be changed from Monday to Tuesday and the dates for the Martin Luther King, Jr. activities needed to be corrected to Friday, January 15th and Saturday, January 16th. He pointed out that on page nine (9) item ten (10) had been tabled to be brought back at the next meeting but that item was not on the current agenda. He then recommended that the City Clerk record tabled items and coordinate with Mr. Stasiak to insure that this oversight did not happen in the future.

Mr. Ervin remarked that Roberts Rules of Order stated tabled items remain on table until someone removed the item and that in the future an additional item could be added to the agenda such as "Items Previously Considered" for tabled items.

Councilman Mason asked if an individual scheduled an item for the agenda then requested that the item be withdrawn would a vote need to be taken to withdraw the item.

Mr. Ervin stated that he did not think a vote was required.

Mayor Priddle restated the motion as approval of Minutes from the December 21, 2009, Rescheduled Regular Meeting of the McAlester City Council with the changes as noted by Councilman Mason.

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

AYE: Councilman Condit, Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

1. Stormwater Program Update and Presentation to Mayor and City Council. (*Meshek & Associates, Brandon Claybourn, PE, CFM, Project Manager*)

Executive Summary

This item involves a presentation and update on the City Stormwater Program.

Councilman Browne moved to open the floor for the Stormwater Program Update and Presentation. The motion was seconded by Councilman Mason.

John Modzelewski introduced Brandon Claybourn of Meshek & Associates. Mr. Claybourn explained that he and John Hart had worked on this project for the past four (4) years and that the current permit would expire February 7, 2010. He added that they were preparing to apply for the next five (5) year permit. He then turned the presentation over to John Hart.

Mr. Hart reviewed the current program goals with the Council, explaining that they would be 100% complete with the current permit in the next few weeks. He reviewed the activities and procedures that had been taken for the current permit. He added that the City would only have ninety (90) days for the next permit term because the City had a current permit. He reviewed the requirements for the next permit and added that with the next permit DEQ enforcement would begin.

There was a brief discussion with the Council about any possible problems with the next permit application. There was no action taken on this item and Mayor Priddle asked for a motion to open the Public Hearing.

Councilman Fiedler moved to open the Public Hearing to consider the three (3) Ordinances on the agenda. The motion was seconded by Vice-Mayor Garvin. There was no discussion, and the vote was taken as follows:

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:28 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 amending Ordinance No. 2327 which established the budget for fiscal year 2009-2010; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (Correcting language)
- An Ordinance amending Ordinance No. 2327 which established the budget for fiscal year 2009-2010; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (Amending Budget)
- An Ordinance amending Chapter 106 of the McAlester Code of Ordinances, by adding Section 106-77, Establishing Raw Water Sales, providing for a severability clause; and declaring an emergency.

There were no comments or remarks on any of the Ordinances from the Council or citizens. Councilman Browne moved to close the Public Hearing. The motion was seconded by Councilman Fiedler. There was no discussion and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne, Wilkinson & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was closed at 6:29 P.M.

SCHEDULED BUSINESS

2. **Consider, and act upon, an Ordinance amending Ordinance No. 2327 which established the budget for fiscal year 2009-2010; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (Gayla Duke, Chief Financial Officer)**

Executive Summary

This agenda item involves a motion, which corrects wording in the original ordinance which adopted the FY 09-10 approved budget.

ORDINANCE NO. 2342

AN ORDINANCE AMENDING ORDINANCE 2327, ADOPTING THE BUDGET OF THE CITY OF McALESTER, OKLAHOMA FOR THE FISCAL YEAR 2009-2010.

Councilman Fiedler moved to approve **ORDINANCE NO. 2342**, seconded by Councilman Condit.

Before the vote, Ms. Duke explained that this was correcting some typographical and date errors that had been made in the original adopting ordinance.

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

AYE: Councilman Mason, Fiedler, Condit, Browne, Wilkinson, Garvin & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

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

AYE: Councilman Fiedler, Condit, Browne, Wilkinson, Garvin, Mason & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

3. **Consider, and act upon, an Ordinance amending Ordinance No. 2327 which established the budget for fiscal year 2009-2010; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (Gayla Duke, Chief Financial Officer)**

- **Exhibits A-1 through A-4.**

Executive Summary

This item involves a motion to approve the budget amendment ordinance.

ORDINANCE NO. 2343

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2327 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2009-2010; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Councilman Condit moved to approve **ORDINANCE NO. 2343**, seconded by Councilman Fiedler.

Before the vote, Ms. Duke explained that this was the follow up to make the official budget amendment for the water treatment plant improvements. She added that this would move funds from MPWA through the General Fund to apply toward the \$3.2 million debt. She stated that part of the project was funded from the CIP Fund and the remainder was from Grant revenue and Capital Outlay.

There was a brief discussion among the Council regarding the exhibits and the debt from the BKD audit findings.

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

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

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

AYE: Councilman Fiedler, Condit, Browne, Wilkinson, Garvin, Mason & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

4. Consider, and act upon, approving a contract with a new credit card processing company called ETS. (Gayla Duke, Chief Financial Officer)

Executive Summary

This item involves a motion to approve and execute the ETS Merchant Application and Agreement.

Vice-Mayor Garvin moved to approve a contract with a new credit card processing company called ETS. The motion was seconded by Councilman Condit.

Before the vote, Ms. Duke explained that City staff had already been looking into a new provider before she was hired. She stated that with this new provider the City would save approximately \$5,000.00 a year but would have to purchase two (2) new swipe card readers for the Utility Office and the Court Clerk's office.

Mayor Priddle stated that approval would be subject to the City Attorney's review and he would not sign the Personal Guaranty provision of the application. Councilman Condit asked if the City had the ability to automatically charge an individuals credit card.

Ms. Duke commented that they were working toward online payments and when that was setup then the citizen would have the option of how payments were made. Councilman Fiedler thanked Ms. Duke for moving this forward commenting that this would make it easier for the citizens to pay their bills.

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

AYE: Councilman Condit, Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

5. Consider, and act upon approving an additional contract and documentation for Intermedix, the billing and collection provider for the ambulance services. Said contract provide for electronic check processing. . (Gayla Duke, Chief Financial Officer)

Executive Summary

This item involves an approval to execute the contracts and documentation for Intermedix.

Councilman Fiedler moved to approve an additional contract and documentation for Intermedix, the billing and collection provider for the ambulance services. The motion was seconded by Councilman Condit.

Before the vote, Ms. Duke explained that this was connected to the ambulance billing service and had been left out of the previous agreement. She added that this would allow for payments received by the service to be electronically processed and there would be no fees for this service to the City.

Mayor Priddle commented that he would make the approval subject to completion of required information and review by the City Attorney.

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

AYE: Councilman Browne, Wilkinson, Garvin, Mason, Fiedler, Condit & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

6. Consider, and act upon, a Letter of Intent and Approval to Proceed with Audit for Performance Contracting Program for the City's water meter system upgrade with Siemens Industry, Inc. (David Medley, Utilities Director)

Executive Summary

This item involves a motion to approve and authorize the Mayor to sign the Letter of Intent and proceed with Audit for Performance Contracting Program for the City's water meter system upgrade.

Councilman Wilkinson moved to approve a Letter of Intent and Approval to Proceed with Audit for Performance Contracting Program for the City's water meter system upgrade with Siemens Industry, Inc. The motion was seconded by Councilman Condit.

Before the vote, David Medley commented that he felt this was a worthy endeavor for the City and would help improve customer service to the citizens.

Mayor Priddle explained for the audience that this system would allow for automatic meter reading on a regular schedule from City Hall, it would alert the Utility Office of line breaks, leaks and tampering with City meters.

Ron Roller reviewed the project and the results of the preliminary audit with the Council. He explained that this would impact customer service in a positive way. It would allow for continuous meter reading, alerts when leaks were detected and aid in customer account changes. He commented that this would allow for more detailed and accurate records. He stated that the objective was to replace every meter in town not to retro fit the meters. Mr. Roller explained that this project would pay for itself and help reduce employee costs in the Utility Department with an estimated approximate \$400, 000.00 savings per year. He stated that they would guaranty a 98.5% accuracy of the new meters when they were installed. He then reviewed the letter of intent with the Council.

There was a lengthy discussion among the Council which included Mr. Roller regarding the \$50,000.00 fee for the Audit Services, cost of the meters, time to complete the audit, and dividing the test meters equally within the six (6) wards. During this discussion, Vice-Mayor Garvin stated that if the City went forward with this project he would like to have one of the test meters placed at his residence so he could accurately report on the performance of the meters. There was continued discussion among the Council regarding the funding of the project, which entity of the City could actually incur the debt for the project, how long it would take for the City to realize any increased revenue and the possibility of conducting a workshop to further review all of the aspects of the performance based agreement.

Mr. Ervin commented that there were a lot of wild card conditions to consider with this project and for the Council to adopt the agreement they needed to consider all of the contingencies and those contingencies needed to be included in the agreement.

Mayor Priddle stated that the Council would postpone this item and consider at an open workshop. He added that they would consider all options. Councilman Mason stated that the postponement would be without a time frame. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne, Wilkinson & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

7. Consider, and act upon, Change Order No. 3 for the 14th St. & Village Blvd. Utility Extensions Project with Bravo Construction, Inc. of Wilburton, Ok. (David Medley, Utilities Director)

Executive Summary

This item involves a motion to authorize a change order #3 for the 14th St. & Village Blvd. Utility Extensions Project.

Councilman Mason moved to approve Change Order No. 3 for the 14th St. & Village Blvd. Utility Extensions Project with Bravo Construction, Inc. of Wilburton, Ok. The motion was seconded by Councilman Browne.

Before the vote, David Medley explained that this Change Order adjusted the Contract completion date to February 19, 2010 and there would be no additional costs associated with this change.

There was a brief discussion among the Council concerning the length of time the contract was taking, if the contractor could complete the work within the new time limitation, who decided what was considered inclement weather and giving the contractor sixty (60) more days instead of thirty-four (34). Mayor Priddle restated the motion to read “approve Change Order No. 3 for the 14th St. & Village Blvd. Utility Extensions Project with Bravo Construction, Inc. of Wilburton, Ok for an additional sixty (60) days and a completion date of March 17, 2010.

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

AYE: Councilman Mason, Fiedler, Condit, Browne, Wilkinson, Garvin & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

8. **Consider, and act upon, an Ordinance amending Chapter 106 of the McAlester Code of Ordinances, by adding Section 106-77, is establishing raw water sales, providing for a severability clause; and declaring an emergency. (David Medley, Utilities Director)**

Executive Summary

This item involves approving an ordinance amending Chapter 106 of the McAlester Code of Ordinances, by adding Section 106-77, establishing raw water sales.

ORDINANCE NO. 2344

AN ORDINANCE AMENDING CHAPTER 106 OF THE McALESTER CODE OF ORDINANCES, BY ADDING SECTION 106-77, ESTABLISHING RAW WATER SALES, PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Councilman Condit moved to approve **ORDINANCE NO. 2344**, the motion was seconded by Councilman Fiedler.

Before the vote, David Medley stated that this Ordinance would make provisions for raw water sales. He commented that the City had been approached by several companies interested in obtaining raw water and using it for gas or oil well operations and could potentially be a considerable source of revenue for the City. He added that there would be no cost for equipment of labor for the City associated with the raw water sales.

There was a brief discussion among the Council regarding where the water was going, individual contracts for each company, allowing the City Manager to perform background checks of the companies, reviewing the results in a few months, allowing the City to validate the meter readings and not allowing reset able meters.

Mr. Ervin commented that this was a draft Ordinance and could be amended as the Council saw fit. Councilman Mason requested that the Ordinance be amended to include item "J" concerning non-reset able meters.

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

AYE: Councilman Fiedler, Condit, Browne, Wilkinson, Garvin, Mason & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

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

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

9. Report on City of McAlester's Solid Waste Collection, Removal and Disposal. (*John C. Modzelewski, PE, Engineering/Public Works Director*)

Executive Summary

This item involves a report on City of McAlester's Solid Waste Collection, Removal and Disposal.

Councilman Wilkinson moved to open the floor for the report on the City of McAlester's Solid Waste Collection, Removal and Disposal. The motion was seconded by Councilman Fiedler.

Before the vote, Mr. Modzelewski addressed the Council explaining that the City had received three (3) proposals for solid waste removal, one of which was an informational packet. He added that he was currently comparing the City's costs with the remaining two (2) proposals. He commented that he was proposing that the City go to once a week trash pickup and he would furnish information to the residents about what was allowable for the curbside pickup.

There was considerable discussion among the Council including Mr. Modzelewski regarding when the change would occur, what the savings to the City would be, possibly reducing the fee for the service, enforcing when the trash could be taken to the curb, that a task force had recommended once a week trash pickup and how holidays would be handled once the change was enacted. Mr. Modzelewski stated that pickups would slide days so all pickups were made during the week. There was no further discussion, and no vote was taken.

10. Consider, and act upon, partnering with KiBois and the City of McAlester for a cardboard recycling program. (*Peter J. Stasiak, Acting City Manager*)

Executive Summary

This item involves authorizing the Mayor to sign an MOU between KiBois and the City of McAlester on a cardboard recycling program.

Councilman Browne moved to approve partnering with KiBois and the City of McAlester for a cardboard recycling program. The motion was seconded by Councilman Condit.

Before the vote, Mr. Stasiak explained that this had been sent back to gather additional information. He explained that KiBois would furnish a backup bailer, provide a location at 609 E. Peoria, pour a concrete pad, provide a cover for the pad, they would be responsible for security of the property, provide 3-phase wiring, secure a hauling company to pickup at designated areas, provide employees and agree to pay 25% of the profit to the City of McAlester for providing the cardboard bailer. He stated that the City of McAlester would be responsible for the following, provide one (1) cardboard bailer it currently owns in working condition and deliver it to the facility, insurance on the City bailer and maintenance on the City's bailer at the City's discretion due to funding. He added that the MOU had been approved by the KiBois Board and as to legality by the City Attorney. He continued that he would like to see the City require quarterly updates and set the expiration date as June 30, 2010. He then explained that he would like to gradually change all contracts to end at the end of the fiscal year.

There was discussion among the Council, including Mr. Stasiak, concerning who carried the insurance, who carried insurance against injury, agreeing with the quarterly reports and thanking KiBois for helping to get this moving forward.

Mayor Priddle restated the motion to read “approve partnering with KiBois and the City of McAlester for a cardboard recycling program, ending the contract on June 30, 2010 and requiring quarterly updates.”

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

AYE: Councilman Condit, Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

NEW BUSINESS

None

CITY MANAGER’S REPORT

Mr. Stasiak reported that the City would be observing, Monday as the Martin Luther King, Jr. holiday and Tuesday, would be the City’s second furlough day.

REMARKS AND INQUIRIES BY CITY COUNCIL

Councilman Fiedler welcomed Ron Cornelius the General Manager of the Comfort Inn to McAlester.

Councilman Condit encouraged everyone to attend the Martin Luther King, Jr. banquet.

Councilman Browne also encouraged any that could to attend the Martin Luther King, Jr. service at Grand Avenue Methodist Church. He introduced and welcomed the new Main Street director, Kathy Wall. He mentioned that CASA was in need of advocates and the downtown merchants were still encouraging the citizens to shop at home.

Councilman Wilkinson thanked J.T. Collier for his efforts with Pride In McAlester and that Fourth (4th) Ward had benefited tremendously.

Vice-Mayor Garvin recommended posting the Martin Luther King, Jr. banquet.

Councilman Mason inquired about the status of the Code of Conduct and the Strategic Plan proposals. Mr. Stasiak stated that he had planned on incorporating the Code of Conduct into a new Personnel Manual but the Personnel Manual would not be completed as quickly as he had thought, so he would produce a separate booklet of the Code of Conduct for distribution within the next twenty (20) to thirty (30) days. He commented that the Requests for Information had been received and he had his administrative assistant send out the rejection letters today and the

proposals would be sent out tomorrow. He added that he expected the responses to the proposals to take approximately three (3) weeks.

Mayor Priddle commented that J.T. Collier would remain on the Board for Pride in McAlester and that Mark Wilkett had been nominated for President.

RECESS COUNCIL MEETING

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

AYE: Councilman Browne, Wilkinson, Garvin, Mason, Fiedler, Condit & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 8:37 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 8:39 P.M.

ADJOURNMENT

There being no further business to come before the Council, Councilman Wilkinson moved for the meeting to be adjourned, seconded by Councilman Condit. The vote was taken as follows:

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne, Wilkinson & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 8:40 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk