

Council Chambers  
Municipal Building  
August 24, 2010

The McAlester City Council met in Regular session on Tuesday, August 24, 2010, at 6:00 P.M. after proper notice and agenda was posted, August 20, 2010, at 4:26 P.M.

**CALL TO ORDER**

Mayor Priddle called the meeting to order.

Pastor Cliff House, Lakewood Christian Church gave the invocation and lead 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; Gayla Duke, Chief Finance Officer; David Medley, Utilities Director, Darrell Miller, Assistant Police Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

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

Joyce Carlson addressed the Council concerning the trash receptacles that are being permanently left at the curb.

David Medley, Utilities Director addressed the Council concerning the discoloration of the City's water. He explained that naturally occurring iron and manganese were the causes for the discoloration and he reviewed the steps that the water treatment plant employees were taking to remove the discoloration. He commented that this process would take a few days and he asked for the Council and the citizens to be patient.

**Recognition of City of McAlester Employee of the Month**

Mayor Priddle recognized Interim Assistant Fire Chief, Brett Brewer as the July 2010 Employee of the Month. He then presented Assistant Chief Brewer with a plaque, a certificate and a savings bond.

## **Consent Agenda**

- A. Approval of the Minutes from the August 10, 2010, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for August 11, 2010 through August 24, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$144,589.52; Parking Authority - \$122.76; Nutrition - \$2,103.38; Landfill - \$24,628.81; Tourism Fund - \$3,150.00; SE Expo/Tourism Fund - \$10,568.19; E-911 - \$101,499.08; Economic Development - \$18,539.41; Fleet Maintenance - \$18,418.39; Worker's Compensation - \$94,805.20; Dedicated Sales Tax-MPWA - \$2,500.00 and CIP Fund - \$2,890.75.
- C. Authorize the Mayor to sign an Ambulance Services Agreement with Heartland Hospice to provide services to hospice patients in accordance with applicable state and federal law. (*Bret Rivas, Asst. Fire Chief*)
- D. Accept and Place on File Oklahoma for Independent Living (OIL) 2<sup>nd</sup> Quarter 2010 Report. (*Mike Ward, Executive Director*)

Councilman Fiedler requested item "C" be removed for individual consideration.

Councilman Garvin moved to approve the Consent agenda items "A, B and D". 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.

## **Items removed from Consent Agenda**

- C. Authorize the Mayor to sign an Ambulance Services Agreement with Heartland Hospice to provide services to hospice patients in accordance with applicable state and federal law. (*Bret Rivas, Asst. Fire Chief*)

Councilman Harrison moved to authorize the Mayor to sign an Ambulance Services Agreement with Heartland Hospice to provide services to hospice patients in accordance with applicable state and federal law. The motion was seconded by Councilman Karr.

Before the vote, Manager Stasiak explained that this was a one time event that Paramed usually handled all hospice ambulance calls but all of their ambulances were out and the City was called for this event. He added that it was his understanding that this might happen once a year and that Heartland Hospice had been billed but could not pay until they had a signed contract.

Councilman Harrison asked if the City Attorney had reviewed the contract. Mr. Ervin stated that he had reviewed the contract and it was legally correct. Councilman Harrison then asked that the blanks be filled in before the Mayor signed the contract. There was no further 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.

Councilman Karr 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. 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 opened at 6:40 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 further comments from the citizens or the Council and Vice-Mayor Browne 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 6:41 P.M.

Mayor Priddle urged all citizens that had not voted to take this time and go vote.

### **Scheduled Business**

1. Consider, and act upon, approval of a Resolution setting a Special Election date for vacancy in Ward Six Council seat. *(Mayor and Council)*

Executive Summary

This item involves a motion to approve a Resolution to set a Special Election date for vacancy in Ward Six Council seat.

Councilman Fiedler moved for approval of RESOLUTION NO. 10-12, setting the date for a Special Election to fill the vacancy in Ward Six Council seat. The motion was seconded by Councilman Garvin.

Before the vote, Manager Stasiak explained that this was due to the vacancy of Ward Six Council seat by Mr. Louis Smitherman.

Vice-Mayor Browne asked if the Council were within the guidelines of the Charter by doing this. Mr. Ervin commented that State law did not allow elections during the months of September and October in even numbered years and the Charter language did not specifically supercede the language of the State law concerning this, so therefore there cannot be an election during September or October. 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.

2. **TABLED FROM PREVIOUS MEETING** - 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

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.

A motion was made by Councilman Fiedler and seconded by Councilman Karr to authorize the Mayor to sign a contract with Municipal Code Corporation for recodification of the City of McAlester's Code of Ordinances.

Before the vote, Mr. Ervin recommended that the term of the agreement be changed from three (3) years to annual ratification.

Mayor Priddle restated the motion to authorize the Mayor to sign a contract with Municipal Code Corporation for recodification of the City of McAlester's Code of Ordinances, subject to the change in the term of 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.

3. Consider, and act upon, authorizing the City Manager to declare an emergency and waive the competitive bidding requirements to repair portions of two railroad spurs in the Stephen W. Taylor Industrial Park. (*John Modzelewski, PE, Public Works Director/City Engineer*)

Executive Summary

This item involves a motion to authorize the City Manager to declare an emergency and waive the competitive bidding requirements to repair portions of two railroad spurs in the Stephen W. Taylor Industrial Park.

Mayor Priddle commented that the City Manager could not declare an emergency, so this item would be pulled.

4. Consider, and act upon a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction on the 2009-2010 Community Development Block Grant (CDBG) Small Cities Water and Sewer Improvements. (*David Medley, Utilities Director*)

Executive Summary

A motion to approve and authorize the Mayor to sign the work order for Mehlburger Brawley for Professional Engineering Services to complete work required for the 2009-2010 Community Development Block Grant (CDBG) Small Cities Water and Sewer Improvements upon review and approval of the City Attorney's office. Estimated fee for Professional Services including Engineering and Inspection is \$24,100.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to authorize the Mayor to sign a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction on the 2009-2010 Community Development Block Grant (CDBG) Small Cities Water and Sewer Improvements.

Before the vote, David Medley explained that the City of McAlester has been awarded a grant of \$90,630.00 on December 15, 2009 to complete a project to rehabilitate a portion of the water distribution and wastewater collection system. He stated that the project was a 1:1 with a total project cost of \$181,260.00. He added that KEDDO had solicited bids on behalf of the City from three (3) engineering firms in Oklahoma and two (2) of those companies had submitted proposals for the project. He commented that after review of the proposals the highest rated firm had been Mehlburger Brawley due to experience and having a local office.

There was a brief discussion among the Council concerning the difference between the two (2) bids and how engineering firms based their fees.

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.

5. Consider, and act upon, authorizing the Mayor to sign a Business Customer Service Agreement with United States Cellular Corporation for cellular telephone service and equipment. (*Peter J. Stasiak, City Manager*)

Executive Summary

A motion to approve authorizing the Mayor to sign the attached contract with US Cellular.

Vice-Mayor Browne moved to authorize the Mayor to sign a Business Customer Service Agreement with United States Cellular Corporation for cellular telephone service and equipment. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak stated that after evaluation of its needs the City was eliminating eleven (11) phones and adding one back for the recycling center. This would total a reduction of ten (10) phones with a savings of \$517.00 per month or \$6,000.00 per year. He added that U.S. Cellular would provide all new phones to the City at .01 each and new Blackberries at approximately \$49.95 each.

Mr. Ervin reviewed the various changes that he was recommending for the contract which included striking the auto renewal and replacing it with annual ratification. Mayor Priddle stated that the motion was to authorize the Mayor to sign a Business Customer Service Agreement with United States Cellular Corporation for cellular telephone service and equipment, subject to the changes recommended by the City Attorney.

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

6. Consider and act upon, authorizing the Mayor to sign a Rental Agreement for a city owned dwelling located between Talawanda Lake #1 and Lake #2. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve a Rental Agreement for a city owned dwelling at Talawanda Lake 1 and authorizing the Mayor to sign the rental agreement.

Councilman Garvin moved to authorize the Mayor to sign a Rental Agreement for a city owned dwelling located between Talawanda Lake #1 and Lake #2. The motion was seconded by Vice-Mayor Browne.

Before the vote, Manager Stasiak explained that this was a mobile home located between Talawanda Lakes #1 and #2 and had previously been occupied by a City employee. He commented that the employee kept the grounds up including the boat ramp. He added that without someone in the dwelling this area became party central and had already been broken into. He commented that the rent would be \$50.00 a month and any improvements that were made to the dwelling would become the property of the City. He stated that Ms. Duke would be working with Mr. Johnson on any tax implications. 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.

7. 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

This agenda item involves Ordinance No2361 which established the budget for fiscal year 2010-2011.

**ORDINANCE NO. 2371**

**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 Karr moved for approval of **ORDINANCE NO. 2371**, seconded by Councilman Harrison.

Before the vote, Ms. Duke reviewed each of the exhibits for the amendment and explained that this would appropriate funds from the last fiscal year to be used along with new donations for the Tulsa State Fair Booth, appropriate unused fund balance from last fiscal year for roof repair at the Public Works complex, construction of the recycling center, signal light repair at the intersection of Strong and Carl Albert Parkway, improvements at the water treatment plant and provide replacement beds for two dump trucks. She added that this would also appropriate insurance reimbursement for damage to a 2003 Ford Crown Victoria Police car for use toward the purchase of a replacement vehicle and appropriate funds to be used for tourism projects and supplies for events and also appropriate forfeiture funds to be used for capital outlay.

There was no other 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.

Councilman Harrison moved for approval of the EMERGENCY CLAUSE, seconded by Councilman Fiedler. 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

8. Consider and act upon, the purchase of three (3) equipped Ford Police Interceptors from Bob Hurley Ford. (*Jim Lyles, Police Chief*)

Executive Summary

This item involves a motion to approve the purchase of three (3) equipped Ford Police Interceptors, from Bob Hurley Ford. Bob Hurley Ford has the state contract for police vehicles and they will also outfit the cars with the proper emergency equipment.

A motion was made by Councilman Harrison to approve the purchase of three (3) Ford Police Interceptors from Bob Hurley Ford and seconded by Councilman Karr.

Before the vote, Assistant Chief Miller addressed the Council explaining that the police department had nine (9) 2000 model Ford Crown Victoria's still on the line. He commented that they were very high mileage and had high maintenance costs. He stated that recently a 2003 Ford Crown Victoria had been involved in an accident and totaled by the other driver's insurance. He added that this vehicle needed to be replaced and that currently the department had enough funds in the Forfeiture accounts along with the insurance settlement to purchase three (3) equipped patrol cars. He stated that the department had received a quote from Nix Ford in the amount of \$29,211.00 per car totaling \$87,633.00 but by purchasing through state purchase the City would save \$2,914.02 on the three (3) cars and the cars would have adjustable pedals, side airbags, speed control, noise suppression bands, heated mirrors and body side moldings.

There was a brief discussion among the Council concerning the availability of the cars, if the extra items from Bob Hurley Ford were available from Nix Ford, how much longer Crown Victoria's would be available, a process of rotating the cars and purchasing from local businesses.

Assistant Chief Miller commented that it was the department's goal to purchase nine (9) cars every year.

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

### **New Business**

There was no new business.

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

Manager Stasiak reported that the DuraPatcher had been delivered and should be on the road in one (1) to two (2) weeks. The committee was meeting weekly on the recycling program and September 20, 2010 had been set to start accepting recycling materials. He reported that the City had planned to switch the phone system back to a receptionist and this should go into effect September 13, 2010. He added that there would be some direct lines and a program called Q Works would allow citizens to log on the website to file complaints. He commented that the system would remind the various City employees on a day to day basis for follow up on the complaints and this program was based on population which would cost around \$200.00 a month. He stressed that this was part of the process to become more customer friendly.

## **Remarks and Inquiries By City Council**

Councilman Karr commented on the number of fires that had occurred in Fourth Ward and expressed his appreciation for the firefighters.

Councilman Garvin thanked the City Manager for addressing the phone system problem. He expressed his appreciation for the work that had been done on Electric Avenue. He stated that it was nice to see that the DuraPatcher would be working soon and he commented on the problem with grass being blown in the streets but said sometimes it was just as easy to mention to your neighbors what the law was as to complain.

Councilman Fiedler thanked the City Manager and staff for their work on the water problem and asked about putting more information on the City's website.

Manager Stasiak commented that he hadn't worked with Mr. Medley yet but would get the information on the website concerning the projects, costs and status of each project.

Councilman Fiedler inquired about the possibility of refitting the trash trucks.

Manager Stasiak stated that he had spoken with Mr. Modzelewski about refitting the trash trucks. He then explained that the two (2) newer trash trucks had the chassis that could be used for dump trucks. He commented that he had spoken with the bank and they did not have any problems with the modifications.

Councilman Garvin encouraged all employees to bring forward any and all ideas.

Councilman Harrison stated that there had been some changes to the website.

Vice-Mayor Browne thanked Justin Few for his work on the recycling program. He asked the City Manager about the process for getting a second trash container and if a fee had been set.

Manager Stasiak commented that the fee was not in place at this time and it was the City's intent to absorb the fee until the ordinance could be adopted.

Vice-Mayor Browne stated that currently citizens that wanted a second can should contact Allied. Ms. Duke stated that the citizens should contact the City's Utility Billing department if they wanted a second can. Vice-Mayor Browne commented on the canals and bar ditches that needed to be cleaned. Manager Stasiak stated that inmate labor was available but there were not enough supervisors. He added that the City needed a gradeall to correctly do that type cleaning but they would get the concrete lined canals then go into the neighborhoods to address the ditches. Vice-Mayor Browne asked if private citizens could receive the training and then supervise the inmate groups. Manager Stasiak commented that he didn't know what the Sheriff would think about that but he could contact the Sheriff to get his input. Vice-Mayor Browne assured the public that the water system was being worked on constantly and would get fixed. He commended the employees and administration on how fast they were addressing the problems that were being reported.

Councilman Fiedler asked about the progress at the softball complex. Manager Stasiak stated that he did not have the updated information at this time.

Mayor Priddle thanked the senior staff for their responsiveness to the problems that the City was facing.

#### 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 Garvin, Fiedler, Harrison, Browne, Karr & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:32 P.M.

#### Reconvene Council Meeting

The Regular Meeting was reconvened at 7:35 P.M.

Councilman Harrison moved to recess the Regular meeting for an Executive Session to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action [but only] if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest: City of McAlester vs. Randy Green. The motion was seconded by Councilman Garvin. 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 Regular Meeting was recessed at 7:36 P.M.

#### Executive Session

*Recess into Executive Session in compliance with Section Title 25 Section 307 B.4 et.seq. Oklahoma Statutes, to wit:*

Title 25, Sec. 307.B.4: Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action [but only] if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest: City of McAlester vs. Randy Green

The Regular Meeting was reconvened at 8:44 P.M. Mayor Priddle reported that the Council had recessed the Regular Meeting for an Executive Session to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action [but only] if the public body, with the advice of its attorney, determines that disclosure will seriously

impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest: City of McAlester vs. Randy Green. Only that matter was discussed, no action was taken and the Council returned to open session at 8:44 P.M., and this constituted the Minutes of the Executive Session.

**Adjournment**

There being no further business to come before the Council, Vice-Mayor Browne moved for the meeting to be adjourned, seconded by Councilman Garvin. 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 meeting was adjourned at 8:44 P.M.

---

Kevin E. Priddle, Mayor

ATTEST:

---

Cora Middleton, City Clerk