

Council Chambers  
Municipal Building  
July 27, 2010

The McAlester City Council met in Regular session on Tuesday, July 27, 2010, at 6:00 P.M. after proper notice and agenda was posted, July 23, 2010, at 4:03 P.M.

**CALL TO ORDER**

Mayor Priddle called the meeting to order.

Pastor Clint Gray, Arpelar Faith Church lead 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, Louis Smitherman & Kevin Priddle

Absent: None

Presiding: Kevin E. Priddle, Mayor

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

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

None

**Recognition**

Mayor Priddle recognized First National Development Corporation for their contribution and sponsoring of this year's fireworks for the Fourth of July Celebration at the Southeast Expo Center. He then presented Mr. Bruce Hall with a plaque honoring the First National Development Corporation.

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

Mayor Priddle recognized Ms. Cora Middleton, City Clerk as the City of McAlester's June Employee of the Month. He then presented Ms. Middleton with a certificate, plaque and savings bond in honor of being chosen as June Employee of the Month.

**Consent Agenda**

- A. Approval of the Minutes from the June 29, 2010, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*

- B. Approval of the Minutes from the July 1, 2010, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the July 13, 2010, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of Claims for June 30, 2010. *(Gayla Duke, Chief Financial Officer)* In the following amounts: General Fund - \$48,973.21; SE Expo Ctr/Tourism Fund - \$167.63 and CIP Fund - \$2,957.00.
- E. Approval of Claims for July 14, 2010 through July 27, 2010. *(Gayla Duke, Chief Financial Officer)* In the following amounts: General Fund - \$92,827.56; Nutrition - \$572.50; Landfill Res./Sub-Title D - \$74,966.30; Tourism Fund - \$15,902.75; SE Expo Ctr/Tourism Fund - \$3,673.99; E-911 - \$581.72; Gifts & Contributions - \$190.00; Fleet Maintenance - \$5,200.38; Worker's Compensation - \$16,246.91 and CIP Fund - \$14,164.00.
- F. Authorize the Mayor to sign ratification of Lease Purchase No. 133 with First National Bank & trust Company, McAlester, Oklahoma, for nine 2009 Ford Crown Victoria vehicles and one 2009 Ford Ranger PK. *(Cora Middleton, City Clerk)*
- G. A Resolution of support for the appointment of Peter J. Stasiak to serve on the Board of Directors of the Oklahoma Municipal League. *(Kevin E. Priddle, Mayor)* Resolution No. 10-09.
- H. Authorize Mayor to sign the Kiamichi Area Nutrition Project, Inc. Contract for July 1, 2010 and ending on June 30, 2011. *(Gayla Duke, Chief Financial Officer)*
- I. Concur with Mayor's Appointment of Sandy Brock Bahe to the Pittsburg County Expo Authority for a term to expire June 30, 2014. *(Kevin E. Priddle, Mayor)*

Mayor Priddle requested item "E" be removed for individual consideration and moved to after item number ten (10) of the agenda. There was an item on those claims that needed to have the funds appropriated before the claim could be approved.

Councilman Harrison requested that item "D" be removed for individual consideration.

Councilman Fiedler moved to approve the Consent agenda items "A, B, C, F, G, H and I". 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, Smitherman & Mayor Priddle  
 NAY: None

Mayor Priddle declared the motion carried.

**Items removed from the Consent Agenda**

- D. Approval of Claims for June 30, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$48,973.21; SE Expo Ctr/Tourism Fund - \$167.63 and CIP Fund - \$2,957.00.

Councilman Harrison moved for approval of Consent Agenda Item “D”, seconded by Vice-Mayor Browne.

Before the vote, Councilman Harrison commented that the payment to McCall Insulation should be changed to McAfee and Taft. There was no further discussion, Mayor Priddle stated that the motion was to approve Consent Item “D” with the noted changes and the vote was taken as follows:

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

Mayor Priddle declared the motion carried

Councilman Garvin moved to open a Public Hearing for comments on proposed Ordinances amending the Fiscal Year 2009-2010 Budget, and amending the Fiscal Year 2010-2011 Budget. The motion was seconded by Councilman Karr. There was no discussion, and the vote was taken as follows:

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

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

**Public Hearing**

- **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; PROVID-ING 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; PROVID-ING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

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

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

Mayor Priddle declared the motion carried, and the Public Hearing was closed at 6:13 P.M.

### **Scheduled Business**

1. Pride in McAlester Quarterly Update Report (PIM). (*Mark Wilkett, President*)

Executive Summary

This agenda item involves a Quarterly Report for PIM.

Councilman Fiedler moved to open the floor for discussion and presentation of the Pride in McAlester quarterly Update Report. The motion was seconded by Councilman Karr.

Before the vote, Mayor Priddle commented that the report had been furnished in the agenda. Mark Wilkett then briefly reviewed the activities that Pride in McAlester had conducted during the past quarter. Councilman Karr inquired about the "Junker Car Cleanup" and if it was planned again for this year. Manager Stasiak commented that the City would be conducting an audit during the first week of August concerning the cars. He added that last July approximately thirty (30) cars had been identified as junk cars and at the end of the month several had been taken care of by the owners.

There was no further discussion, Mayor Priddle stated that the motion was to accept Pride In McAlester's Quarterly Update Report 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.

2. Consider, and act upon, authorizing the Mayor to sign a contract with Pride In McAlester, Inc. (PIM), in the amount of \$50,400 for Fiscal Year 2010-2011. (*Mark Wilkett, President*)

Executive Summary

A motion to sign a contract with the Pride In McAlester, Inc., for clean up and beautification activities on behalf of the City for \$50,400.

Councilman Smitherman moved to authorize the Mayor to sign a contract with Pride In McAlester, Inc. (PIM), in the amount of \$50,400 for Fiscal Year 2010-2011. The motion was seconded by Councilman Garvin.

Before the vote, Manager Stasiak commented that he would be working with Pride In McAlester on their goals and objectives and those items and the work plan would be provided to the

Council within sixty (60) days. He also commented that the word assurances would be corrected in the contract and the contract had been reviewed by the City Attorney. There was no further discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

3. Consider, and act upon, authorizing the Mayor to sign a contract with Oklahomans for Independent Living (OIL) for a maximum amount of \$20,160 for fiscal year 2010/2011. *(Mike Ward, Director)*

Executive Summary

A motion to sign a contract with the Oklahomans for Independent Living (OIL), which sets forth the scope of services they will provide for the City's payment of \$20,160 for fiscal year 2010/2011, and authorize the Mayor to sign the document.

Councilman Harrison moved to authorize the Mayor to sign a contract with Oklahomans for Independent Living (OIL) for a maximum amount of \$20,160 for fiscal year 2010/2011. The motion was seconded by Vice-Mayor Browne.

Before the vote, Manager Stasiak commented that there were some standard clauses missing from the contract and he would work with Mr. Ward to get them inserted and they would need to add on the last page the City Attorney's approval. He added that the contract had been reviewed by the City Attorney. The Mayor commented that the motion would be to approve the contract subject to the revisions and final review by the City Attorney. Vice-Mayor Browne commented that there was no point in having a contract if it was not the correct contract and he asked that corrected contracts be furnished to the Council in time for them to read before voting. There was no further 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, authorizing the Mayor to sign an Agreement and Memorandum of Understanding with Pittsburg County/City of McAlester Emergency Management in the amount of \$42,000 for Fiscal Year 2010-2011. *(Trent Myers, Pittsburg County/City of McAlester Emergency Manager)*

Executive Summary

A motion to sign a Memorandum of Understanding with Pittsburg County/City of McAlester Emergency Management in the amount of \$42,000.

Councilman Harrison moved to authorize the Mayor to sign an Agreement and Memorandum of Understanding with Pittsburg County/City of McAlester Emergency Management in the amount of \$42,000 for Fiscal Year 2010-2011. The motion was seconded by Councilman Smitherman.

Before the vote, Manager Stasiak stated that this was the standard agreement and the City Attorney had reviewed the contract. There was no further discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

5. Consider, and act upon, authorizing the Mayor to sign a Contract and Resolution with McAlester Main Street Association, Inc., for a maximum amount of \$25,200 for fiscal year 2010/2011. (*Kathy Wall, McAlester Main Street Association, Inc.*)

Executive Summary

A motion to sign a contract with the McAlester Main Street Association, Inc., which sets forth the scope of services they will provide for the City's payment of \$25,200.

Councilman Harrison moved to authorize the Mayor to sign a Contract and Resolution No. 10-10 with McAlester Main Street Association, Inc., for a maximum amount of \$25,200 for fiscal year 2010/2011. The motion was seconded by Councilman Fiedler.

