

Council Chambers  
Municipal Building  
June 26, 2012

The McAlester City Council met in Regular session on Tuesday, June 26, 2012, at 6:00 P.M. after proper notice and agenda was posted, June 25, 2012, at 2:40 P. M.

**Call to Order**

Mayor Harrison called the meeting to order.

Mother Stephanie Swinnea, All-Saints Episcopal Church, led the Pledge of Allegiance and gave the invocation.

**Roll Call**

Council Roll Call was as follows:

Present: Weldon Smith, Travis Read, Robert Karr, Buddy Garvin, Sam Mason & Steve Harrison  
Absent: None  
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, Chief Finance Officer; John C. Modzelewski, City Engineer/Public Works Director; Mel Priddy, Community Services Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

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

Stephanie Shafer addressed the Council distributing Pride In McAlester's "2012 Great American Cleanup" Wrap Up Report. She commented on the work that had been done at Lake McAlester and the difference it had made during the boat races. She informed the Council that on the next Community Work Day, July 14th, they would restore two outside paintings at Emerson Elementary School.

**Consent Agenda**

- A. Approval of the Minutes from the June 12, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for June 6-June 19, 2012. *(Toni Ervin, Chief Financial Officer)* In the following amounts: In the following amounts: General Fund - \$122,927.26; Parking Authority - \$105.10; Nutrition - \$1,625.73; Landfill Res./Sub-Title D - \$495.00; Tourism Fund - \$7,810.00; SE Expo Center - \$33,941.59; E-911 - \$6,807.69; Economic Development - \$2,000.00; Gifts & Contributions - \$9,446.50; Fleet Maintenance - \$23,654.99; CIP Fund - \$110,996.50 and Federal Forfeiture Fund - \$443.09.

- C. Accept and place on file the ADA Yearly Report. *(Mel Priddy, Director Community Services)*
- D. Ratify and approve a one year Financial Advisor Services Agreement between Municipal Finance Services, Inc. and the City of McAlester. *(Cora Middleton, City Clerk)*
- E. Ratify and approve a one year agreement between the Public Finance Law Group and the City of McAlester, Oklahoma to engage as bond counsel for the purposes of consultation on any contemplated financing which the City or the Authority may undertake. *(Peter J. Stasiak, City Manager)*
- F. Ratify and approve a one year Lease No. DTFA07-97-L-01137, Outer Marker, (OM) Site and Access Road, McAlester Municipal Airport, between The United States of America and the City of McAlester, Oklahoma. *(Cora Middleton, City Clerk)*
- G. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and the Oklahomans for Independent Living. *(Peter J. Stasiak, City Manager)*
- H. Consider and act upon, authorizing the Mayor to sign a City County Agreement for a Joint Civil Defense/Emergency Management Administration between the Board of County Commissioners of Pittsburg County of Oklahoma and the City of McAlester. *(Peter J. Stasiak, City Manager)*
- I. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester Public Works Project and the Oklahoma Department of Corrections (Prisoners Public Works). *(Peter J. Stasiak, City Manager)*
- J. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Main Street Association. *(Peter J. Stasiak, City Manager)*
- K. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Pride-in-McAlester. *(Peter J. Stasiak, City Manager)*
- L. Consider and act upon, authorizing the Mayor to sign an Equipment Maintenance Agreement between the City of McAlester and BizTel Business Telephone Systems for July 1, 2012 through June 30, 2013. (No increase in service rates – same as last year.) *(Peter J. Stasiak, City Manager)*

Councilman Read requested that “Item J” be removed for individual consideration and Manager Stasiak requested that “Item F” be removed for individual consideration.

A motion was made by Councilman Smith and seconded by Councilman Read to approve Consent Agenda items “A, B, C, D, E, G, H, I, K and L.”

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

AYE: Councilman Smith, Read, Karr, Garvin, Mason & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried.

**Items removed from Consent Agenda**

- F. Ratify and approve a one year Lease No. DTFA07-97-L-01137, Outer Marker, (OM) Site and Access Road, McAlester Municipal Airport, between The United States of America and the City of McAlester, Oklahoma. *(Cora Middleton, City Clerk)*

A motion was made by Councilman Karr and seconded by Councilman Garvin to Ratify and approve a one year Lease No. DTFA07-97-L-01137, Outer Marker, (OM) Site and Access Road, McAlester Municipal Airport, between The United States of America and the City of McAlester, Oklahoma.

Before the vote, Manager Stasiak distributed a map showing the location of the Outer Marker Site and the current lease agreement, with Irene Crabtree. He explained that this was the first marker that pilots encountered as they approached the Airport from the South. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Read, Karr, Garvin, Mason, Smith & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried.

- J. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Main Street Association. *(Peter J. Stasiak, City Manager)*

A motion was made by Councilman Karr and seconded by Councilman Garvin to authorize the Mayor to sign a contract between the City of McAlester and Main Street Association.

Before the vote, Councilman Read commented that with the resignation of Carol Ervin the Council did not need to address the contract at this time.

There was a lengthy discussion among the Council and Manager Stasiak regarding Main Street's intent to fill the position, reviewing the contract in depth, outstanding obligations that Main Street had incurred, having no one from the Association in attendance at the Council Meeting, possibly tabling the item, and having more participation from the Down Town merchants.

A motion to table the contract was made by Councilman Smith and seconded by Councilman Read.

Before the vote, Mayor Harrison commented that he and Manager Stasiak would meet with the Main Street Association Board and hopefully have information at the next Council meeting. There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Karr, Garvin, Mason, Smith & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried.

### **Scheduled Business**

1. Discussion and review of quarterly update provided by the McAlester Public Schools.  
(*Marsha Gore, McAlester School Superintendent*)

#### Executive Summary

Discussion and possible action to approve placing on file the quarterly report provided by the McAlester Public Schools.

Marsha Gore addressed the Council updating them on what had been done with the \$700,000.00 that the City had given the school system. she commented that to date no money had been spent and on June 5, 2012 they had conducted their first bid openings for construction. The low bid was \$235,100.00 for the first phase of construction at the McAlester High School and the back side of the Puterbaugh Middle School except for the Gym and the Cafetorium. She stated that the second phase of the construction would be the front half of Puterbaugh Middle School.

There was discussion among the Council regarding the time that this type of roof would last, if there was a guarantee, how long the company had been in business, if the manufacturer would stand behind the product, if the architectural firm would have someone on site to insure that the work was done properly, the history of the company that was to perform the construction, the stipulation that the funding was to be used only for new construction and that quarterly reports were required.

Ms. Gore assured the Council that they would receive quarterly reports going forward.

There was no vote on this item.

2. a) Presentation on the McAlester Master Trails Plan. (*Mike Harmon and Keith Franklin, LandPlan Consultants Inc.*)  
  
b) Consider, and act upon, a Resolution to adopt the McAlester Master Trails Plan.

#### Executive Summary

Motion to approve Resolution adopting the McAlester Master Trails Plan.

Keith Franklin addressed the Council reviewing the benefits of a trails system, the various goals of the planning group, he recommended the multi-use trails, the criteria used for implementation evaluation, funding opportunities and how the proposed trails could be connected to existing trails with in the City of McAlester.

There was discussion among the Council concerning trails along railroad easements and crossings, and funding sources.

Mayor Harrison commented that the City had the plan in place but there was no money in the budget to begin this project. He stated that the intent was to look for Grants and the plan was a long term project. He added that once the first trail was constructed the citizens would see what the trails system really was.

A motion was made by Councilman Read and seconded by Councilman Smith to approve RESOLUTION NO. 12-09, adopting the McAlester Master Trails Plan. Mayor Harrison then read the RESOLUTION for the audience. There was no discussion, and the vote was taken as follows:

AYE: Councilman Karr, Read, Garvin, Smith, Mason & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried.

3. a) Presentation of the City of McAlester Financial Report ending May 31, 2012.  
*(Toni Ervin, Chief Financial Officer)*
- b) Accept and place on file the presentation of the City of McAlester Financial Report ending May 31, 2012.

Executive Summary

City of McAlester Financial Report ending May 31, 2012. Accept and place on file.

Toni Ervin reviewed the of the City of McAlester's financial status as of May 31, 2012. She added that there would be a more detailed report next month after the end of the fiscal year information was obtained.

There was no vote on this item.

4. Tabled at previous meeting: Consider, and act upon, an award bid to Total Investment Company for future construction of FAA AIP 3-40-0057-011 & 012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport. This project is to improve safety area, remove obstruction and improve runway obstacle free area. *(Mel Priddy, Community Services Director)*

Executive Summary

Motion to approve an award bid of \$1,550,086.00 to Total Investment Company for construction of FAA AIP 3-40-0057-011 & 012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport and authorize the mayor to sign all the required documents, the construction contract, the sponsor's certifications, and any other documents related to the FAA-AIP or OAC Project.

A motion was made by Councilman Smith and seconded by Councilman Garvin to award bid of \$1,550,086.00 to Total Investment Company for construction of FAA AIP 3-40-0057-011 & 012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport and authorize the mayor to sign all the required documents, the construction contract, the sponsor's certifications, and any other documents related to the FAA-AIP or OAC Project.

Before the vote, Mel Priddy informed the Council that he had visited with the Company and had been assured that the company was capable of doing the project. He added that Mr. Wade Inman had been involved with two (2) previous projects at the Airport and there had not been any problems with either of those projects. Mr. Priddy stated that he had received an email from the FAA stating that they had received no objections from the tribes regarding any environmental concerns. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Smith, Read, Karr & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

5. Consider, and act upon, a request from Allied Waste/Republic Services increasing the solid waste collection rate for Residential customers by 2.5% based on the increase in the CPI for Urban Wage Earners and Clerical Workers "All Items Index" Midwest Region, Size Class D (50,000 or less) and the U.S. City Average, other Motor Fuels as of April 2012.

Executive Summary

Motion to approve the new service residential rate increase of 2.5% based on the CPI for Urban Wage Earners and Clerical Workers "All Items Index" Midwest Region, Size Class D (50,000 or less) and the U.S. City Average, other Motor Fuels as of April 2012.

A motion was made by Councilman Smith and seconded by Councilman Karr to approve the new service residential rate increase of 2.5% based on the CPI for Urban Wage Earners and Clerical Workers "All Items Index" Midwest Region, Size Class D (50,000 or less) and the U.S. City Average, other Motor Fuels as of April 2012.

Before the vote, Manager Stasiak informed the Council that Mayor Harrison, Mr. Modzelewski and he had met with representatives of Republic Services to verify the calculations and that they conformed with the contract. He stated that this was a 2.5% increase in the base residential charge or .23¢ increase per citizen per month. He commented that in the previous year the City elected not to pass on the increase to the citizens and at this time it was the recommendation of staff not to pass this increase on to the citizens.

There was a brief discussion among the Council concerning the total amount of the increase, if this increase was for both residential and commercial customers, if the vote was for both the residential and the commercial, and the number of accounts.

Mayor Harrison clarified that the item to be voted on tonight was the increase to both the commercial and residential rates that were charged to the City. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Mason, Smith, Read, Karr, Garvin & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

6. Consider, and act upon, approval of On-site shredding agreement with Shred-it for automatic monthly shredding service at City Hall. *(Cora Middleton, City Clerk)*

Executive Summary

Motion to approve agreement with Shred-it for automatic monthly On-site shredding service at City Hall.

A motion was made by Councilman Smith and seconded by Councilman Read to approve an On-site shredding agreement with Shred-it for automatic monthly shredding service at City Hall.

Before the vote, Ms. Middleton addressed the Council explaining that the shredding service would help with record storage issues at City Hall, help maintain confidentiality of customer information, aid in the destruction process of records as allowed by the State of Oklahoma and facilitate recycling of paper.

City Attorney Ervin informed the Council that he had reviewed the contract and had 6 proposed changes that he would like to recommend to the Council. He then reviewed the changes with the Council.

Councilman Smith inquired about the purge and the total cost. Mayor Harrison clarified that the motion would include the changes recommended by the City Attorney. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Mason & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

7. Discussion on Code Violations and Condemnation Process. *(Councilman Travis Read)*

Executive Summary

Discussion on Code Violations and Condemnation Process.

There was discussion among the Council regarding the City's responsibility to implement an aggressive cleanup program, the process taken to condemn structures, the process to address high grass and vehicles, if and when liens were filed on non-compliant property, the length of time it takes to properly file paperwork, the fees that were charged, how abatement issues were addressed when an entity affiliated with the City was not complying and the Code Department issuing citations to property owners that would not comply with the City's ordinances.

There was no vote on this item.

8. Consider, and act upon, the First Amendment to the Participation Agreement with the Association for Landfill Financial Assurance. *(John C. Modzelewski, P.E., City Engineering and Public Works, Director)*

Executive Summary

Motion to approve and authorize the Mayor to sign the First Amendment to the Participation Agreement with the Association for Landfill Financial Assurance after review and approval by City Attorney's Office.

Vice-Mayor Mason moved to approve and authorize the Mayor to sign the First Amendment to the Participation Agreement with the Association for Landfill Financial Assurance after review and approval by City Attorney's Office. The motion was seconded by Councilman Smith.

Before the vote, John Modzelewski addressed the Council informing them that the City of McAlester had been a member of the Association for Landfill Financial Assurance (ALFA) since July 25, 1995. He stated that membership in ALFA fulfilled the requirements of the Oklahoma Department of Environmental Quality for financial assurance of landfill closure and post-closure monitoring costs. He added that this was the first amendment to the Participation Agreement since 1995 and it changed the Pay-in-Period from a maximum of thirty (30) years to a period equal to the expected economic life of the Facility.

Vice-Mayor Mason commented that the Agreement had to be acted on annually. Mr. Modzelewski confirmed the statement. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Mason & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

### **New Business**

There was no new business.

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

Manager Stasiak did not have a report for the meeting.

### **Remarks and Inquiries by City Council**

None of the Council members had remarks or inquiries for the meeting.

### **Mayor's Comments and Committee Appointments**

Mayor Harrison did not have any comments or appointments for the meeting.

### **Recess Council Meeting**

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Karr moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Garvin. There was no discussion, and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Mason, Smith, Read & Mayor Harrison

NAY: None



Mayor Harrison declared the motion carried and the meeting was recessed at 7:51 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:53 P.M.

Adjournment

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

AYE: Councilman Read, Karr, Garvin, Mason, Smith & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:55 P.M.

ATTEST:

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Steve Harrison, Mayor

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Cora Middleton, City Clerk