

The McAlester City Council met in Regular session on Tuesday, October 12, 2010, at 6:00 P.M. after proper notice and agenda was posted, October 8, 2010, at 5:10 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

Councilman Garvin 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; John Modzelewski, City Engineer/Public Works Director; David Medley, Utilities Director; Gayla Duke, Chief Financial Officer; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Meredith Harris a member of Inner City Productions addressed the Council regarding an event that had been planned for Saturday, October 16, 2010 at Hunter Park, beginning at 1:00 P.M. Ms. Harris explained that this was a campaign to "Save the Children" called "Lets Move". She informed the Council that they needed three (3) things from the City which were support, a signed proclamation and participation.

Recognition of Employee of the Month

Mayor Priddle recognized Susan Wadsworth as September Employee of the Month and Timmy Don Adams as August Employee of the Month. Each employee received a certificate, plaque and a savings bond.

Consent Agenda

- A. Approval of Claims for September 29, 2010 through October 12, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$46,704.92; Nutrition - \$725.25; Landfill Res./Sub-Title D - \$9,299.00; Police Grant Fund - \$1,779.60; State Forfeiture Fund - \$1,808.00; Tourism fund - \$3,150.00; SE Expo Ctr/Tourism Fund - \$9,234.46; E-911 - \$4,115.71; Economic Development - \$18,821.91; Gifts & Contributions - \$1,370.46; Fleet Maintenance - \$26,054.06 and CIP Fund - \$19,758.40.
- B. Accept and Place on file revised Fiscal Year 2011 Budget for Southeastern Public Library System of Oklahoma. (*Cora Middleton, City Clerk*)
- C. Accept and Place on File Southeastern Public Library System of Oklahoma FY 2010 Audit. (*Cora Middleton, City Clerk*)

Councilman Garvin moved to approve the Consent agenda. The motion was seconded by Councilman Karr.

Before the vote, Manager Stasiak commented that there was a \$40.00 check to the Oklahoma State University on the claims that would be voided. Mayor Priddle stated that since the claims were going to be modified item "A" would be pulled. 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.

Items Removed from Consent Agenda

- A. Approval of Claims for September 29, 2010 through October 12, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$46,704.92; Nutrition - \$725.25; Landfill Res./Sub-Title D - \$9,299.00; Police Grant Fund - \$1,779.60; State Forfeiture Fund - \$1,808.00; Tourism fund - \$3,150.00; SE Expo Ctr/Tourism Fund - \$9,234.46; E-911 - \$4,115.71; Economic Development - \$18,821.91; Gifts & Contributions - \$1,370.46; Fleet Maintenance - \$26,054.06 and CIP Fund - \$19,758.40.

A motion to approve item "A", claims with the removal of a \$40.00 item was made by Councilman Harrison and seconded by Vice-Mayor Browne. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion.

Councilman Harrison moved to open a Public Hearing to address an ordinance amending the Budget for Fiscal Year 2010-2011. The motion was seconded by Councilman Fiedler, 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 opened at 6:11 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 Garvin 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 Karr, Garvin, Fiedler, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the Public Hearing was closed at 6:12 P.M.

Scheduled Business

1. Discussion and possible action, the formation of an Economic Development and Arts District to promote capital investment and job creation for the community. (*Councilman, John Browne*)

Executive Summary

Discussion and possible action declaring Choctaw Avenue from Main Street to Atwood's (approximately 7th. Avenue) an Economic Development and Arts District with incentives for capital investment and job creation.

Vice-Mayor Browne moved to open the floor for discussion and possible action concerning the formation of an Economic Development and Arts District to promote capital investment and job creation for the community. The motion was seconded by Councilman Fiedler.

Before the vote, Vice-Mayor Browne stated that this would be a test program and specifically in place for a set period. If it were to work out it could be extended and from the research he had done this had not been tried before in Oklahoma. This would create an Economic Development and Art District Downtown with an enrollment period of ninety (90) to one hundred-twenty (120) days and the program would last for one (1) year. It would include new retail, art related businesses or expansion of existing businesses. The district would cover from Main Street through to Atwoods and on both sides of east Choctaw. He explained that the City would give up to a 50% sales tax rebate on sales from new retail, art or from expansion related sales. He commented that there were ten (10) to twelve (12) empty buildings in the Downtown area. He added that he would like to set up a workshop to further discuss this suggestion.

There was discussion among the Council concerning including the Atwoods building, what the City could legally do, developing an Ordinance to specifically address this issue and what the downfalls of this idea could be.

Joyce Carlson addressed the Council regarding her concerns about the idea.

There was further discussion among the Council concerning this idea. Main Street Director, Kathy Wall addressed the Council supporting the idea. She commented that it would not hurt the City.

Mayor Priddle commented that the Council would have the City Manager and the City Attorney work to see what could and needed to be done, specifically obtaining the legal parameters. Manager Stasiak recommended bringing in the Community Development Department and the Planning Committee. There was no vote on this item.

2. Consider, and act upon, a Resolution approving a change in the amortization method for the City of McAlester Defined Benefit retirement Plan and Trust. (*Gayla Duke, CFO*)

Executive Summary

A motion to approve the Resolution. In addition, the Audit and Finance Committee has recommended approval of same.

Councilman Harrison moved for approval of RESOLUTION NO. 10-13, making a change in the amortization method for the City of McAlester Defined Benefit Retirement Plan and Trust. The motion was seconded by Councilman Fiedler.

Before the vote, Gayla Duke introduced Mr. Bruce Nordstrom.

Mayor Priddle updated the Council saying that about eighteen (18) months ago the City had a study done on the Defined Benefit Retirement Plan to see how it was reacting to the market and to verify what its true experience in the market was.

Mr. Nordstrom briefly reviewed the Comparison of Amortization Methods with the Council. He compared the thirty (30) year closed period to the thirty (30) year open period and how each method would handle changes in the market and how it would affect the annual required contribution to the Plan. He emphasized that the thirty (30) year open period would allow the plan to keep funding smooth and he recommended that the unfunded Plan liabilities prior to July 1, 2009 should remain a thirty (30) year closed period ending June 30, 2026, and that unfunded Plan liabilities arising after June 30, 2009, should be a thirty (30) year open period.

There was a brief discussion among the Council concerning the review of the Resolution by the City Attorney and if any shortfalls should remain on the books until they were paid.

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.

3. A Presentation of the Actuarial Report as of July 1, 2010, for the City of McAlester Defined Benefit Retirement Plan and Trust by Bruce R. Nordstrom, ASA, EA, MAAA,

Principal and Senior Consulting Actuary, Apex Global Partners, Inc - Benefit Partners Division and a motion to accept and place on file the Actuarial Report. (*Gayla Duke, CFO*)

Executive Summary

This item involves a presentation and motion to accept and place the City of McAlester Actuarial Report on file.

Councilman Harrison moved to accept and place on file the Actuarial Report as of July 1, 2010. The motion was seconded by Vice-Mayor Browne.

Before the vote, Mr. Nordstrom reviewed the Actuarial Report for the Council. Councilman Harrison asked the amount of the unfunded ratio. Mr. Nordstrom answered that it was 66%.

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.

4. Presentation by Robby VanVekoven and possible action to partner with V-Team Productions on the Red Dirt Revival scheduled for November 27, 2010. (*Jerry Lynn Wilson, Expo Manager*)

Executive Summary

This item involves a presentation by Robby Van Vekoven and possible action to partner with V-Team Productions.

Robby VanVekoven addressed the Council regarding a possible partnering agreement with V-Team Productions for an event called the Red Dirt Revival that was scheduled for November 27, 2010. He stated that some businesses were willing to sponsor but were unable to contribute more than 5%.

There was a lengthy discussion among the Council including the City Attorney and Mr. VanVekoven concerning the restrictions placed on cities governing how they may spend public funds, how this compared to the Fourth of July Fire Works Display, developing guides lines for how tourism funds could be spent and if this was approved would it become an annual event.

After the discussion, Mayor Priddle called for a motion addressing this request. There was no motion made and the request failed for lack of a motion.

5. Consider, and act upon, a Partnership Request by Jack Hedrick for the Career & College Tour Committee for the use of the Southeast Expo Center for the College & Career Day scheduled November 3rd & set up November 2nd, 2010, by partnering with them in the amount of \$2,250.00. (*Jerry Lynn Wilson, Expo Manager*)

Executive Summary

Consider approval of Partnership Request in the amount of \$2,250.00.

A motion was made by Councilman Fiedler and seconded by Vice-Mayor Browne approving a Partnership Request by Jack Hedrick for the Career & College Tour Committee for the use of the Southeast Expo Center for the College & Career Day scheduled November 3rd & set up November 2nd, 2010, in the amount of \$2,250.00.

Before the vote, Jerry Lynn Wilson advised the Council that the request had originally been for \$2,250.00 but Mr. Hedrick had just left a committee and informed her that the group did not need the full amount only \$1,500.00.

Mayor Priddle stated that this was an event that was done last year and had very good attendance. Councilman Harrison asked Ms. Wilson if she recalled what amount the request had been for last year. Ms. Wilson stated that she thought it had been for the full amount. 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.

6. 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, CFO*)

Executive Summary

A motion to approve the budget amendment ordinance.

ORDINANCE NO. 2374

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.

Councilman Garvin moved for approval of **ORDINANCE NO. 2374**, seconded by Councilman Karr.

Before the vote, Ms. Duke reviewed the exhibits of the amendment explaining that the first exhibit was for was to appropriate unused fund balance from last year to be used for the residential inspection for the Hwy 69 water and sewer utility relocation. She added that the second exhibit was appropriate donation revenue.

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

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

NAY: Vice-Mayor Browne

Mayor Priddle declared the motion carried.

Councilman Harrison moved to approve the EMERGENCY CLAUSE, seconded by Councilman Fiedler. There was no 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.

7. Consider, and act upon a Budget Authorization to prepare amendments to the Work Order for Professional Services to Mehlburger Brawley on the U.S. Hwy. 69 Water and Sewer Utility Relocation Project to add construction management and resident inspection services. (*David Medley, PE-Director of Utilities*)

Executive Summary

A motion to approve and authorize the City Chief Financial Officer to perform Budget Amendments as set out below and transfer into the CIP fund to add funds for the costs of the construction management and resident inspection services for a total amount of \$44,600.

Councilman Karr moved to approve a Budget Authorization to prepare amendments to the Work Order for Professional Services to Mehlburger Brawley on the U.S. Hwy. 69 Water and Sewer Utility Relocation Project to add construction management and resident inspection services. The motion was seconded by Councilman Harrison.

Before the vote, David Medley explained that this budget amendment changed the Work Order by adding \$44,600.00 for the costs of the construction management and resident inspection services.

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.

8. 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

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 of by the City Attorney's Office.

A motion was made by Councilman Fiedler and seconded by Councilman Harrison to revise a 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.

Before the vote, David Medley explained that this revised work order will provide for the engineering fee to be based on an hourly basis instead of a percentage of the construction cost as previously agreed upon. He added that ODOT would pay for 3.12% of the costs for water utility relocation and 5.88% of the costs for sanitary sewer utility relocation. There was no discussion, and the vote was taken as follows:

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

NAY: Vice-Mayor Browne

Mayor Priddle declared the motion carried.

9. Consider and act upon allowing the placement of bulk fuel storage tanks at site B-2 in the Steven Taylor Industrial Park. (*Peter J. Stasiak, City Manager*)

Executive Summary

A motion to approve the construction and placement of bulk fuel storage tanks at site B-2 in the Steven Taylor Industrial Park.

Councilman Harrison moved to approve the placement of bulk fuel storage tanks at site B-2 in the Steven Taylor Industrial Park. The motion was seconded by Vice-Mayor Browne.

Before the vote, Manager Stasiak explained that Mr. Robert E. Hampel of Hampel Leasing Inc. was purchasing land at the Steven Taylor Industrial Park to construct fuel storage tanks and a building. He stated that paragraph D-3 on Page 10 of the Covenants states that no fuel storage tanks shall be permitted on the property unless approved by the developer (City of McAlester) in writing. He added if approved, Mr. Hampel will be required to submit his plans to the Planning Development along with his Spill Prevention Plan, Stormwater Plan and Building Plans. He further stated that Mr. Hampel would be required to meet all EPA and DEQ requirements for containment of the tanks and construction. He explained the site (B-2) was isolated from the existing building sites and will not be visible from the roadway.

There was discussion among the Council concerning the ownership of lot B-2, the number of jobs that would be created by this company, if any of the other businesses had concerns, if there were any requirements that the City should be concerned about, and the amount of waste that the facility would generate.

David Medley commented that the company did request the City put in a water line. He stated that he explained that the City could only install to the property line, the individual would have to purchase the materials and install the water line on their own property. 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.

New Business

There was no new business.

City Manager's Report

Manager Stasiak reported that the Utilities Department had started a project on Monday to drain and clean each of the water tanks. The Streets Department was working on a sewer line connection on Wade Watts and a detour had been set up. They would also be replacing some of the cement panels in that area. He added that Department would continue working at North Gate. He reported that the DuraPatcher was concentrating around the schools. He stated that the controllers at Strong and Carl Albert and Strong and Electric had been replaced. He commented that striping had been done at some of the schools. Manager Stasiak reported that Jerry Lynn Wilson had attended the H.O.G. Rally to understand what was expected. He stated that he had hired Pam Kirby as HR/Grant Writer. He also informed the Council that Glen Kerns was in Tulsa going through a lot of medical tests.

Remarks and Inquiries By City Council

Councilman Fiedler thanked everyone involved with the Tulsa State Fair. He commented that Channel 8 would be coming to McAlester to do a road show. He informed the Council that there had been 244 viewers on the website and he looked forward to doing it again next year.

Councilman Harrison had no comments.

Vice-Mayor Browne commented that there were a couple of areas in Third Ward that the City needed to look at. One of which was a drainage problem between "C" and "D" on West Seneca. West Cherokee south on "F" Street the road is pretty torn up and the canals need to be cleaned up.

Manager Stasiak commented that they were on the list.

Vice-Mayor Browne reminded everyone that Taste of Southeast Oklahoma would be at the Expo on October 19th.

Councilman Karr commented that the striping looked good. He reported that on Electric at Hickory some of the panels had dropped.

Manager Stasiak stated that was no the list also.

Councilman Karr urged all citizens in Fourth Ward and across the City to lock their cars at night and if anyone looked suspicious to report them.

Councilman Garvin thanked Councilman Fiedler for all of his work on the State Fair project. He encouraged the citizens to get out and look at everything that was going on in the City and see how the tax money was being spent.

Mayor Priddle commented that there were a tremendous amount of things going on. He commented that the Recycling Center was doing well; the DuraPatcher was doing a great job. He wished John Modzelewski a "Happy Birthday". He announced that Trick or Treat would be on October 31, 2010 from 5:00 P.M. until 7:00 P.M. He reminded everyone that October 23rd was "Take Back McAlester", there would be a concert at the Masonic Temple and Pride In McAlester would have dumpsters set up at the Amory.

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 Harrison and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:47 P.M.

Reconvene Council Meeting

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

Councilman Harrison moved to recess the Regular Meeting for an Executive Session to discuss negotiations concerning employees and representatives of employee groups: IAFF, in accordance with Title 25, Section 307.B.2. The motion was seconded by Councilman Fiedler.

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, and the Regular Meeting was recessed at 7:47 P.M.

Executive Session

- Section 307 (B) (2) – Discussing negotiations concerning employees and representatives of employee groups: IAFF.

The Regular Meeting was reconvened at 9:09 P.M. Mayor Priddle reported that the Council had recessed the Regular Meeting for an Executive Session to discuss negotiations concerning employees and representatives of employee groups: IAFF, in accordance with Title 25, Section 307.B.2. Only that matter was discussed, no action was taken and the Council returned to open session at 9:09 P.M., and this constituted the Minutes of the Executive Session.

Adjournment

There being no further business to come before the Council, Councilman Garvin moved for the meeting to be adjourned, seconded by Councilman Fiedler. There was no discussion, 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 meeting was adjourned at 9:10 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk