

The McAlester City Council met in Regular session on Tuesday, September 28, 2010, at 6:00 P.M. after proper notice and agenda was posted, September 24, 2010, at 5:00 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

Pastor Glen Meyer of Trinity Lutheran Church gave the invocation and led the Pledge of Allegiance.

ROLL CALL

Council Roll Call was as follows:

Present: Chris Fiedler, Steve Harrison, John Browne, Robert Karr, Buddy Garvin & Kevin Priddle
Absent: None
Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, City Manager; Mel Priddy, Community Services Director; David Medley, Utilities Director; William J. Ervin, City Attorney and Karen Boatright, Deputy City Clerk

Citizen's Comments on Non-agenda Items

There were no citizen comments.

Consent Agenda

- A. Approval of the Minutes from the September 14, 2010, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of assigning additional duties for the City Clerk: Supervision of Central Receptionist for the City of McAlester. (*Peter J. Stasiak*)
- C. Accept and place on file MPOWER Economic Development Third Quarter Report. (*Shari Cooper, Executive Director*)
- D. Approval of Claims for September 15, 2010 through September 28, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$130,225.86; Parking Authority - \$124.67; Nutrition - \$1,381.37; Landfill Res./Sub-Title D - \$72,331.00; State Forfeiture Fund - \$13,355.22; Educational Fund - \$144,932.63; Tourism fund - \$201.00; SE Expo Ctr/Tourism Fund - \$4,398.58; E-911; \$3,725.64; Gifts & Contributions - \$12,960.65; Fleet Maintenance - \$3,502.53; CIP Fund - \$1,723.85 and Federal Forfeiture Fund - \$65,315.76.
- E. Approval of Mayor and City Councilmen who are interested in attending OML 2010 District Dinner Meeting; Cost per person is \$30.00.
- F. Approval of Mayor and City Councilmen who are interested in attending an OKRA Recycling Seminar in Stillwater on Friday, October 15, 2010. Cost per person is \$40.00 per person – includes continental breakfast, lunch and breaks. If lodging is required the cost is \$89.00 per night.

Councilman Harrison moved to approve the Consent agenda. The motion was seconded by Vice-Mayor Browne. There was no discussion and the vote was taken as follows:

AYE: Councilman Fiedler, Harrison, Browne, Karr, Garvin & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

Councilman Fiedler moved to open a Public Hearing to address an ordinance amending the Budget for Fiscal Year 2010-2011. The motion was seconded by Councilman Harrison, and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Karr, Garvin, Fiedler & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:04 P.M.

Public Hearing

- **AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2361 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2010-2011; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

There were no comments from the citizens or the Council and Councilman Karr moved to close the Public Hearing. The motion was seconded by Councilman Harrison. There was no discussion, and the vote was taken as follows:

AYE: Councilman Browne, Karr, Garvin, Fiedler, Harrison & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the Public Hearing was closed at 6:05 P.M.

Scheduled Business

1. Presentation by Bill Gray, Oklahoma District Director of the Gold Wing Road Riders Association regarding the 2011 State Convention at the Southeast Expo Center October 27-29, 2011. (*Jerry Lynn Wilson and Bill Gray*)

Executive Summary

To support the Gold Wing Road Riders Association and agree to partner with them for the Expo Center facility charges of \$2,875.00 in the 2011/2012 budget year.

Councilman Fiedler moved to open the floor for a presentation by Bill Gray, Oklahoma District Director of the Gold Wing Road Riders Association regarding the 2011 State Convention at the Southeast Expo Center October 27-29, 2011. The motion was seconded by Councilman Garvin.

Before the vote, Bill Gray addressed the Council regarding a request by the Gold Wing Road Riders Association for the City of McAlester to partner with them to hold the 2011 State Convention at the Southeast Expo Center during October 27-29, 2011. He stated that this Convention would bring individuals to McAlester that would stay in the hotels and eat and shop at local restaurants and businesses. He commented that the Convention would be open to members but the vendors would be opened to everyone.

There was a brief discussion among the Council regarding the Convention, other scheduled events, not obligating a future Council and deciding to take a vote to show support for the future convention.

Mayor Priddle stated that the motion was to accept the presentation and to support the State Convention of the Gold Wing Road Riders Association to be held at the Southeast Expo Center October 27 through 29, 2011. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Fiedler, Harrison, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

2. (1) Consider, and act upon, a Partnership Request by Kellye Medley, Committee President/Event Coordinator of the Ryan McAfee Memorial Scholarship Fund, for the use of the Southeast Expo Center for the Matthew West Concert scheduled October 30, 2010 by partnering with them in the amount of \$875.00.

(2) Consider, and act upon, a request for this group to provide & operate concession inside the Expo. (*Kellye Medley, Committee President/Event Coordinator, Jerry Lynn Wilson, Expo Center Manager, Mel Priddy, Director Community Services*)

Executive Summary

(1) Consider approval of Partnership Request in the amount of \$875.00.

(2) To deny their request to have concession per Item # 6 of the Rules and Regulations of the Expo which state "City of McAlester, Expo Center, retains all rights to food and beverage concessions".

A motion was made by Councilman Fiedler and seconded by Vice-Mayor Browne to approve a Partnership Request by Kellye Medley, Committee President/Event Coordinator of the Ryan McAfee Memorial Scholarship Fund, for the use of the Southeast Expo Center for the Matthew West Concert scheduled October 30, 2010 by partnering with them in the amount of \$875.00.

Before the vote, Ms. Medley addressed the Council explaining that last year this event brought in approximately four thousand (4,000) people. She stated that last year the concert had a sponsor but this year there was no sponsor. She added that she was requesting the City partner with her committee in the amount of \$875.00.

Mayor Priddle commented that the agenda item requested \$875.00 but the request form behind it was in the amount of \$1,125.00 and he wanted to verify the correct amount. He also stated that the agenda item listed two (2) separate requests that her committee was making.

Ms. Medley explained that last year the event was originally slated to be outside and they had arranged for a vendor to be outside as well. She added that at the last minute the concert had to be moved inside because of the weather and the vendor was not allowed to come inside the Expo and set up.

There was a brief discussion among the Council concerning vendors being allowed to set up within the Expo and if two (2) separate votes were needed to address this agenda item.

Mayor Priddle moved to address these requests as two (2) separate items and partner with the committee for the Ryan McAfee Memorial Scholarship Fund, for the use of the Southeast Expo Center for the Matthew West Concert scheduled October 30, 2010 by partnering with them in the amount of \$1125.00. The motion was seconded by Vice-Mayor Browne.

Before the vote, Councilman Harrison commented that he thought that this was a fantastic event but he had concerns about the stipulation that the City could partner with organizations for educational and economic development projects if the project was open to the public and no fee was charged to the residents of the City of McAlester. He stated that it appeared that there would be a fee charged for this concert.

There was a brief discussion among the Council concerning the use of Tourism funds to partner with this group and waiving the fee and developing guidelines for future use of the Tourism funds.

Mayor Priddle amended the motion to read "approve partnership request in the amount of \$1,125.00, to be appropriated out of the Tourism fund." The motion was seconded by Vice-Mayor Browne. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Fiedler, Harrison, Browne, Karr & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Mayor Priddle explained that the second part of in this agenda item was a request for this group to provide and operate concessions inside the Expo. Councilman Karr moved to approve the request for this group to provide and operate concessions inside the Expo, seconded by Councilman Fiedler.

Before the vote, Manager Stasiak explained that this would establish an exception and that wasn't something the City would want to do. There was a brief discussion among the Council regarding this request, problems that could arise from this request, possibly changing the guidelines that govern the Expo's concessions. Councilman Harrison moved to deny the request for this group to provide and operate concessions inside and outside the Expo. The motion was seconded by Councilman Fiedler.