Before the vote, Manager Stasiak commented that he would be working with Ms. Wall on their goals and objectives. There was a brief discussion among the Council regarding written in changes in the contract, the job that Main Street had been doing and asking that Main Street furnish a report of their accomplishments over the past three (3) years. Manager Stasiak stated that he would work with Ms. Wall to produce that report and furnish it to the Council. There was no further 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.

6. Consider, and act upon, authorizing the Mayor to sign a Campus Police Agreement between the Board of Education for the McAlester School District and the City of McAlester for Fiscal Year 2010-2011. (*Jim Lyles, Chief of Police*)

Executive Summary

This agenda item relates to an Agreement delineating police responsibility between the City and School District for this fiscal year.

Councilman Smitherman moved to authorize the Mayor to sign a Campus Police Agreement between the Board of Education for the McAlester School District and the City of McAlester for Fiscal Year 2010-2011. The motion was seconded by Councilman Karr.

Before the vote, Chief Lyles explained that this allowed the Campus Police to operate within the City's jurisdiction. Councilman Harrison asked if the contract had been reviewed by the City Attorney. Mr. Ervin stated that it had been reviewed.

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

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

Mayor Priddle declared the motion carried.

7. Consider, and act upon a Resolution authorizing the City of McAlester to seek a Community Development Block Grant (CDBG) from the Oklahoma Department of Commerce. (*David Medley PE, Utilities Director*)

Executive Summary

Motion to approve a Resolution to seek funding from the Oklahoma Department of Commerce through the Community Development Block Grant (CDBG) 2010 State Small Cities Program and authorize the Mayor to sign the CDBG application.

Councilman Garvin moved to approve a Resolution authorizing the City of McAlester to seek a Community Development Block Grant (CDBG) from the Oklahoma Department of Commerce. The motion was seconded by Councilman Harrison.

Before the vote, David Medley explained that this Grant would provide for 50% of the cost to replace water and sewer lines in North McAlester, Ward 5. He commented that this would replace old and dilapidated lines some of which were forty (40) years old. He added that the City was required by the Department of Commerce to locate low to moderate income areas to do these projects.

Councilman Garvin commented that he wanted to commend everyone involved with this grant. Councilman Harrison stated he believed the City had received an extension for the application. Mr. Medley commented that a public hearing had been scheduled for August 3, 2010 at 2:00 P.M. and as soon as these items were approved they would be forwarded to Mr. Baldwin at KEDDO for completion of the grant application.

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

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

Mayor Priddle declared the motion carried

8. Consider, and act upon, authorizing the City of McAlester to implement a Citizen Participation Plan for the application process for its 2010 Community Development Block Grant (CDBG) from the Oklahoma Department of Commerce. (*David Medley PE, Utilities Director*)

Executive Summary

This agenda item involves implementing a City of McAlester Citizen Participation Plan for the application process to seek funding from the Oklahoma Department of Commerce through the Community Development Block Grant (CDBG) 2010 State Small Cities Program and authorize the Mayor to sign the Citizen Participation Plan.

Councilman Harrison moved to authorize the City of McAlester to implement a Citizen Participation Plan for the application process for its 2010 Community Development Block Grant (CDBG) from the Oklahoma Department of Commerce. The motion was seconded by Councilman Fiedler.

Before the vote, David Medley explained the various requirements of the Oklahoma Department of Commerce for CDBG grants, one of which was the Public Hearing. He added that the Participation Plan outlined the requirements which would be followed during the implementation of the 2010 Community Development Block Grant (CDBG).

Manager Stasiak added that staff had done an excellent job in connection with KEDDO. He thanked KEDDO for all the help they had given the City over the years. Mr. Baldwin and Steve Clemente commented on the long history that KEDDO had working with the City and during that time had not had any better cooperation from the staff and management. Councilman Fiedler commented on Mr. Baldwin's understanding of municipalities.

Councilman Harrison asked about page 2 of the Citizen Participation Plan in section 1 the sentence that read "The hearing will be held in the early evening so those citizens who work may attend." There was a short discussion among the Council and Mr. Baldwin concerning that sentence and it was decided that the sentence could be removed without causing any problems. Mayor Priddle stated that the motion was to authorize the City of McAlester to implement a Citizen Participation Plan for the application process for its 2010 Community Development Block Grant (CDBG) from the Oklahoma Department of Commerce subject to striking the sentence "The hearing will be held in the early evening so those citizens who work may attend."

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

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

NAY: None

Mayor Priddle declared the motion carried

9. 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

Motion to approve the budget amendment ordinance.

#### **ORDINANCE NO. 2365**

**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 Harrison moved for approval of **ORDINANCE NO. 2365**, seconded by Councilman Karr.

Before the vote, Ms. Duke explained that this amendment was to appropriate the revenue received from the raw water sale in fiscal year 2009-2010 and transfer it to the General Fund to be applied towards debt and then to the "Repayment CIP Fund" as fund balance to be used in 2010-2011.

There was a brief discussion, among the Council and the City Manager regarding the raw water sales and the balance still in the debt established with the BKD Audit findings.

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

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

Mayor Priddle declared the motion carried.

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

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

Mayor Priddle declared the motion carried.

10. 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  
Motion to approve the budget amendment ordinance.

**ORDINANCE NO. 2366**

**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. 2366**, seconded by Councilman Garvin.

Before the vote, Ms. Duke explained that this amendment was to appropriate Fund Balance from fiscal year 2009-2010 to purchase a vehicle for use by a meter reader and to repair pavement on Electric Avenue.

There was a brief discussion, among the Council regarding the purchase of the vehicle and if it had been purchased through a local dealer.

There was no further 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.

Councilman Smitherman moved for approval of the EMERGENCY CLAUSE, seconded by Councilman Karr. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried

E. Approval of Claims for July 14, 2010 through July 27, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$92,827.56; Nutrition - \$572.50; Landfill Res./Sub-Title D - \$74,966.30; Tourism Fund - \$15,902.75; SE Expo Ctr/Tourism Fund - \$3,673.99; E-911 - \$581.72; Gifts & Contributions - \$190.00; Fleet Maintenance - \$5,200.38; Worker's Compensation - \$16,246.91 and CIP Fund - \$14,164.00.

Councilman Karr moved for approval of claims for July 14, 2010 through July 27, 2010, seconded by Vice-Mayor Browne.

Before the vote, Mayor Priddle reminded the Council that there had been an item on the claims that needed funds appropriated before the claim could be approved. Councilman Harrison inquired about the payment to ALFA in the amount of \$60,977.00. Ms. Duke commented that it was a prior year expense and would be an accrued expense. Councilman Karr asked about the mowing contract on the first page of the claims. Manager Stasiak explained the some of the mowing required more specific attention and that there were only a few mowing contracts. There was no further 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.

11. Consider, and act upon, approving purchase of excess workers compensation insurance. Quotes are still being received and staff will bring recommendation to the Council meeting upon further analysis. (*Gayla Duke, Chief Financial Officer*)

Executive Summary

Motion to approve management's recommendation for excess workers compensation insurance.

Councilman Karr moved to approve the purchase of excess workers compensation insurance. The motion was seconded by Councilman Smitherman.

Before the vote, there was discussion among the Council regarding the receipt of the information concerning this item, when this policy came up for renewal, what companies had furnished quotes, postponing this item until the next meeting, the differences in the prices and what was included in each company's quote, tabling this item until later in the meeting, recessing this meeting instead of adjourning so this item could be addressed after the Council had time to review the information and making sure that the Council was comparing apples to apples before they made their decision.

Councilman Harrison moved to table this item until later in the meeting on Thursday, July 29, 2010. The motion was seconded by Mayor Priddle. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

12. Consider, and act upon, approving agreement to provide the City of McAlester's third party administration of our self-insured workers compensation. Management recommendation is to approve this contract with Mutual Assurance Administrators, Inc., pending approval of City Attorney. *(Gayla Duke, Chief Financial Officer)*

Executive Summary

Motion to approve management's proposal administration of our self-insured workers compensation.

Councilman Karr moved to approve an agreement to provide the City of McAlester's third party administration of our self-insured workers compensation. Management recommendation is to approve this contract with Mutual Assurance Administrators, Inc., pending approval of City Attorney. The motion was seconded by Councilman Garvin.

Before the vote, there was a brief discussion among the Council concerning if this selection affected which company was chosen for the excess coverage and when this policy would expire.

Mayor Priddle moved to table this item until Thursday, July 29, 2010. The motion was seconded by Vice-Mayor Browne. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried

13. Consider, and act upon, approving and authorizing management to sell at auto auction a 2002 Chevy S10 PU with 163,480 miles in extremely poor condition. . *(Gayla Duke, Chief Financial Officer)*

Executive Summary

Motion to approve management's proposal to sell the attached vehicle at auto auction.

Councilman Smitherman moved to approve and authorize management to sell at auto auction a 2002 Chevy S10 PU with 163,480 miles in extremely poor condition. The motion was seconded by Councilman Garvin.

Before the vote, Manager Stasiak stated that the City was requesting that this vehicle be declared surplus or obsolete. Councilman Harrison commented that the City had the authority to sell the item once the Council declares it surplus or obsolete. Mr. Ervin stated that the motion would need to declare the vehicle surplus and authorize the sale of the vehicle.

Mayor Priddle moved to amend the motion, declare the 2002 Chevy S10 PU surplus and authorize management to sell at auto auction. The motion was seconded by Councilman Harrison. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried

14. Consider, and act upon, a request by the Italian Festival Foundation to waive the rental fee for the use of the Southeast Expo Center for the 2011 Annual Italian Festival by partnering with them in the amount of \$2,125.00.

Executive Summary

Consider appropriating \$2,125.00 of the \$5,000.00 approved annual partnering budget for the 2011 Italian Festival at the Expo.

Councilman Smitherman moved to approve a request by the Italian Festival Foundation to waive the rental fee for the use of the Southeast Expo Center for the 2011 Annual Italian Festival by partnering with them in the amount of \$2,125.00. The motion was seconded by Vice-Mayor Browne.

Before the vote, Manager Stasiak commented that as part of the budgeting process \$5,000.00 was set aside to partner with various organizations. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

15. Consider, and act upon, adopting a Resolution supporting application for Federal Assistance with the FAA.

Executive Summary

Motion to approve a Resolution supporting application for Federal Assistance with the FAA.

Councilman Fiedler moved for approval of RESOLUTION NO. 10-11, supporting the application for Federal Assistance with the FAA. The motion was seconded by Councilman Smitherman.

Before the vote, Manager Stasiak stated that the City anticipated the project costs to total \$115,000 and was seeking funding support for the project from the Federal Aviation Administration in the amount of \$109,250, with the City's share estimated at \$5,750. Councilman Fiedler stated that this was a project that was started about fifteen (15) or twenty (20) years ago. Mayor Priddle commented that this was almost another \$95,000 grant.

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

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

Mayor Priddle declared the motion carried.

16. Consider, and act upon, to authorize the Mayor to sign the Pledge and Guarantee document which authorizes the annual renewal of the Participation Agreement with the Association for Landfill Financial Assurance. (*John Modzelewski, P.E. Engineering Dept*)

Executive Summary

Motion to approve the document and authorize the Mayor to sign after review and approval by City Attorney's Office.

Vice-Mayor Browne moved to authorize the Mayor to sign the Pledge and Guarantee document which authorizes the annual renewal of the Participation Agreement with the Association for Landfill Financial Assurance (ALFA). The motion was seconded by Councilman Harrison.

Before the vote, John Modzelewski explained that this was an annual agreement for membership with ALFA and would renew the City's membership for fiscal year 2010-2011. He commented that the City had been a member since 1995. He added that this membership fulfills the requirements of the Oklahoma Department of Environmental Quality for financial assurance landfill closure and post-closure monitoring costs.

Vice-Mayor Browne commented that the City did not have intentions of closing the landfill. Manager Stasiak confirmed Vice-Mayor Browne's statement that the City did not intend to close the landfill.

There was no further 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.

17. Consider, and act upon, an Agreement for Engineering Services with Meshek & Associates, PLC for Phase II Stormwater Management Program New Permit for the City of McAlester to meet Oklahoma Department of Environmental Quality (ODEQ)

requirements and EPA's National Pollutant Discharge Elimination System (NPDES).  
(John Modzelewski, P.E. Engineering Dept)

Executive Summary

Motion to approve an Agreement for Engineering Services with Meshek & Associates, Inc. for Phase II Stormwater Management Program activities during FY 2010-2011 for a fee not to exceed \$50,000.

Councilman Smitherman moved for approval of an Agreement for Engineering Services with Meshek & Associates, PLC for Phase II Stormwater Management Program New Permit for the City of McAlester to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA's National Pollutant Discharge Elimination System (NPDES). The motion was seconded by Councilman Harrison.

Before the vote, John Modzelewski explained that in July 2008 the Council had approved the selection of Meshek & Associates PLC as the City's engineering consultant for the Phase II Stormwater Management Program. He commented that the first permit had been completed and ODEQ was preparing the requirements for the next permit cycle of the NPDES Phase II Stormwater Management Program. He added that this would allow Meshek & Associates PLC to continue working with the City to be in compliance with NPDES Permit Phase II requirements.

There was a brief discussion among the Council concerning blanks in the agreement, looking at last years agreements, changing the date on one of the attachments and if the rates were the same as last year. Mayor Priddle restated the motion to read approval of an Agreement for Engineering Services with Meshek & Associates, PLC for Phase II Stormwater Management Program New Permit for the City of McAlester to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA's National Pollutant Discharge Elimination System (NPDES), subject to the review of the City Attorney and completion of the blanks. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried

**New Business**

Manager Stasiak explained that staff had been made aware that the 2006 CDBG Grant No. 12557-CDBG-06 had not been properly closed, all other requirements had been completed. He stated that the Council had not officially voted on the closing. He added that the Department of Commerce only allows two (2) grants to be in process at a time. Mayor Priddle commented that what was needed was for the Council to vote to officially close and accept the project as completed.

Councilman Smitherman moved to approve the decision to accept the project 12557-CDBG-06 as completed and officially closed. The motion was seconded by Councilman Karr. There was no other 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.

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

Manager Stasiak reminded everyone to be careful driving down Electric during the street repairs. He stated that phase 1 resurfacing of asphalt on the east bound side of the street would be completed this week and phase 2 would replace approximately fifteen (15) cement panels on the west bound side of the street. He added that phase 3 would be replacing a few cement panels in front of PSO. Hoped to have the recycling program up and running by September 1<sup>st</sup> and there was a meeting scheduled for Wednesday, July 28<sup>th</sup>.

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

Councilman Fiedler asked the citizens to contact the City if they were having problems with discolored water. He stated that he had visited with representatives of Shared Blessings and on August 7, 2010 at 9:00 was the "Back to School Bash". He explained that Shared Blessings would be giving away approximately one thousand (1000) backpacks and supplies to area school children and there would be other activities also.

Councilman Harrison had no comments for this evening.

Vice-Mayor Browne asked if the City could designate someone to collect complaints about sanitation and forward them to Allied Waste. He asked the citizens to not leave their trash receptacles at the street. He commented on the recent campaigns and how there had not been any mud slinging, he then congratulated all of the candidates for their campaigns.

Councilman Karr thanked the Utility Maintenance Department for the repair of the water leak in his ward.

Councilman Garvin thanked the City Manager and staff for the work being done on Electric Avenue. He then asked as to when the City would receive the street patching machine.

Manager Stasiak stated that the truck would be delivered this week and the patching machine should arrive the next week. He then asked Mr. Modzelewski to update the Council.

Mr. Modzelewski advised the Council that the truck chassis would be here Friday; the rest of the equipment should be delivered next week. They had built a two (2) sided containment clean area for the aggregate that would be required for the process and there would be training furnished to the City employees that would be assigned to the operation. He then commented that there would be inserts for the water bills addressing some of the concerns about the trash issue.

Councilman Garvin asked that when this is delivered he would like to see news coverage to show what the City was doing and had planned to address the street repairs.

Councilman Smitherman commented on a street light at Ninth and Chickasaw that was out, the drains that needed cleaned in Ward 6, and grass clippings that are blown into the street. He stated that hopefully there would be a resignation from Ward 6 in the next couple of days. He added that he did not have a signed contract at this time. He then encouraged Ms. Duke to continue her hard work.

Councilman Fiedler asked if a link on the City's website for PSO street lights.

Mayor Priddle commented that he would not make any comments tonight and allow all that wanted to attend the final minutes of the election at the election board. He then asked for a motion to recess the Council meeting.

Councilman Fiedler moved to recess the meeting until Thursday, July 29, 2010 at 5:30 P.M. The motion was seconded by Vice-Mayor Browne.

Before the vote, Vice-Mayor Browne congratulated Councilman Smitherman for his new employment opportunity.

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

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

NAY: None

Mayor Priddle declared the motion carried and the meeting was recessed at 7:45 P.M.

The Regular meeting was reconvened Thursday, July 29, 2010 at 5:30 P.M. Councilman Harrison was not in attendance.

Councilman Smitherman moved to reconvene the meeting, seconded by Vice-Mayor Browne. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried and the meeting was reconvened at 5:30 P.M.

11. Consider, and act upon, approving purchase of excess workers compensation insurance. Quotes are still being received and staff will bring recommendation to the Council meeting upon further analysis. (*Gayla Duke, Chief Financial Officer*)

Executive Summary

Motion to approve management's recommendation for excess workers compensation insurance.

Councilman Fiedler moved to approve purchase of excess workers compensation insurance, seconded by Councilman Karr.

Before the vote, Manager Stasiak distributed a comparison sheet to the Council explaining that Midwest Employers was \$181.00 less than Safety National but, when comparing each of the companies' training programs it was found that Midwest Employers charged \$15.00 per course and \$50.00 annually per user. Mr. Stasiak stated the City had begun to emphasize training and that his recommendation was to proceed with Safety National because of the training factor.

There was a lengthy discussion among the Council regarding the cost of training, what employees would receive training, what self assessment included, if the City began a safety training program would the insurance companies review the City's premiums, preferring to stay with a local business if possible and if the City had ever used the excess insurance coverage.

Bruce Jordan, agent for Midwest Employers, answered some of the Council's questions. Manager Stasiak reminded the Council that the City was self insured up to a certain amount and anything that could be done to decrease claims would be beneficial.

Vice-Mayor Browne moved to accept the quote from Midwest Employers, selecting option 5. The motion was seconded by Councilman Smitherman.

Before the vote, Councilman Fiedler asked if Midwest would have someone work with the City's Safety Officer to develop a safety program. Councilman Garvin asked how long before they would contact the City to begin the project. Mr. Jordan answered yes the company would contact the Safety Officer and it should be in thirty (30) days. There was no further discussion, and the vote was taken as follows:

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

NAY: Councilman Karr

Mayor Priddle declared the motion carried.

12. Consider, and act upon, approving agreement to provide the City of McAlester's third party administration of our self-insured workers compensation. Management recommendation is to approve this contract with Mutual Assurance Administrators, Inc., pending approval of City Attorney. *(Gayla Duke, Chief Financial Officer)*

Executive Summary

Motion to approve management's proposal administration of our self-insured workers compensation.

Vice-Mayor Browne moved to approve an agreement to provide the City of McAlester's third party administration of our self-insured workers compensation. The motion was seconded by Councilman Fiedler.

Before the vote, Manager Stasiak reviewed the comparison of United Safety and Mutual Assurance Administrators, Inc. (MAA), with MAA's quote being \$3,505.00 less than United Safety.

Mr. Ervin arrived at 5:58 P.M.

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Mayor Priddle moved to approve an agreement with MAA to provide the City of McAlester's third party administration for their self-insured workers compensation. The motion was seconded by Councilman Garvin.

Before the vote, Vice-Mayor Browne asked if the City Attorney had reviewed the contracts to insure that the City was not breaking the law by changing contract. Mr. Ervin commented that the contract had expired June 30, 2010 and was proceeding month to month. He stated that he did have some issues with the MAA contract and he reviewed those items.

Mayor Priddle restated the motion to say "approve an agreement with MAA to provide the City of McAlester's third party administration for their self-insured workers compensation pending changes outlined by the City Attorney." There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

Manager Stasiak commented that this was extremely time sensitive and he and the City Attorney would need to work on it tomorrow. Councilman Garvin thanked Ms. Duke for putting this together.

#### Recess Council Meeting

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Smitherman 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 Fiedler, Browne, Karr, Garvin, Smitherman & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 6:08 P.M.

#### Reconvene Council Meeting

The Regular Meeting was reconvened at 6:14 P.M.

Vice-Mayor Browne commented that the Pension Board had not met in some time and asked if that could be looked into.

#### Adjournment

There being no further business to come before the Council, Councilman Smitherman moved for the meeting to be adjourned, seconded by Councilman Fiedler. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 6:14 P.M.

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Kevin E. Priddle, Mayor

ATTEST:

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Cora Middleton, City Clerk