

Council Chambers
Municipal Building
May 11, 2010

The McAlester City Council met in Regular session on Tuesday, May 11, 2010, at 6:00 P.M. after proper notice and agenda was posted, May 7, 2010, at 11:10 A.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

Councilman Smitherman gave the invocation and Councilman Karr 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 & Mayor Priddle

Absent: None

Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, City Manager; Gayla Duke, Chief Financial Officer; 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

Consent Agenda

- A. Approval of the Minutes from the April 22, 2010, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for April 28, 2010 through May 11, 2010. *(Gayla Duke, Chief Financial Officer)* In the following amounts: General Fund - \$83,292.05; Nutrition - \$759.84; Landfill Res./Sub-Title D - \$13,189.08; SE Expo Ctr/Tourism - \$7,129.96; E-911 - \$6,270.67; Economic Development - \$59,988.43; Gifts & Contributions - \$1,450.00 and CIP Fund - \$9,530.00.
- C. Authorize the Pittsburg County Chapter of the NAACP to use Michael J. Hunter Park on Saturday, June 20, 2009, between the hours of 9:00 a.m. to 6:00 p.m., for the Juneteenth Celebration. *(Maureen Harrison, Pittsburg County Chapter of the NAACP)*

Councilman Harrison requested that item "B" be removed to individual consideration.

Councilman Smitherman moved for approval of Consent Agenda items “A” and “C”. The motion was seconded by Councilman Karr. 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:

B. Approval of Claims for April 28, 2010 through May 11, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$83,292.05; Nutrition - \$759.84; Landfill Res./Sub-Title D - \$13,189.08; SE Expo Ctr/Tourism - \$7,129.96; E-911 - \$6,270.67; Economic Development - \$59,988.43; Gifts & Contributions - \$1,450.00 and CIP Fund - \$9,530.00.

Councilman Fiedler moved to approve the Claims for April 28, 2010 through May 11, 2010. The motion was seconded by Vice-Mayor Browne.

Before the vote, Councilman Harrison asked Mr. Stasiak about the payments made to McAfee & Taft. Manager Stasiak explained that the payments were for legal services concerning three (3) Unfair Labor Practices claims and three (3) grievances.

Councilman Harrison then asked Mr. Stasiak about the payments two (2) to Keystone Equipment in the amount of \$641.59 each. Manager Stasiak explained that they were duplicate payments and that one of the payments had been voided.

Mayor Priddle commented that the claims would be approved less the amount of the voided payment.

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.

Councilman Harrison moved to open a Public Hearing for comments three (3) Ordinances to be considered by the Council. The motion was seconded by Vice-Mayor Browne. 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 6:08 P.M.

Mayor Priddle commented that he had been notified by the City Manager that the two (2) zoning Ordinances needed to be pulled.

Manager Stasiak stated that the publication that had been placed in the newspaper had been incorrect on the date for the Public Hearing and that a correction had been submitted to the paper. He added that the Public Hearing concerning the two (2) zoning Ordinances would be held in June.

Public Hearing

- An ordinance of the City Council of the City of McAlester, Oklahoma, amending the Code of Ordinances, Chapter 62, Article V, Division 4; flood hazard overlay district and flood damage prevention. Adopting a flood damage prevention plan, statement of purpose and establishing methods and procedures relating thereto, and declaring an emergency.
- An Ordinance of the City of McAlester, Oklahoma, adding to said City of McAlester, Oklahoma, territory adjacent to the city limits, providing for zoning of said property and declaring an emergency. (i.e., Beginning at the Southwest corner of Lot 94, Townsite Addition No. 5, Pittsburg County, State of Oklahoma)
- An Ordinance of the City of McAlester, Oklahoma, adding to said City of McAlester, Oklahoma, territory adjacent to the city limits, providing for zoning of said property and declaring an emergency. (i.e., A tract of land in Lots 16, 17 and 18, in Townsite Addition No. 2, Pittsburg County, State of Oklahoma.)

There were no comments from neither the citizens nor the Council and Mayor Priddle called for a motion to close the Public Hearing.

Councilman Garvin moved to close the Public Hearing, 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 6:09 P.M.

Scheduled Business

1. Consider and accept presentation of the Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2009. (*Rheba Henderson of Hulme Rahhal Henderson Inc.*)

Executive Summary

Consider and act upon accepting the annual audit for FY 08-09 for the City of McAlester.

Councilman Garvin moved to accept the Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2009. The motion was seconded by Councilman Karr.

