

Council Chambers  
Municipal Building  
February 14, 2012

The McAlester City Council met in Regular session on Tuesday, February 14, 2012, at 6:00 P.M. after proper notice and agenda was posted, February 13, 2012, at 2:09 A. M.

**Call to Order**

Mayor Priddle called the meeting to order.

City Attorney, Joe Ervin gave the invocation and lead the Pledge of Allegiance.

**Roll Call**

Council Roll Call was as follows:

Present: Weldon Smith, Steve Harrison, John Browne, Robert Karr, Sam Mason & Kevin Priddle  
Absent: Buddy Garvin  
Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, City Manager; 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 thanked everyone that attended Pride In McAlester's volunteer banquet. She commented on the Spring Cleanup and she challenged the City Council to form teams in their wards for the April 14, 2012 trash competition. Awards will be presented to the teams/wards that collect the most trash that day. Ms. Shafer then informed the Council of the Household Hazardous Cleanup on April 21, 2012.

Carol Ervin invited everyone to the Culture Fest on August 25, 2012 and she informed them of the planning meeting on Tuesday, February 21, 2012 at 5:00 P.M. in the Main Street Office.

Maureen Harrison informed the Council that Make a Difference Day McAlester had been nominated for a \$10,000.00 award that would be given to a charity. She added that the selection will be on popular online voting. She then encouraged everyone to go to [www.makeadifferenceday.com](http://www.makeadifferenceday.com) beginning tomorrow, February 15<sup>th</sup> through February 29<sup>th</sup>.

**Consent Agenda**

A. Approval of the Minutes from the January 24, 2012 Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

- B. Approval of Claims for January 18 through February 7, 2012 (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$112,097.14; Nutrition - \$863.02; Landfill Res/Sub-Title D - \$2,360.00; Tourism Fund - \$3,350.00; SE Expo Center - \$12,519.95; E-911 - \$5, 424.19; Economic Development - \$63,923.26; Gifts & Contributions - \$27,564.25; CDBG Grants Fund - \$16,708.37; Fleet Maintenance - \$18,157.88; Worker's Compensation - \$69.00 and CIP fund - \$84,827.55.
- C. Accept and place on file the Oklahomans for Independent Living Report for October, November and December for 2011. (*Mike Ward, Executive Director*)
- D. Accept and place on file Mayor Kevin E. Priddle, State of the City Address. (*Cora Middleton, City Clerk*)
- E. Authorize the Mayor to sign Continental Resources Inc. Division Order for Property No. 199527, MARILYN 1-29H, Pittsburg County, Oklahoma. The Division Order is confirmation that the well has reached producing status, provides a legal description of the property and confirms the City's interest in revenues. (*Cora Middleton, City Clerk*)

Vice-Mayor Browne moved to approve the Consent Agenda, seconded by Councilman Harrison.

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

AYE: Councilman Smith, Harrison, Browne, Karr, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

**Items removed from Consent Agenda**

None

Councilman Harrison moved to open a Public Hearing to address two (2) ordinances. The motion was seconded by Vice-Mayor Browne.

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

AYE: Councilman Harrison, Browne, Karr, Mason, Smith & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:11 P.M.

**Public Hearing**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR**

**2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

**AN ORDINANCE AMENDING ARTICLE IV. SOLID WASTE, DIVISION 1 AND MUNICIPAL COLLECTION SERVICE, DIVISION 2. GENERALLY, SECTION 106-301, DEFINITIONS, SECTION 106-303, BURNING OF REFUSE, SECTION 106-304(a) UNLAWFUL SCATTERING, STORING, ETC., SECTION 106-306, AND REMOVAL OF WASTE MATERIAL, CONSTRUCTION DEBRISM, SECTION 106-321, CITY'S EXCLUSIVE RIGHT TO COLLECT REFUSE, SECTION 106-323, GENERAL REFUSE CONTAINER AND STRAGE REQUIREMENTS – FOR DWELLINGS, SECTION 106-324, SAME-FOR BUSINESS AND INDUSTRIAL ESTABLISHMENTS LARGE COMMERCIAL AND INDUSTRIAL UNITS, SECTION 106-325, MAINTENANCE, REPAIR AND REPLACEMENT OF REFUSE CONTAINERS POLYCARTS AND COMMERCIAL DUMPSTERS, SECTION 106-326(a), PROHIBITING THE UNAUTHORIZED DEPOSIT OF REFUSE IN GARAGE CONTAINERS BELONG OR ASSIGNED TO SOMEONE ELSE, SECTION 106-327, CHARGES FOR REMOVAL OF REFUSE PERMISSIBLE SOLID WASTE, AND ADDING SECTION 106-328, RECYCLING AND SECTION 106-329, ADMINISTRATIVE PROCEDURES OF THE CODE OF ORDINANCES OF THE CITY OF McALESTER; AND DECLARING AN EMERGENCY.**

There were no comments from either the public or the Council and Councilman Karr moved to close the Public Hearing. The motion was seconded by Vice-Mayor Browne, and the vote was taken as follows:

AYE: Councilman Browne, Karr, Mason, Smith, Harrison & Mayor Priddle

NAY: None

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

**Scheduled Business**

1. Consider, and Act Upon, a funding request from the Pittsburg County Regional EXPO Authority (PCREA). (*Peter Stasiak, City Manager and Bill Derichsweiler, Expo Authority*)

Executive Summary

Motion to consider and act upon approval for a funding request from the Pittsburg County Regional EXPO Authority in the amount of \$10,000.

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to approve a funding request from the Pittsburg County Regional EXPO Authority (PCREA).

Before the vote, Manager Stasiak explained that the PCREA had leased the Southeast Expo to the City of McAlester for thirty (30) years in an agreement dated February 27, 2001. He stated that the PCREA had requested assistance in funding the operations and maintenance of the grounds and existing barns in the amount of \$10,000.00. He added that the Pittsburg County Commissioners had recently funded the PCREA with \$10,000.00.

After a lengthy discussion among the Council, including Manager Stasiak and City Attorney Ervin, regarding the legality of the possible funding, the need for a current agreement and annually addressing the agreement, the Authorities composition, tabling the item in order to fine tune an agreement and present it with a budget amendment at the next meeting.

City Attorney Ervin commented that his understanding was that the Council wanted to table the item and bring it back at the next meeting with a Budget Amendment.

Mayor Priddle confirmed the intent and stated that no vote was needed to accomplish this and City Attorney Ervin agreed.

Mayor Priddle move Item 3 to the next item to be considered by the Council because it needed be approved before some of the other items could be addressed.

3. Consider, and Act Upon, an Ordinance amending Ordinance No. 2392 which established the budget for fiscal year 2011-2012; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve the budget amendment ordinance 2392.

### **ORDINANCE NO. 2413**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

A motion was made by Councilman Karr and seconded by Vice-Mayor Browne to approve **ORDINANCE NO. 2413.**

Before the vote, Manager Stasiak reviewed the exhibits for the Budget Amendment with the Council stating that exhibit A1 was for the Schools funding request and exhibits A2 and A3 were the reversal of a previous amendment that had been addressed two times and this would clarify the official time and amount of the amendment.

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

AYE: Councilman Mason, Smith, Harrison, Browne, Karr & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to approve the EMERGENCY CLAUSE.

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

AYE: Councilman Mason, Smith, Harrison, Browne, Karr & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

2. Consider, and Act Upon, a Memorandum of Understanding between the McAlester Public Works Authority and the Board of Education of Independent School District No. 80, Pittsburg County, Oklahoma that sets out in the agreement to the terms and understandings of both parties. (*Joe Ervin, City Attorney*)

Executive Summary

Motion to approve the Memorandum of Understanding that conveys to ISD80 the sum of \$700,000.00.

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to approve a Memorandum of Understanding (MOU) between the McAlester Public Works Authority and the Board of Education of Independent School District No. 80, Pittsburg County, Oklahoma that sets out in the agreement to the terms and understandings of both parties.

Before the vote, City Attorney Ervin reviewed the MOU with the Council and informed them that the MOU had been approved by Board of Education of Independent School District 80.

After a brief discussion among the Council concerning the requested quarterly reports, the availability of the funds and the verbal opinion from the City's current bond counsel, the vote was taken as follows:

AYE: Councilman Smith, Harrison, Browne, Karr, Mason & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

4. Consider, and Act Upon, a request by the Italian Festival Foundation to partner with them for the rental fee for the use of the Southeast Expo Center for the 2012 Annual Italian Festival in the amount of \$2,125.00. (*Jerry Lynn Wilson, Expo Manager*)

Executive Summary

Consider partnering in the amount of \$2,125.00 for the 2012 Italian Festival for the use of the Expo.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to approve a request by the Italian Festival Foundation to partner with them for the rental fee for the use of the Southeast Expo Center for the 2012 Annual Italian Festival in the amount of \$2,125.00.

Before the vote, Mel Priddy explained that this was the request from the Italian Festival Foundation for this years' Italian Festival.

Manager Stasiak commented that he had distributed a financial report from the Italian Festival Foundation for the previous years' festival that showed how the funds raised had been disbursed.

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

AYE: Councilman Karr, Mason, Smith, Harrison, Browne & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

5. Consider, and Act Upon, approval of bid to Nix Ford of McAlester, Oklahoma, for the purchase of one (1) new and unused 2012 Ford Crew Cab 4wd work truck with standard long bed. (*Mel Priddy, Community Services Director*)

Executive Summary

Motion to approve the low bid of \$26,189.00 to Nix Ford of McAlester, Oklahoma for the purchase of one (1) new and unused 2012 Ford Crew Cab 4wd work truck with standard long bed.

Vice-Mayor Browne moved to approve a bid from Nix Ford of McAlester, Oklahoma, for the purchase of one (1) new and unused 2012 Ford Crew Cab 4wd work truck with standard long bed. The motion was seconded by Councilman Karr.

Before the vote, Mel Priddy explained that this pickup would replace a 1996 Dodge pickup and would be used by the Recreation work crew.

Councilman Karr asked if the City had recently received a donated vehicle.

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

AYE: Councilman Smith, Harrison, Browne, Karr, Mason & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

6. Consider, and Act Upon, approval of bid to Nix Ford of McAlester, Oklahoma, for the purchase of one (1) new and unused 2012 Ford Crew Cab 4wd work truck with standard long bed. (*Mel Priddy, Community Services Director*)

Executive Summary

Motion to approve the low bid of \$26,189.00 to Nix Ford of McAlester, Oklahoma for the purchase of one (1) new and unused 2012 Ford Crew Cab 4wd work truck with standard long bed

Councilman Mason moved for approval of bid to Nix Ford of McAlester, Oklahoma, for the purchase of one (1) new and unused 2012 Ford Crew Cab 4wd work truck with standard long bed. The motion was seconded by Councilman Karr.

Before the vote, Mayor Priddle explained that this was not a duplicate item but the City was replacing two (2) different vehicles. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Karr, Mason, Smith & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

7. Consider, and Act Upon, a Solid Waste Ordinance amending Article IV. Solid Waste, Division 1 and Municipal Collection Service, Division 2. Sections 106-301, 106-303, 106-304(a), 106-306, 106-321, 106-323, 106-324, 106-325, 106-326(a), 106-327, 106-328 and 106-329 and declaring an emergency. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve the Solid Waste Ordinance as amended and declaring an emergency.

Manager Stasiak explained that there was an item related to this Ordinance concerning how the rates had previously been submitted. He stated that Councilman Harrison, Ms. Daniels and he had met on the Ordinance this morning to discuss how rates would be incorporated into the Ordinance. He then requested that this item be tabled until February 28, 2012.

Mayor Priddle moved to table the item until February 28, 2012. The motion was seconded by Councilman Harrison. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Browne, Karr, Mason, Smith, Harrison & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

8. TABLED FROM PREVIOUS MEETING - Consider, and Act Upon, authorizing the issuance of a Request for Proposals (RFP) for the development of a new Comprehensive Plan for the City of McAlester and an Economic Development Strategic Plan. (*Peter J. Stasiak, City Manager and Councilman Steve Harrison*)

Executive Summary

Motion to approve issuance of RFP.

A motion was made by Councilman Karr and seconded by Vice-Mayor Browne to authorize the issuance of a Request for Proposals (RFP) for the development of a new Comprehensive Plan for the City of McAlester and an Economic Development Strategic Plan.

Before the vote, Manager Stasiak requested that this item be tabled until March 13, 2012 for the new Council to consider.

Councilman Mason asked if the RFP would be submitted to the Council before it was sent out. Councilman Harrison stated that he planned to present a draft RFP to the Council before any thing was done.

Councilman Mason moved to table the item until after the new Council would be seated. The motion was seconded by Mayor Priddle. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Karr, Mason, Smith, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

9. Discussion of City of McAlester Cable Television Franchise. (*Councilman, Steve Harrison*)

Executive Summary

Discussion regarding the City of McAlester Cable Television Franchise.

A motion was made by Councilman Harrison and seconded by Councilman Karr to open the discussion of the City of McAlester Cable Television Franchise.

Before the vote, Councilman Harrison stated that he had requested this item to be placed on the agenda to open the discussion since the Franchise would be up later this year.

There was a brief discussion, regarding the quality of service from the Cable Company, the kind of problems that were occurring, if there were any other options, what competition was available, issuing an RFP and allowing time for the citizens to submit their comments or complaints to their Councilman or through the City's website.

Mayor Priddle thanked Councilman Harrison for bringing this before the Council and stated that there was no need for a vote.

**New Business**

There was no new business.

**City Manager's Report**

Manager Stasiak distributed copies of the initial front page for the City's new website. He reviewed the work that was going on with the development of the website and stated that he hoped to have a very friendly website in the future. He informed them of a new report they would begin receiving that would inform them of the weekly calls that the Utility Maintenance Department received, how the calls were initially handled and if there were any follow up calls. He then reported that the City had developed a revised system of bidding the various equipment needs of the City. He added that this would insure that everyone received the same information and would help to streamline the process. He stated that bids would now be handled through the Finance Department.

**Remarks and Inquiries by City Council**

Councilman Karr inquired about the Manager's use of the I Pad during the meeting.

Manager Stasiak indicated that he liked it.

Councilman Karr then reminded everyone to vote for the City in the Make A Difference Day award process. He mentioned that at the Pride In McAlester banquet Rudy Hernandez had been



named as Volunteer of the Year. He then mentioned the cracks in the City streets and asked about project to replace the sealing.

Manager Stasiak stated that when the temperature warmed up the City would be requesting some temporary employees to work on a project to repair the sealing in the streets.

Councilman Mason inquired about the vehicles that had been declared surplus and asked if the new vehicles that had been approved tonight would be delivered by the next Council meeting.

Manager Stasiak stated that he and Mr. Modzelewski were working on disposing of those vehicles and he did not know when the vehicles approved tonight would be delivered.

Councilman Smith stated that the Pride In McAlester banquet had been very good and they were always needing volunteers.

Councilman Harrison commented on the Mission of Mercy Dental Clinic that had taken place weekend before last at the Expo. He stated that there had been 1733 individual treated; there had been 1800 volunteers and 450 from the McAlester area zip code. He added that it proved that a city the size of McAlester could successfully handle this type of project.

Vice-Mayor Browne asked if the City was out of the Roll-Off business, if the City was still down four (4) police officers and was the City near filling those positions.

Manager Stasiak stated that the City was still in the Roll-Off business. He thought they were only down two (2) officers but he would double check and get back with him.

Mayor Priddle commented that after volunteering during the Mission of Mercy he had a new respect for those that worked on their feet all day. He read a thank you from Dr. Doug Auld, President of the Oklahoma Dental Association. He stated that the organizers of the event had been very complimentary of the Expo staff and volunteers. He then thanked the City staff for all of their work.

#### 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 Karr, Mason, Smith, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the meeting was recessed at 7:25 P.M.

#### Reconvene Council Meeting

The Regular Meeting was reconvened at 7:26 P.M.

**Adjournment**

There being no further business to come before the Council, Councilman Mason moved for the meeting to be adjourned, seconded by Vice-Mayor Browne.

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

AYE: Councilman Smith, Harrison, Browne, Karr, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:28 P.M.

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Kevin E. Priddle, Mayor

ATTEST:

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Cora Middleton, City Clerk