Before the vote, Mayor Priddle clarified that a yes vote was to deny the request. The vote was taken as follows:

AYE: Councilman Fiedler, Harrison, Browne, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

3. Consider, and act upon a lease with Wallace Air, LLC, the City of McAlester, and the McAlester Airport Authority to build a 6400 sq. ft. hangar at the McAlester Airport. (*Mel Priddy, Director of Community Services*)

Executive Summary

A motion to approve a lease with Wallace Air, LLC to build a 6400 sq. ft. hangar at the McAlester Airport.

Councilman Garvin moved to approve a lease with Wallace Air, LLC, the City of McAlester, and the McAlester Airport Authority to build a 6400 sq. ft. hangar at the McAlester Airport. The motion was seconded by Councilman Fiedler.

Before the vote, Mel Priddy explained that Wallace Air was requesting to build a hangar at the City of McAlester's Municipal Airport. The City's Engineering department had approved the plans and the City's airport consultant had been contracted to design the hangar and insure that it met all FAA regulations. Mayor Priddle added that this lease would be for twenty-five (25) years and at the end of said lease the hangar would become the property of the City.

Councilman Harrison asked about a checklist similar to that used for hotel construction be developed so the Council could have a better understanding of what they were being asked to approve.

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

AYE: Councilman Fiedler, Harrison, Browne, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

4. Consider, and act upon, five (5) items dealing with the City of McAlester FY 2011 NPE Airport Development Grant to improve runways 2-20 safety areas, remove runway 2-20 approach surface obstruction, and improve ROFA east of runway 2-20. (*Mel Priddy, Director of Community Services*)

Executive Summary

A motion to approve five (5) items regarding the FY 2011 NPE Airport Development Grant.

Councilman Fiedler moved to approve the five (5) items dealing with the City of McAlester FY 2011 NPE Airport Development Grant to improve runways 2-20 safety areas, remove runway 2-20 approach surface obstruction, and improve ROFA east of runway 2-20. The motion was seconded by Councilman Harrison.

Before the vote, Mel Priddy explained that these were items that LBR, the City's airport consultant needed the City to sign off on to move forward on the City's grant.

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

AYE: Councilman Karr, Garvin, Fiedler, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

5. Consider, and act upon, Change Order No. 4 – Final and Contractor’s Pay Estimate No. 5 – Final for the 14th Street & Village Blvd. Utility Extensions Project. Change Order No. 4 reconciles the final quantities and results for a deduction of \$235.09 to the contract amount resulting in a final contract amount of \$469,959.12. (*David Medley, PE Director of Utilities*)

Executive Summary

A motion to approve final payment for the 14th Street & Village Blvd. Utility Extensions Project to Bravo Construction Inc. of Wilburton, Oklahoma and authorization for the Mayor to sign Change Order No. 4 and the Final Application of Payment.

Councilman Karr moved for approval of Change Order No. 4 – Final and Contractor’s Pay Estimate No. 5 – Final for the 14th Street & Village Blvd. Utility Extensions Project. Change Order No. 4 reconciles the final quantities and results for a deduction of \$235.09 to the contract amount resulting in a final contract amount of \$469,959.12. The motion was seconded by Councilman Garvin.

Before the vote, David Medley explained that the contractor for the 14th Street and Village Blvd. Utility Extensions Project had completed all deficiencies associated with the project. He stated that the Contractor’s Certificate and Guarantee that all work had been completed in accordance with the contract documents, written warranty letter for one (1) year for the effective date of completion and certification that all bills had been paid and no liens existed. He added that the City’s Engineer on the project had recommended approval of the final payment estimate.

Councilman Harrison stated that within this item was a letter from Bravo Construction advising the City that they were not waiving its legal claim that was pending. Mr. Ervin stated that he would advise the City to make the final payment and in so doing would be completing the contract.

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

AYE: Councilman Fiedler, Harrison, Browne, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

6. Consider, and act upon a revised work order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the U.S. 69 Water and Sewer Utilities Relocation ODOT State Job No. 14999(06) as required by the Oklahoma Department of Transportation. (*David Medley, PE Director of Utilities*)

Executive Summary

This item involves a motion to approve and authorize the Mayor to sign the revised work order for Mehlburger Brawley to complete work required for U.S. 69 Utility Relocate, ODOT State Job No.14999 (04) for a Total Not To Exceed fee of \$50,000 for the engineering and \$44,600 for the residential inspection upon review and approval by the City Attorney’s Office.

Mayor Priddle explained that this item would be pulled as no funds had yet been appropriated. Manager Stasiak stated that this would be brought back to the Council at the October 12th meeting with funding.

7. Consider, and act upon a Utility Relocation Agreement with the Oklahoma Department of Transportation to relocate water and sewer utilities required for the design and construction of the U.S. Highway 69 Comanche Avenue Interchange project. (*David Medley, PE Director of Utilities*)

Executive Summary

A motion to approve and authorize the Mayor to sign the Utility Relocation Agreement for water and sewer utilities relocation to complete work required for U.S. 69 Utility Relocate, ODOT State Job No.14999 (06) upon review and approval of by the City Attorney’s Office.

Councilman Harrison moved to approve a Utility Relocation Agreement with the Oklahoma Department of Transportation to relocate water and sewer utilities required for the design and

construction of the U.S. Highway 69 Comanche Avenue Interchange project. The motion was seconded by Councilman Garvin.

Before the vote, David Medley explained that these Utility Relocation agreements were for water and sewer utilities. He added that they explained the City's and the Oklahoma Department of Transportation's portions of the engineering and construction costs. He stated that this change would allow an additional connection to the east side of the Bypass.

Vice-Mayor Browne expressed his concerns about the construction of a highway that would allow limited access to the businesses and speed people through town.

Mr. Medley commented that the Council had previously approved the utility relocation and this item would allow ODOT to pay a portion of the cost.

There was discussion among the Council concerning the previous agreement, when this work would be started, and how quickly ODOT would begin their part of the construction. Mr. Ervin explained that this was a technical revision to an agreement that was already in place. He stated that the utilities would be relocated with or without the cooperation of the City and it was the Council's responsibility to move the utilities. He added that these agreements were legal and correct. There was further discussion among the Council and Mr. Ervin regarding the concerns that this highway reconstruction was creating, how the Council could affect the reconstruction, how the City could effectively address these concerns and what tabling this item would do. Mr. Stasiak explained that tabling this item would not have much effect because the City already had an encroachment agreement.

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

AYE: Councilman Karr, Garvin, Fiedler, Harrison & Mayor Priddle

NAY: Vice-Mayor Browne

Mayor Priddle declared the motion carried.

8. Consider, and act upon, an Ordinance amending Ordinance No. 2361 which established the budget for fiscal year 2010-2011; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Gayla Duke, Chief Financial Officers*)

Executive Summary

This item involves amending Ordinance No. 2361 which established the budget for fiscal year 2010-2011.

ORDINANCE NO. 2373

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2361 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2010-2011; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to approve **ORDINANCE NO. 2373**, amending the Fiscal Year 2010-2011 Budget.

Before the vote, Manager Stasiak explained that this was an amendment for the purchase of a 2009 F150 truck for the Utility Maintenance Department. He added that this vehicle was being purchased from Nix Ford in McAlester.

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

AYE: Councilman Karr, Garvin, Fiedler, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Councilman Fiedler moved to approve the EMERGENCY CLAUSE, seconded by Vice-Mayor Browne.

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

AYE: Councilman Garvin, Fiedler, Harrison, Browne, Karr & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

9. Consider, and act upon, authorizing the Mayor to sign an agreement with James Earl Tannehill for the storage and display of an electric chair formerly housed at the Oklahoma State Penitentiary. (*Mayor, Kevin E. Priddle*)

Executive Summary

A motion to approve the authorizing the Mayor to sign an agreement with James Earl Tannehill for the storage and display of the electric chair formerly housed at the Oklahoma State Penitentiary. The Oklahoma Prisons' Historical Association no longer provides a museum for display of the electric chair.

Councilman Garvin moved to authorize the Mayor to sign an agreement with James Earl Tannehill for the storage and display of an electric chair formerly housed at the Oklahoma State Penitentiary. The motion was seconded by Councilman Karr.

Before the vote, Mayor Priddle explained that there had been a previous agreement that transferred ownership of the Oklahoma State Penitentiary electric chair to the City of McAlester. He stated that the State had closed the museum the City wished to reclaim ownership of the chair.

There was a brief discussion regarding the electric chair and the museum that Mr. Tannehill planned to construct and operate in North Town.

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

AYE: Councilman Fiedler, Harrison, Browne, Karr, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

10. A presentation and discussion regarding the Tulsa State Fair Booth 2010. (*Councilman, Chris Fiedler*)

Executive Summary

The item involves a discussion on the Tulsa State Fair Booth 2010 and update.

Councilman Fiedler distributed a schedule of air times for the live broadcast from the Fair. He commented on the number of sponsors that had been involved with this endeavor. He then presented the Council with the video that would be playing at the City's booth at the Fair. He mentioned that there would be a webcam running when they were not televising from the Fair.

New Business

Manager Stasiak commented that he had received new information concerning the landfill and he felt the Council would need a work session to go over this information.

City Manager's Report

Manager Stasiak commented that the Council had been very good in furnishing equipment for the City. He reported that the Recycling Center was in day seven (7) and had been doing very well. He asked that every body participate because everything that was recycled did not go to the City's landfill.

Remarks and Inquiries By City Council

Councilman Fiedler wished Vickie Moore a speedy recovery.

Councilman Harrison commented that even though the Recycling Center was not staffed all of the time it was open 24-7 and was available to everybody, not just City residents.

Vice-Mayor Browne stated that Taste of Southeast Oklahoma was scheduled at the Expo on October 19, 2010 from 6:00 P.M. to 8:30 P.M. He mentioned the various businesses that were participating and that this event was being put on by CASA. He also mentioned the price and how to obtain tickets for the event.

Councilman Karr asked that the posts along the scale at the landfill be looked at. He commented that the very end posts were positioned in a way that they could be damaged.

Councilman Garvin stated that the Old Town Festival had been a success and he thanked the City staff for all of their hard work. He expressed appreciation for all of the work being done in Fifth Ward. He then inquired about the status of the "Gradall" (Hydroscopic Telescoping Boom Excavator).

Manager Stasiak informed the Council that he had been working with the bank and Ms. Duke and he would be presenting an agenda item on the October 12, 2010 meeting concerning the purchase and lease of that piece of equipment.

Mayor Priddle inquired about the performance of the DuraPatcher.

Manager Stasiak commented that it was doing everything that had been expected and was currently working around all of the schools. He stated that it would then be moved into the central business district to begin repairs.

Mayor Priddle thanked all of the City employees for the work that they have done. He mentioned that the Tulsa State Fair would be opening this week and the City's booth this year was larger than last year's booth. He commented that he would not be around tomorrow because he was becoming a Grandpa for the first time.

Recess Council Meeting

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities. Vice-Mayor 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 Karr, Garvin, Fiedler, Harrison, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:45 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 Fiedler moved for the meeting to be adjourned, seconded by Vice-Mayor Browne. There was no discussion, and the vote was taken as follows:

AYE: Councilman Browne, Karr, Garvin, Fiedler, Harrison & Mayor Priddle
NAY: None

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

Kevin E. Priddle, Mayor

ATTEST:

Karen Boatright, Deputy City Clerk