Before the vote, Rheba Henderson presented the Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2009 to the Council. She briefly reviewed the various sections of the Audit highlighting the increase to net assets, the improvement to the Public Works, and the improvement in the negative fund balance. She briefly analyzed the transfers from MPWA to the General Fund and the retirement funding for the police and fire departments and the retirement for the non-uniformed employees. She commented that the Audit Findings had decreased from the previous year and that the addition of the treasurer and training had positively impacted the results of the audit. She also stated that the City Manager and Chief Financial Officer had been very helpful.

Councilman Harrison commented that he was pleased with the general tone of the responses to the audit findings

There was no further 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.

2. Consider, and act upon, authorizing the Mayor to sign an Engagement Letter with Crawford and Associates, P.C., for the period from July 1, 2010 through June 30, 2011. (*Gayla Duke, Chief Financial Officer*)

Executive Summary

This agenda item involves an Engagement Letter covering the accounting services that Crawford and Associates, P.C., might provide during the period from July 1, 2010 through June 30, 2011.

Councilman Harrison moved to authorize the Mayor to sign an Engagement Letter with Crawford and Associates, P.C., for the period from July 1, 2010 through June 30, 2011. The motion was seconded by Councilman Smitherman.

Before the vote, Ms. Duke commented that this was the same contract as last year. There was a brief discussion among the Council and Ms. Duke regarding the services, the hourly rates and the invoices that are furnished by the company.

There was no other 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.

3. **TABLED** - Consider, and act upon, authorizing the Mayor to sign a contract upon City Attorney review with Allied Waste Services of Alderson for the City of McAlester's solid waste collection, removal and disposal. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to accept the Allied Waste Services (AWS) of Alderson proposal subject to review by the City Attorney.

Councilman Harrison moved to authorize the Mayor to sign a contract upon City Attorney review with Allied Waste Services of Alderson for the City of McAlester's solid waste collection, removal and disposal. The motion was seconded by Councilman Garvin.

Before the vote, Manager Stasiak commented that the Council had been discussing this for two (2) to three (3) months. He stated that there were two (2) issues that needed to be resolved of which were, 1. Service to the citizens and 2. Funding of other departments. He added that staff had determined that the City could provide the same service in two (2) or three (3) years that Allied could provide in two (2) or three (3) months. He then reviewed the current and proposed pricing for residential and commercial customers. Mr. Stasiak explained that the use fee that was currently charged on all accounts would be eliminated and a recycling fee would be charged. He added that Allied Waste would be setting up a recycling center for the City. He further stated that residential rates would decrease slightly while the commercial rates would increase to bring those rates more in line with the average rates of other cities in this area of the state.

There was a lengthy discussion among the Council including Mr. Stasiak and the City Attorney concerning the Roll-Off accounts, the Sub-Title D fee, maintaining the landfill for City residents, constructing a small cell, the possibility of moth balling the landfill, an out option to the contracts, the affected employees, the ability of the City to perform the service, the speed at which the landfill was filling up, and Allied Waste not using the City's landfill at all.

Vice-Mayor Browne stated that he was opposed to privatizing and felt the City could improve their customer service.

There was no other discussion and the vote was taken on this item.

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

NAY: Vice-Mayor Browne & Councilman Karr

Mayor Priddle declared the motion carried.

4. Consider, and act upon, an ordinance amending Ordinance No. 1843 which established the "Flood Hazard Overlay District and Flood Damage Prevention"; providing for a severability clause; and declaring an emergency. (*John C. Modzelewski, PE*)

Executive Summary

A motion to approve the amended ordinance.

ORDINANCE NO. 2355

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING THE CODE OF ORDINANCES, CHAPTER 62, ARTICLE V, DIVISION 4; FLOOD HAZARD OVERLAY DISTRICT AND FLOOD DAMAGE PREVENTION. ADOPTING A

FLOOD DAMAGE PREVENTION PLAN, STATEMENT OF PURPOSE AND ESTABLISHING METHODS AND PROCEDURES RELATING THERETO, AND DECLARING AN EMERGENCY.

Councilman Karr moved for approval of ORDINANCE NO. 2355, seconded by Councilman Smitherman.

Before the vote, Mr. Modzelewski explained that this was a housekeeping ordinance. There were changes in the language but no physical change in the mapping. He added that Mr. Pitner was doing a great job with the program.

There was a brief discussion, among the Council concerning this being mandated by FEMA, the time crunch the City was under, the use of pervious concrete and if the City Attorney had reviewed the Ordinance.

Mr. Ervin commented that the Ordinance had been reviewed.

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.

Vice-Mayor Browne 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.

5. Consider, and act upon, authorizing the Mayor to sign a Remote Deposit Services Agreement with First National Bank and Trust Co. of McAlester, Inc., dated April 22, 2010. (*Gayla Duke, Chief Financial Officer*)

Executive Summary

Motion to authorize the Mayor to sign a Remote Deposit Services Agreement with First National Bank and Trust Co. of McAlester, Inc., pending approval of the contract by the City Attorney.

Councilman Harrison moved to authorize the Mayor to sign a Remote Deposit Services Agreement with First National Bank and Trust Co. of McAlester, Inc., dated April 22, 2010. The motion was seconded by Councilman Fiedler.

Before the vote, Ms. Duke explained that she had discussed this with the Auditor, who was pleased with the program. She added that this agreement would allow the City to utilize

equipment provided by the bank to scan and capture images of checks and or money orders and transmit those images to the bank electronically for deposits into the City's bank accounts. She also stated that the bank would provide the service contract for the first year for the equipment and subsequent years the cost would be \$720.00 per year. Ms. Duke commented that this would increase efficiency with the deposits for both the City and the bank.

There was no other 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.

6. Discuss, consider, and act upon, authorizing approval for the three attached budget transfers for the FY 09-10. (*Gayla Duke, Chief Financial Officer*)

Executive Summary

Motion to approve the three attached budget transfers prepared and approved by staff.

Councilman Harrison moved for approval of three (3) budget transfers for the FY 09-10. The motion was seconded by Councilman Fiedler.

Before the vote, Ms. Duke explained that this was a housekeeping item. She stated that the Charter allowed the City Manager to make transfers within a fund but the Charter also required Council approval of all transfers over \$25,000.00.

There was no other 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.

7. Consider, and act upon, a motion to approve the City of McAlester newly elected council members to attend a state required institute for municipal officials consisting of eight (8) hours training. (*Peter J. Stasiak, City Manager*)

Executive Summary

This is required by state law for newly elected municipal official to receive this training.

Vice-Mayor Browne moved to approve the City of McAlester newly elected council members to attend a state required institute for municipal officials consisting of eight (8) hours training. The motion was seconded by Councilman Fiedler.

Before the vote, Mayor Priddle moved to amend the motion to include covering reasonable expenses if the members did not attend the session offered in McAlester. The motion was seconded by Councilman Fiedler.

Mr. Stasiak commented that currently two (2) of the new members had indicated their interest in attending the June Institute offered in Tulsa.

Vice-Mayor Browne moved to strike newly from the wording of the motion. The motion was seconded by Mayor Priddle.

Mayor Priddle restated the motion to say “Approve the City of McAlester elected council members to attend a state required institute for municipal officials consisting of eight (8) hours training and to cover reasonable expenses for members that did not attend the session offered in McAlester.” There was no further 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.

8. **TABLED** - Discuss, consider, and act upon, taking action to resolve the present audit findings regarding the investments of the Cemetery Care Perpetual Trust. (*Gayla Duke, Chief Financial Officer*)

Executive Summary

Motion to take action and vote upon a method that will satisfy the audit findings regarding the investments of the Trustee for the Cemetery Care Perpetual Trust.

Councilman Smitherman moved to approve action to resolve the present audit findings regarding the investments of the Cemetery Care Perpetual Trust. The motion was seconded by Councilman Karr.

Before the vote, Ms. Duke explained that Mr. Priddy had not found any additional information regarding the Trust or if any bequests had been made in the past.

Mr. Ervin commented that the original trustee had served for thirty (30) years and had performed the service as a civic act with out compensation. He explained that the original Ordinance wording was close to the wording today, the trustee must be court appointed and that the trust had ran very smoothly with a private individual as trustee. He added that the primary reason for addressing this matter was the Audit finding and if able to bring close to home may be able to remove that finding. If the Council chooses to dissolve the trust will require court action. May be able to find someone qualified and willing to perform as a civic act.

There was a brief discussion between the Council, Mr. Ervin and Ms. Duke concerning the payment of fees from the trust, if the investment policy of the City would fall into place if trust was abolished, if a bank would be able to perform as trustee and the need for documentation of all decisions no matter who took over the position.

Mayor Priddle moved to table the item until the next meeting as which time he and the CFO would provide names of nominees for the trustee and if unable to provide names, Council would consider abolishing the Trust. The motion was seconded by Councilman Harrison.

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.

9. Consider, and act upon, an Ordinance authorizing the City of McAlester to proceed with the annexation of additional lands adjacent to the City. (Dahlgren Annexation) *(Peter J. Stasiak, City Manager)*

Executive Summary

A motion to approve an Ordinance of the City of McAlester, Oklahoma, adding to said City of McAlester, Oklahoma, territory adjacent to the city limits, providing for zoning C-5 (Highway Commercial and Commercial Recreation District) and declaring an emergency.

Councilman Karr moved to authorize the City of McAlester to proceed with the annexation of additional lands adjacent to the City. (Dahlgren Annexation). The motion was seconded by Vice-Mayor Browne.

Before the vote, Mr. Stasiak reviewed the map of the proposed annexation and possible future annexations. He explained that there had been a misinterpretation in the publication which caused the public hearing to be pulled tonight.

Mayor Priddle commented that the Public Hearing could be added as a Special meeting or take to a Regular meeting.

There was a brief conversation among the Council regarding the annexation process, if the staff could produce a packet addressing the annexation process and the having the Council direct the publication of the notice of the proposed annexation and the date and time of the Public Hearing. Mayor Priddle called for a Special meeting workshop the week before the first meeting in June to address any questions that might arise regarding the annexation process.

Mayor Priddle moved to table this item until the first meeting in June and authorize the City staff to publish the notice of the proposed annexation and include the date and time of a Public Hearing. The motion was seconded by Councilman Smitherman. 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.

10. Consider, and act upon, an Ordinance authorizing the City of McAlester to proceed with the annexation of additional lands adjacent to the City. (Stipe Annexation) *(Peter J. Stasiak, City Manager)*

Executive Summary

A motion to approve an Ordinance of the City of McAlester, Oklahoma, adding to said City of McAlester, Oklahoma, territory adjacent to the city limits, providing for zoning R-3 (Multi Family Residential) and declaring an emergency.

Vice-Mayor Browne moved to authorize the City of McAlester to proceed with the annexation of additional lands adjacent to the City. (Stipe Annexation). The motion was seconded by Councilman Smitherman.

Before the vote, Manager Stasiak commented that this request for annexation had been made by Stipe L.L.C. He added that this falls into the same situation as the previous item.

Mayor Priddle moved to table this item until the first meeting in June and authorize the City staff to publish the notice of the proposed annexation and include the date and time of a Public Hearing. The motion was seconded by Councilman Smitherman. 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. Presentation of Proposed Annual Operating Budget for FY 2010/2011 and Budget Message. (*Peter J. Stasiak, City Manager*)

Executive Summary

Presentation on Proposed Annual Operating Budget for FY 2010/2011 and Budget Message. The recommendation is to set a Special Meeting and Work Session date to review the 2010/11 Preliminary Budget.

Councilman Harrison moved to open the floor for the presentation of the FY 2010/2011 Proposed Annual Operating Budget. The motion was seconded by Councilman Fiedler.

Before the vote, Manager Stasiak presented the preliminary 2010/2011 budget. He commented that he would like to see a workshop set in the near future for the Council to discuss the budget in detail. He then reviewed the proposed budget highlighting the various changes in the different departments. he commented that there was a great need for a new accounting position in the Finance Department, they were looking into merging different departments and of the many items they were looking to change they would like the Council to review.

Vice-Mayor Browne asked if the City had checked with Workforce Choctaw to aid in the short falls in staffing. Mr. Stasiak commented that Ms. Maldonado had contacted the Choctaw Nation about that program.

Mayor Priddle thanked the City Staff for the immense amount of work that had been put into developing the proposed budget and commented that he would like to call a Special Meeting for next Tuesday at 5:30 P.M. to conduct a Budget Workshop.

Mr. Stasiak stated that the entire staff had worked diligently on the Budget. There was no further discussion and no vote was taken on this item.

New Business

None

City Manager's Report

Manager Stasiak reported that "D" Street construction was completed and the street was open.

Remarks and Inquiries By City Council

Councilman Fiedler thanked the Street Crews for cleaning up the streets. He announced that the Council was scheduled to serve at the Italian Festival food tent on May 23rd.

Councilman Harrison had no remarks at this time.

Vice-Mayor Browne reported that the Letter Carriers had collected over eight (8) tons of food during their food drive. He commented that there were a lot of good people in the town. He then thanked the Sanitation employees for the job they had done over the past years.

Councilman Karr commented of the lights that had been installed in the area of the railroad that had been cleaned up. He announced that there would be a rodeo at the Pittsburg County Fairgrounds arena on May 22, 2010 at 2:00 P.M.

Councilman Garvin expressed his appreciation to the City Manager for addressing the lighting problem in North Town. He commented on the street crews working to clean up the streets.

Councilman Smitherman commented on the Armed Forces Day Parade. He added that this type of activity helped to promote the community.

Mayor Priddle commented on the Armed Forces Day had been very good with a great turnout and there had been a wonderful turn out at the Airport for the activities that had taken place there.

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 Vice-Mayor Browne 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 Regular Meeting was recessed at 7:48 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:57 P.M.

Adjournment

There being no further business to come before the Council, Vice-Mayor Browne moved for the meeting to be adjourned, seconded by Councilman Fiedler. 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, and the meeting was adjourned at 7:58 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk