

The McAlester City Council met in Regular session on Tuesday, October 22, 2013, at 6:00 P.M. after proper notice and agenda was posted, October 18, 2013, at 1:56 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Linda Lowber, First Baptist Church gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

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

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

Citizen's Comments on Non-agenda Items

There were no Citizen comments.

Consent Agenda

- A. Approval of the Minutes from the October 8, 2013, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of the Minutes from the October 10, 2013, Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- C. Approval of Claims for October 2, 2013 through October 15, 2013. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General - \$112,026.24; Nutrition - \$729.46; Landfill Res./Sub-Title D - \$7,580.50; Employee Retirement - \$112.50; Tourism Fund - \$4,788.80; SE Expo Center - \$1,907.40; E-911 - \$6,244.63; Economic Development - \$9,357.36; Grants & Contributions - \$417.40; Fleet Maintenance - \$9,866.94; Dedicated Sales Tax-MPWA - \$2,500.00; CIP Fund - \$35,689.90 and Federal Forfeiture Fund - \$18,033.18.
- D. Accept and place on file the McAlester Main Street Quarterly Report for Fiscal Year 2013-2014. (*Ginny Webb, Executive Director*)
- E. Authorize the Mayor to sign BizTel Installation Agreement for new phone system. This will utilize the fiber optic internet line that has recently been installed at City Hall. This is one of the final stages to completing the upgrade to our phone system and internet use that will result in lowering our annual phone and internet expenditures. (*James Stanford, Computer Specialist*)

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

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

Mayor Harrison declared the motion carried.

A motion was made by Councilman Smith and seconded by Councilman Read to open a Public Hearing to address a proposed Ordinance amending Chapter 2, Article IV, Division 1 of the City of McAlester Code of Ordinances. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:04 P.M.

Public Hearing

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE IV, DIVISION 1, SECTIONS 2-117, 2-118 AND ADDING SECTIONS 2-119 AND 2-120 REGARDING THE CREATION, ECONOMIC DEVELOPMENT MANAGER POSITION AND DUTIES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND DECLARING AN EMERGENCY.

There were no comments from the Council or citizens and Mayor Harrison asked for a motion to close the Public Hearing.

Vice-Mayor Mason moved to close the Public Hearing. The motion was seconded by Councilman Karr and the vote was taken as follows:

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

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:05 P.M.

Scheduled Business

1. Consider and act upon, an Ordinance of the City of McAlester amending the Code of Ordinances, CHAPTER 2, ARTICLE IV, DIVISION 1, SECTIONS 2-117, 2-118 and adding SECTIONS 2-119 AND 2-120 regarding the creation, Economic Development Manager Position and duties; providing for repealing, savings, and severability clauses; and providing for an emergency clause. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve ordinance to restructure the City of McAlester Community and Economic Development Department.

ORDINANCE NO. 2481

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE IV, DIVISION 1, SECTIONS 2-117, 2-118 AND ADDING SECTIONS 2-119 AND 2-120 REGARDING THE CREATION, ECONOMIC DEVELOPMENT MANAGER POSITION AND DUTIES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Smith and seconded by Councilman Read to approve **ORDINANCE NO. 2481**.

Before the vote, Manager Stasiak commented that this subject had been presented to the Council previously and this ordinance would address the creation of the Economic Development Manager. He then briefly reviewed that position's duties.

Attorney Ervin informed the Council that he had reviewed the Ordinance and it was ready for their consideration. There was no further discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

Councilman Read moved to approve the EMERGENCY CLAUSE, seconded by Vice-Mayor Mason. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

2. Presentation and Financial Update as of September 30, 2013. (*Peter J. Stasiak, City Manager*)

Executive Summary

Financial Update as of September 30, 2013.

Manager Stasiak briefly reviewed the City of McAlester's financial status as of September 30, 2013. He informed them that Sales Tax Revenue was down approximately \$59,000.00 and he commented that some of the expense accounts had one (1) time payments early in the year and those accounts would level out over the year. He stated that the City was in good shape for the year at this time.

3. Consider, and act upon, an Agreement for Engineering Services with Meshek & Associates, PLC for Phase II Stormwater Management Program Assistance for the City of McAlester to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA's National Pollutant Discharge Elimination System (NPDES). (*John C. Modzelewski, P.E., City Engineer and Public Works*)

Executive Summary

Motion to approve an Agreement for Engineering Services with Meshek & Associates, Inc. for Phase II Stormwater Management Program activities during FY 2013-2014 for a fee not to exceed \$40,000.

A motion was made by Councilman Smith and seconded by Councilman Read to approve an agreement for Engineering Services with Meshek & Associates, Inc. for Phase II Stormwater Management Program activities during FY 2013-2014 for a fee not to exceed \$40,000.

Before the vote, John Modzelewski addressed the Council explaining that in July of 2008 the City Council had approved the selection of Meshek & Associates PLC as the City's engineering consultant for the Phase II Stormwater Management Program. He stated that all the requirements for the first permit had been completed and that the Oklahoma Department of Environmental Quality were preparing the requirements for the next permit cycle of the EPA's National Pollutant Discharge Elimination System (NPDES), Phase II Stormwater Management Program. He added this agreement 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 and Mr. Modzelewski regarding the services that Meshek & Associates PLC furnished to the City.

Brandon Claborn with Meshek & Associates PLC addressed the Council explaining the various steps taken and programs during each permit cycle. He added that this was an unfunded mandate on the City.

There was another brief discussion among the Council and Mr. Claborn regarding the permit that the City was working under, the requirements for the next phase of the permit cycle, the costs related to those requirements, which agency put more requirements on the cities and if the company followed up on their recommendations to insure that the City was following those recommendations.

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

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

NAY: None

Mayor Harrison declared the motion carried.

4. Update and Discussion on what the City of McAlester is doing to solve the problem with the water supply line that runs under the McAlester Lake. (*Councilman Buddy Garvin, Ward 5*)

Executive Summary

Discussion Only.

Councilman Garvin asked to discuss the ten (10) points furnished in the agenda addressing the problem with the water supply line that runs under the McAlester Lake.

Manager Stasiak informed the Council that he and Mr. Modzelewski had put the information together. He stated that they got estimated costs which were between \$275,000.00 and \$300,000.00 and that was not budgeted for this fiscal year. He then reviewed the steps recommended for rerouting the water line around Lake McAlester, which were as follows:

1. Identify a funding source
2. Discuss with the Choctaw Nation if an easement could be obtained
3. Survey and describe easement
4. Design the waterline resolution
5. Obtain a DEQ Construction Permit
6. Prepare Bid Packets (if not constructed in-house)
7. Bid out Project
8. Construction management and Inspection
9. Test the waterline
10. Put new line in Service

There was a brief discussion concerning the condition of the remaining water supply line, the urgency of repairing the broken water line in the lake, the number of times that one of the lines had broken, the amount that had been cut from this years budget, why the lines had been laid in the lake, how to fund this matter, and the potential problem of rock in the area where a new line might be laid.

Manager Stasiak commented that he would identify a funding source and bring this matter back before the Council.

5. Update and Discussion of the services in the amount of \$25,000 provided by Gullick & Associates, LLC. (*Councilman Buddy Garvin, Ward 5*)

Executive Summary

Discussion Only.

Councilman Garvin commented that the report had answered his questions.

Councilman Smith commented that there were a lot of generalities in the report and he would like to see more specifics in the future. He then asked about the status of the Economic Development website, what its' cost was and he inquired about the cost benefit analysis. Councilman Smith asked about the burrowing beetle that had been mentioned in the report that had been furnished to the Council. He also asked about any time lines that could be tied to the items mentioned in the report, the mention of working with the McAlester Foundation and Project Broadway.

Manager Stasiak informed the Council that the website had been approved for approximately \$17,000.00 and the cost benefit analysis was being done in house and he would be distributing it to the Council. Manager Stasiak added that the beetle was currently hibernating but in the Spring, traps would be set and if any inhabited the property in the Industrial Park they would be trapped and relocated. He informed the Council that Project Broadway had come from the State and the business had asked not to be disclosed at this time.

6. Update and Discussion of the cost of Re-surfacing of 14th Street from Fleming to Keller. (*Councilman Buddy Garvin, Ward 5*)

Executive Summary

Discussion Only.

Councilman Garvin commended the City of McAlester's Street Department for the job they had done on the re-surfacing of 14th Street. He inquired about the labor costs.

Manager Stasiak commented that the City normally didn't track the labor of its' employees. He reviewed the information that could be obtained concerning the total cost if the Council requested it.

Tim Adams, Public Works Operations Supervisor commented on how long it had taken to re-surface 14th Street, how much asphalt was used and the steps that had been done during that project.

7. Consider, and act upon, rescheduling the December 24, 2013 regularly scheduled Council Meeting. *(Cora Middleton, City Clerk)*

Executive Summary

Motion to approve the rescheduling of the December 24, 2013 regularly scheduled Council Meeting.

Mayor Harrison stated that part of the Statute and Ordinances referenced in the agenda packet. He verified with the City Attorney that December 24th could be considered a holiday. He then mentioned that if the Council did not meet on the 24th there would be a five (5) week gap between the December 10th meeting and the first meeting in January, 2014. He added that it was important that the Council schedule a meeting sometime when a quorum would be available.

There was a brief discussion regarding scheduling the meeting on the 19th, having several individuals on vacation during the Christmas Holiday, how this matter was handled last year, and being able to pay the bills that needed to be paid if the rescheduled meeting was held on December 19th.

Manager Stasiak commented that if the Council scheduled the meeting for December 19th the City would make it work.

Mayor Harrison asked for a motion to reschedule the December 24th Council meeting on Thursday, December 19th. Councilman Smith moved to reschedule the December 24th meeting for December 19th at 6:00 P.M. The motion was seconded by Councilman Titsworth, and the vote was taken as follows:

AYE: Councilman Smith, Titsworth, 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 reported that the Parks Department had started putting up Christmas lights on Carl Albert Parkway, and that after the annexation of the land west of the Industrial Park was approved, the City did receive four (4) letters of objection. He informed the Council that the City Attorney was not anticipating any problems or concerns with that. He stated that a very exciting project came in last week and the individuals were planning on building three (3) structures on the property adjacent to Highway 270 and West Street. He added that this would be a very good project for the community. Manager Stasiak informed the Council that the 17th Street project was on schedule. He then reviewed the answers to the questions that Councilman Garvin had asked at the previous meeting, which were as follows:

1. The cost to the City for a Special Election was between \$2,000 and \$2,000.
2. The Street Department currently has thirteen (13) budgeted positions and the Utility Maintenance Department had eight (8) budgeted positions.
3. The six (6) new pieces of equipment and the two (2) converted Trash Trucks were being used according to need and their operation was affected by employee absenteeism.
4. Due to employee turn over, illness or injury employees from the Airport and Utility Maintenance Department were cross trained to help with the reading of the City's water meters.
5. The Street Department is required to submit an annual report to DEQ concerning the work that had been accomplished each year and that Department made every attempt to clean the canals on an annual basis.
6. The use of the City's equipment was covered in an exhibit included in the Special report.

Manager Stasiak informed the Council that he had included exhibits for each of the topics that had been covered.

Remarks and Inquiries by City Council

Councilmen Smith, Titsworth, Read, Karr and Garvin had no comments for the evening.

Vice-Mayor Mason commented on the appearance of the City of McAlester's Recycling Center and the KIBOIS labor that was used at the Center.

Mayor's Comments and Committee Appointments

Mayor Harrison had no comments for the evening.

Recess Council Meeting

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Smith 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 Smith, Garvin, Karr, Mason, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:26 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:28 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 Smith, Garvin, Karr, Mason, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:29 P.M.

ATTEST:

Steve Harrison, Mayor

Karen Boatright, Deputy City Clerk