

Council Chambers
Municipal Building
August 10, 2010

The McAlester City Council met in Regular session on Tuesday, August 10, 2010, at 6:00 P.M. after proper notice and agenda was posted, August 6, 2010, at 5:13 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

Pastor Glenn Meyer, 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, Robert Karr, Buddy Garvin & Kevin Priddle

Absent: John Browne & Louis Smitherman

Presiding: Kevin E. Priddle, Mayor

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

Citizen's Comments on Non-agenda Items

Gina Lewis addressed the Council informing them that a group of McAlester High School graduates from the '70's were requesting permission to hold a Street Dance on Choctaw Avenue. She added that she was working on acquiring all of the necessary permits.

Consent Agenda

- A. Approval of the Minutes from the July 27, 2010, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for July 28, 2010 through August 10, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$173,472.00; Parking Authority - \$116.97; Nutrition - \$1,862.51; Landfill Res./Sub-title D - \$6,086.00; Tourism Fund - \$3,150.00; SE Expo Ctr/Tourism Fund - \$3,581.22; E-911 - \$4,100.95; Economic Development - \$18,821.91; Gifts & Contributions - \$3,550.00; Fleet Maintenance - \$12,587.12; Worker's Compensation - \$9,178.07; Dedicated Sales Tax-MPWA - \$1,500.00 and CIP Fund - \$21,270.51.
- C. Designate Saturday, October 23, 2010, as Make a Difference Day in McAlester.

- D. To authorize the Mayor to sign XTO Energy Division Order for Well #107255, Blevins 1-25, Pittsburg County, Oklahoma. The DO is a confirmation that the well has reached producing status and confirms the City's interest in revenues.

Mayor Priddle requested item "B" be removed for individual consideration.

Councilman Fiedler moved to approve the Consent agenda items "A, C and D". The motion was seconded by Councilman Harrison.

Mayor Priddle explained that he would like to move item "B" to after the budget amendment on item number three (3). There was no further discussion and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

Public Hearing

- AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: A TRACT OF LAND IN LOT 93, TOWNSITE ADDITION NO. 5, PITTSBURG COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 93; THENCE N 88°39'48" E. ALONG THE NORTH LINE OF SAID LOT 93 A DISTANCE OF 179.53 FEET; THENCE S 00°56'44" E AND PARALLEL WITH THE WEST LINE OF SAID LOT 93 A DISTANCE OF 299.23 FEET; THENCE S 88°39'48" W AND PARALLEL WITH THE NORTH LINE OF SAID LOT 93 A DISTANCE OF 179.53 FEET TO A POINT ON THE WEST LINE OF SAID LOT 93; THENCE N 00°56'44" W ALONG THE WEST LINE OF SAID LOT 93 A DISTANCE OF 299.23 FEET TO THE POINT OF BEGINNING, FROM A-1(AGRICULTURAL DISTRICT) TO C-5(HIGHWAY COMMERCIAL).

Steve Woodham addressed the Council voicing his concerns and requesting that they not approve the rezoning of this property.

William Burgess addressed the Council explaining that the rezoning would allow the construction of a hotel and he explained the reasons for building a hotel in this location.

Victoria McKean addressed the Council expressing her concerns about the rezoning of the property.

- AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE

ZONING DISTRICT FOR: Lot 7 & W ½ OF LOT 6 IN BLOCK 324, SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B(SINGLE-FAMILY RESIDENTIAL) TO C-2(NEIGHBORHOOD CONVENIENCE COMMERCIAL).

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

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

NAY: None

Mayor Priddle declared the motion carried, and the Public Hearing was closed at 6:15 P.M.

Scheduled Business

1. Consider and act upon a change in zoning from A-1 (Agricultural District) to C-5 (Highway Commercial) for the construction of the Oak Tree Inn. (*Peter J. Stasiak, City Manager*)

Executive Summary

This item involves a motion to approve and act upon changing the existing zoning A-1 (Agricultural District) to C-5 (Highway Commercial) and authorizing the Mayor to sign the attached Ordinance.

ORDINANCE NO. 2367

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: A TRACT OF LAND IN LOT 93, TOWNSITE ADDITION NO. 5, PITTSBURG COUNTY, STATE OF OKLAHOMA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 93; THENCE N 88°39'48" E. ALONG THE NORTH LINE OF SAID LOT 93 A DISTANCE OF 179.53 FEET; THENCE S 00°56'44" E AND PARALLEL WITH THE WEST LINE OF SAID LOT 93 A DISTANCE OF 299.23 FEET; THENCE S 88°39'48" W AND PARALLEL WITH THE NORTH LINE OF SAID LOT 93 A DISTANCE OF 179.53 FEET TO A POINT ON THE WEST LINE OF SAID LOT 93; THENCE N 00°56'44" W ALONG THE WEST LINE OF SAID LOT 93 A DISTANCE OF 299.23 FEET TO THE

POINT OF BEGINNING, FROM A-1(AGRICULTURAL DISTRICT) TO C-5(HIGHWAY COMMERCIAL).

Councilman Harrison moved for approval of ORDINANCE NO. 2367, seconded by Councilman Fiedler.

Before the vote, Manager Stasiak commented that the applicant was requesting this zoning change to construct a sixty (60) unit hotel. He stated that all of this area was a commercial corridor. He added that the Planning and Zoning Commission had unanimously voted to recommend the approval of the rezone.

There was a brief discussion among the Council regarding the number of hotels that had been built in McAlester, needing updated information on what type of housing and business was needed in the City, the Council picking and choosing what type of businesses developed in the City, the amount of the project, the street and safety concerns that the construction in this area and when the time table for this project.

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

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

Mayor Priddle declared the motion carried.

2. Consider and act upon a change in zoning from R1-B (Single Family Residential) to C-2 (Neighborhood Convenience Commercial). (*Peter J. Stasiak, City Manager*)

Executive Summary

This item involves a motion to approve and act upon changing the existing zoning R1-B (Single Family Residential) to C-2 (Neighborhood Convenience Commercial) and authorizing the Mayor to sign the attached Ordinance.

ORDINANCE NO. 2368

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: Lot 7 & W ½ OF LOT 6 IN BLOCK 324, SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B(SINGLE-FAMILY RESIDENTIAL) TO C-2(NEIGHBORHOOD CONVENIENCE COMMERCIAL).

Councilman Harrison moved for approval of ORDINANCE NO. 2368, seconded by Councilman Fiedler.

Before the vote, Manager Stasiak explained that the Planning and Zoning Commission unanimously voted to recommend approval of the rezone. He added that the C-2 zoning was compatible with the surrounding areas zonings of C-1, C-2 and C-3. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

3. Consider, and act upon, authorizing the Mayor to sign a contract with MPower Economic Development Corporation for a maximum amount of \$184,673 for fiscal year 2010/2011.
(*Peter J. Stasiak, City Manager*)

Executive Summary

A motion to sign a contract with the MPower Economic Development Corporation, which sets forth the scope of services they will provide for the City's payment of \$184,673.

Councilman Karr moved to approve to authorizing the Mayor to sign a contract with MPower Economic Development Corporation for a maximum amount of \$184,673 for fiscal year 2010/2011. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak explained that City Attorney, William J. Ervin, Sr. had reviewed the contract and had two (2) comments. One of the comments concerned the contract amount, which could have been an illegible copy and the other concerned the brevity of the list of goals and scope of the work. He explained that he had condensed the goals and scope to try to isolate the goals and objectives. There was no other discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

- B. Approval of Claims for July 28, 2010 through August 10, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$173,472.00; Parking Authority - \$116.97; Nutrition - \$1,862.51; Landfill Res./Sub-title D - \$6,086.00; Tourism Fund - \$3,150.00; SE Expo Ctr/Tourism Fund - \$3,581.22; E-911 - \$4,100.95; Economic Development - \$18,821.91; Gifts & Contributions - \$3,550.00; Fleet Maintenance - \$12,587.12; Worker's Compensation - \$9,178.07; Dedicated Sales Tax-MPWA - \$1,500.00 and CIP Fund - \$21,270.51.

Councilman Karr moved for approval of Claims for July 28, 2010 through August 10, 2010. 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, Smitherman & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

4. Consider and act upon declaring certain vehicles surplus property according to the Code of Ordinance Sec. 2-286 and Sec. 2-287, and authorize the City Manager to sell at auction. (*Jim Lyles, Police Chief*)

Executive Summary

This item involves a motion to approve declaring five vehicles surplus property and authorizing the sale of the five vehicles at auction.

Councilman Harrison moved to declare certain vehicles surplus property according to the Code of Ordinance Sec. 2-286 and Sec. 2-287, and authorize the City Manager to sell at auction. The motion was seconded by Councilman Fiedler.

Before the vote, Manager Stasiak explained that these were vehicles that had come out of the detective and CID departments. He added that there had been some downsizing in the departments and these vehicles were in need of repair. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried

5. Consider, and act upon, authorizing the Mayor to sign a contract with Municipal Code Corporation for recodification of the City of McAlester's Code of Ordinances. (*Cora Middleton, City Clerk*)

Executive Summary

This item involves a motion to authorize the Mayor to sign a contract with Municipal Code Corporation for recodification of the City of McAlester's Code of Ordinances.

Mayor Priddle moved to table this item until next regular meeting. The motion was seconded by Councilman Harrison.

Before the vote, Mayor Priddle explained that the City Attorney had not had time to review the contract and this would allow him time. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

6. Financial Reports for year ending June 30, 2010. (*Gayla Duke, Chief Financial Officer*)

Executive Summary

This item involves a financial report and presentation from Chief Financial Officer.

Councilman Karr moved to open the floor for the presentation of the financial reports for the year ending June 30, 2010. The motion was seconded by Councilman Garvin.

Before the vote, Ms. Duke reviewed the end of the year financial reports with the Council. She commented that these figures were unaudited and no adjustments had been made. She stated that General Fund ended the year 1.089 million dollars below budgeted expenditures and MPWA ended the year 1.2 million dollars below budgeted expenditures. Ms. Duke commented that sales tax was above budget by \$170,214.00.

There was a brief discussion concerning the job that staff had done handling the budget, the economy and how this year's budget had been very conservative. There was no vote.

7. 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

A motion to approve the budget amendment Ordinance No. 2327.

ORDINANCE NO. 2369

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 Karr moved to approve **ORDINANCE NO. 2369**, seconded by Councilman Harrison.

Before the vote, Ms. Duke explained the exhibits stating that this was to appropriate fund balance to be used to repair the water storage tanks.

Councilman Harrison asked if there was any time frame for bidding the repair project. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried

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

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

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

NAY: None

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 Officer*)

Executive Summary

A motion to approve the budget amendment Ordinance No. 2361.

ORDINANCE NO. 2370

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 Harrison moved for approval of **ORDINANCE NO. 2370**, seconded by Councilman Fiedler.

Before the vote, Ms. Duke reviewed the amendment stating that this was to appropriate Fund Balance from the previous fiscal year to repair the water storage tanks. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

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

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

NAY: None

Mayor Priddle declared the motion carried.

New Business

Mayor Priddle informed the Council that Councilman Smitherman had accepted the position of City Manager at Healdon, Oklahoma and the Council would be setting a date for a Special Election in the future. Mr. Ervin commented that the Council needed to declare Ward Six (6) seat vacant.

Councilman Harrison moved to declare Ward Six (6) Council seat vacant. The motion was seconded by Councilman Garvin. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

City Manager's Report

Manager Stasiak updated the Council on the improvements on the Water Treatment Plant, and the current Consent Order. He then read the following letter sent to the Oklahoma Department of Environmental Quality by David Medley:

“August 9, 2010

Ms. Kay Coffey, P.E., Engineer Manager
Water Quality Division
Oklahoma Department of Environmental Quality
P.O. Box 1677
Oklahoma City, Oklahoma 73101-1677

Re: Consent Order Case No. 07-233
McAlester Water Treatment Plant
Facility No.1020609
Disinfection Byproducts

Dear Ms. Coffee:

Attached is a letter sent in March of this year to your office stating the required compliance with the disinfection by product (DBP) rule by January of 2010 had been met. The City of McAlester was therefore in compliance with the rule from January 2010 through March 2010 and had technically met all the requirements of the above referenced Consent Order. Subsequently the City failed a DBP testing during the following round of testing putting us slightly out of compliance with the 80 parts per billion annual average for the April 2010 through June 2010. In telephone conversations with our District Engineer, Brandon Hall, it was agreed that we should proceed with adjusting the chemicals and other planned improvements (filter rehabilitation, etc.) to achieve compliance rather than open a new Consent Order.

We have been working on the last 6 months to obtain a construction permit from ODEQ to construct 1.1 million dollars of filter improvements. This permit was just received in the last few days. This project will soon start which will include rehabilitation of the remaining three filters. This in this self will help achieve compliance with the DBP rule since it will provide better filter media and air scouring potential.

Per your and my telephone conversation last week, we have improved repairs on our raw water intake gates which was allowing short circuiting of the incoming water and permitting water to enter underneath the gates. This was greatly contributing too many of the problems which the plant has experienced over a considerable amount of time. As you are aware, the intake of water off the bottom of the lake increases the amount of pump intake of impurities (manganese, organics that form THM's, algae, iron, turbidity, etc.) which the water treatment plant has to

treat. The raw water is now entering at a 10 foot above the bottom level. We are in the process of having new gates and trash rakes built which will make additional improvements in this area and allow a 10 foot, 15 foot, or 20 foot intake level into the raw water intake structure. I have been told by the Contractor this will take approximately 30 days to construct. The purchase order has already been issued to the Contractor and installation of the gates will be conducted by City crews.

We are also in the process of refining our chemical addition to increase the DBP removal process. This includes adding hydrogen peroxide and powder activated carbon (PAC). These should be in place in the next few weeks. Past experience has shown that powdered activated carbon and hydrogen peroxide will enhance this removal.

The City of McAlester is making great strides in achieving compliance in all areas of the water but as you are aware this takes time. Our improvements to the Enhance Coagulation Process was just completed in the later part of last year (August of 2009) and as you know 12 months of data is utilized for compliance which we have not had time to be able to utilize.

In addition, we are currently expecting approval of the rehabilitation of all of our water storage tanks which will have mixers installed that will prevent short circuiting and long water age and help prevent the creation of high DBP values.

As you can see we are doing many things to achieve compliance. If you would like any more information or like to address any of these issues, please feel free to call my office at (918) 423-9300 Ext. 4995.

Regards,

David R. Medley, P.E.
Utilities Director

Cc: Pete Stasiak, City Manager
Kevin Priddle, Mayor
Joe Ervin, McAlester City Attorney”

There was a brief discussion among the Council concerning a possible televised meeting to furnish updated information to the public.

Manager Stasiak continued with his report stating that hopefully the City will not see the water problems in the future once the repairs were completed. He reported that Electric Avenue repairs were on schedule, the Dura Patcher had arrived last Friday, but during the move the tank that connected to the chassis was dented. The company returned the tank and would be sending a replacement immediately. He commented that recycling meetings had been scheduled and information would be sent out. He added that a link with Public Service Company of Oklahoma was now on the City's website.

Remarks and Inquiries By City Council

Councilman Fiedler commented on the backpack giveaway at Shared Blessings on Saturday stating that 1200 backpacks had been given out. He also commented that it was good to see Councilman Garvin at the meeting.

Councilman Harrison did not have any comments at this time.

Councilman Karr commented on a fire hydrant leak at Taylor and Hickory. He added that some citizens were still having problems with the trash pickup.

Manager Stasiak commented that many problems have been addressed and the citizens have been given a phone number to call to be placed on an elderly pickup list.

Councilman Karr stated that he had been contacted by one citizen who did not have enough room in the poly cart and he hoped that something could be done to address that problem.

Councilman Garvin commented that Electric Avenue looks exceptionally well and he thanked all of the individuals involved in the construction. He cautioned all citizens to be careful in the work zones. He stated that he felt very blessed that his accident was not any worse and no one else had been hurt. He added that the citizen that had reported the crime that had started the whole thing had done the right thing.

Councilman Fiedler requested that the Allied Waste contact information be placed on the City's website.

Councilman Karr commented that Electric Avenue was looking great.

Mayor Priddle commented that the City was doing the right things and moving forward.

Mayor Priddle commented that Karen Stevens, Jerry Lynn Wilson and he met in Oklahoma City with the HOG organization and the City of McAlester will be hosting the 2011 HOG Rally.

Recess Council Meeting

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

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

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:19 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:20 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 Harrison, Karr, Garvin, Fiedler & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:21 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk