

The McAlester City Council met in Regular session on Tuesday, February 9, 2010, at 6:00 P.M. after proper notice and agenda was posted, February 5, 2010, at 9:06 A.M.

**CALL TO ORDER**

Mayor Priddle called the meeting to order.

**INVOCATION & PLEDGE OF ALLEGIANCE**

- Ruth Atterbury, First United Methodist

**ROLL CALL**

Council Roll Call was as follows:

Present: Chris Fiedler, Donnie Condit, John Browne, Haven Wilkinson, Buddy Garvin, Sam Mason & Mayor Priddle

Absent: None

Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, Acting City Manager/Planning and Community Development Director; David Medley, Utilities Director; John Modzelewski, Public Works Director/City Engineer; Harold Stewart, Fire Chief; Mel Priddy, Community Services Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

**CITIZENS' COMMENTS ON NON-AGENDA ITEMS**

Dan Heathcock addressed the Council regarding proposals that had been placed on past ballots and about the problems with the City's water system. He suggested that the water system issue be placed on a ballot in the future by itself. He commended the Council for their cooperation and encouraged them to continue working together on all of the City's issues.

**CONSENT AGENDA**

- A. Approval of the Minutes from the January 26 2010, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for January 27, 2010 through February 9, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$75,783.44; Nutrition - \$654.58; Landfill Res./Sub-Title D - \$4,852.50; SE Expo Ctr/Tourism Fund - \$6,014.53; Economic Development - \$282.50 and Gifts & Contributions - \$2,000.00.
- C. Concur with Mayor's appointment of John Titsworth to the Audit & Finance Advisory Committee for a term that expires August 15, 2010. (*Kevin E. Priddle, Mayor*)

D. Accept, and place on file the quarterly report for quarter ending December 31, 2009 for Oklahomans for Independent Living. (*Mike Ward, Director O.I.L.*)

Councilman Fiedler moved for approval of the Consent Agenda. The motion was seconded by Councilman Browne. There was no discussion and the vote was taken as follows:

AYE: Councilman Fiedler, Condit, Browne, Wilkinson, Garvin, Mason & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

#### ITEMS REMOVED FROM CONSENT AGENDA

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None

Vice-Mayor Garvin moved to open the Public Hearing to consider the three (3) Ordinances on the agenda. The motion was seconded by Councilman Condit. There was no discussion, and the vote was taken as follows:

AYE: Councilman Condit, Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:09 P.M.

#### PUBLIC HEARING

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- 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.
- An Ordinance amending the Code of Ordinances of the City of McAlester by amending the following Sections, 18-53(2) Fees; 18-98 Electrical Inspections and Permit Fees; 18-174 Plumbing Inspections and Permit Fees; 18-250(c) Mechanical Inspection and Permit Fees; 18-348 Moving of Building Fees; Residential Swimming Pool Fees; Construct of Water Well Fees; and Declaring an Emergency.
- An Ordinance amending the Code of Ordinances of the City of McAlester by amending Section 31-75 and Section 31-76 of Chapter 31, Article III, McAlester Codes, by establishing Sanitary Sewer Connection fees for inside and outside the corporate limits, and Declaring an Emergency.

Tommy Cravens addressed the Council about the second proposed Ordinance. He asked about the swimming pool fees.

Mr. Stasiak explained that corrections had been made to the third Ordinance and corrected would be distributed to the Council. There were no comments or remarks on the other Ordinance from the Council or citizens. Councilman Mason moved to close the Public Hearing. The motion was seconded by Councilman Fiedler. There was no discussion and the vote was taken as follows:

AYE: Councilman Browne, Wilkinson, Garvin, Mason, Fiedler, Condit & 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 request from McAlester Main Street to have a Car Show, Cruise Night and Chili Cook-Off on September 18, 2010. (*Kathy Wall, Executive Director, McAlester Main Street and Mayor, Kevin Priddle*)

#### Executive Summary

This item involves a request for permission to hold a Car Show, Cruise Night and Chili Cook-off on September 18, 2010.

Councilman Wilkinson moved for approval of request from McAlester Main Street to have a Car Show, Cruise Night and Chili Cook-Off on September 18, 2010. The motion was seconded by Councilman Condit.

Before the vote, Kathy Wall addressed the Council regarding the request for help with the streets during the September 18<sup>th</sup> event.

Councilman Browne commented that the downtown merchants had been very happy with the event last year and a couple of the restaurants had stated it had been the best day they have had. Mr. Stasiak stated that he had checked with Chief Lyles and there had not been any problems last year with the event and he foresee any this year. Councilman Mason remarked about the need to verify that electrical service was available on both sides of Choctaw Avenue for the Chili Cook-Off. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

2. Quarterly Report Update of the McAlester Economic Development Service, Inc. (*Shari Cooper, Executive Director, MEDS; Dr. Kenneth R. Miller, President, MEDS*)

#### Executive Summary

This item involves a quarterly update from MEDS.

Councilman Browne moved to open the floor for the Quarterly Report of the McAlester Economic Development Service, Inc. The motion was seconded by Councilman Wilkinson.

Ms. Shari Cooper addressed the Council regarding the quarterly report for MEDS. Ms. Cooper explained that since she had only been an employee of MEDS since December 1, 2009, she would update the Council on what she had been doing since that date. She stated that she had

reviewed the MEDS budget and had looked at ways to accomplish their goals on a smaller budget. She explained her plans to help market the two (2) industrial parks, the building in the Airport complex, their plans on reconstructing their website and working more closely with area businesses. Ms. Cooper spoke about developing a strategy for bringing a variety of businesses to the area and working toward bringing in businesses that would complement existing companies.

There was no discussion and no action was taken on this item.

3. Consider, and act upon, a Resolution approving a Special Election on May 11, 2010, to authorize financing for the acquisition of a medical/physician office building. (*Shaun Beggs, President/CEO, MRHC*)

Executive Summary

This item involves approving a Resolution for a Special Election on May 11, 2010 for McAlester Regional Health Center.

Councilman Browne moved to approve RESOLUTION NO. 10-04, approving a Special Election on May 11, 2010, to authorize financing for the acquisition of a medical/physician office building. The motion was seconded by Councilman Condit.

Before the vote, Shaun Beggs addressed the Council explaining why the McAlester Regional Health Center wanted to acquire the physician's building. He presented the Council with a power point to demonstrate the various services that were offered at the facility. He explained that the facility had been built by Mrs. Wanda Bass through the First National Development Corp. and since her death; they wanted to wrap up her activities. He reviewed the value of the building, how financing would be handled if the proposition was approved and that there would be no tax increase from this election.

There was a brief discussion among the Council that included Mr. Beggs and Mr. Ervin about convincing the citizens to approve the proposition, if there was a possibility of loss of tenants, what was the backup plan if this did not pass, and a clause in the current lease that the title reverted to the Health Authority at the end of the debt. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Mason, Fiedler, Condit, Browne, Wilkinson, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

4. **(POSTPONED)** Consider, and act upon, authorizing the Mayor to sign an Ordinance amending the Code of Ordinances of the City of McAlester for Inspections and Permit Fees, and declaring an emergency. (*Peter J. Stasiak, Acting City Manager*)

Executive Summary

This item involves authorizing the Mayor to sign an Ordinance amending the Code of Ordinances to increase building and inspections fees.

**ORDINANCE NO. 2346**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCALESTER BY AMENDING THE FOLLOWING SECTIONS, 18-53 (2) FEES; 18-98**

**ELECTRICAL INSPECTIONS AND PERMIT FEES; 18-174 PLUMBING INSPECTIONS AND PERMIT FEES; 18-250 (C) MECHANICAL INSPECTION AND PERMIT FEES; 18-348 MOVING OF BUILDING FEES; RESIDENTIAL SWIMMING POOL FEES; CONSTRUCT OF WATER WELL FEES; AND DECLARING AN EMERGENCY.**

Councilman Mason moved to approve ORDINANCE NO. 2346, the motion was seconded by Councilman Condit.

Before the vote, Mr. Stasiak reviewed the history of the affected fees and stated that currently McAlester was three (3) to four (4) years behind in updating them. He added that this change would put the City within the middle of the cities that had been surveyed.

Mayor Priddle asked what the revenue increase would be with this increase.

Mr. Stasiak stated between forty and fifty thousand a year. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Fiedler, Condit, Browne, Wilkinson, Garvin, Mason & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

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

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

5. **(POSTPONED)** Consider, and act upon, authorizing the Mayor to sign an Ordinance amending the Code of Ordinances of the City of McAlester for Sanitary Sewer Connection Fees inside and outside the corporate limits, and declaring an emergency.  
*(Peter J. Stasiak, Acting City Manager)*

Executive Summary

This item involves authorizing the Mayor to sign an Ordinance amending the Code of Ordinances to increase sanitary sewer connection fees.

**ORDINANCE NO. 2347**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCALESTER BY AMENDING SECTION 106-202 AND SECTION 106-203 OF CHAPTER 106, ARTICLE III, MCALESTER CODES, BY ESTABLISHING SANITARY SEWER CONNECTION FEES FOR INSIDE AND OUTSIDE THE CORPORATE LIMITS, AND DECLARING AN EMERGENCY.**

Councilman Mason moved to approve **ORDINANCE NO, 2347**, seconded by Councilman Fiedler.

Before the vote, Mr. Stasiak distributed corrected copies of the Ordinance to the Council. He explained that the City had surveyed various cities and found that McAlester was below the average and this increase would simply bring the City within the average fee area. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Fiedler, Condit, Browne, Wilkinson, Garvin, Mason & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

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

AYE: Councilman Condit, Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

6. Consider, and act upon, a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the U.S. 69 Utility Relocate, ODOT State Job No. 14999 (04) as required by the Oklahoma Department of Transportation. (*David Medley, Utilities Director*)

Executive Summary

This item involves the Mayor to sign the work order for Mehlburger Brawley to complete work required for U.S. 69 Utility Relocate, ODOT State Job No.14999 (04).

Councilman Fiedler moved to approve a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the U.S. 69 Utility Relocate, ODOT State Job No. 14999 (04) as required by the Oklahoma Department of Transportation. The motion was seconded by Councilman Condit.

Before the vote, David Medley explained that the Oklahoma Department of Transportation (ODOT) had received stimulus funds to proceed with the Highway 69 construction. He commented the State's highway project had been rescheduled for the year 2013 which meant the City's utility relocation work would be required in 2011. He stated that the estimated cost of this project was \$872,950.00. He added that a future work order for Mehlburger Brawley for bidding, construction management and inspection was anticipated for the next fiscal years budget.

There was a lengthy discussion among the Council and Mr. Medley regarding the effect this project would have on the businesses in the area, how the City planned to finance the project, improved safety of the area, or possibly tabling this item until the Council could conduct a workshop with ODOT and insuring that the businesses effected by this project are able to attend the workshop.

Mayor Priddle moved to table this item until a workshop with ODOT could be conducted. The motion was seconded by Vice-Mayor Garvin.

Before the vote there was a brief discussion among the Council concerning the funding of the \$50,000.00 for the Work Order. Councilman Mason commented that the Council was talking about two different things. He stated that the funding for the Engineering study would fall back on the City but maybe ODOT could come up with some funding to proceed with the actual relocation. He added that these things weren't done overnight, and there would be some problems but there would be access to the businesses. There was no further discussion, and the vote to table was taken as follows:

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Mayor Priddle commented that item number 9 dealt with item number 7 and that the Council would consider item 9 first.

9. Consider, and act upon, accepting a bid from American Ramp Company to purchase additional equipment for our skate park at Connelly Park. (*Mel Priddy, Director of Community Services*)

Executive Summary

This item involves accepting a bid from American Ramp Company to purchase equipment for the Connelly Park Skate Park.

Councilman Browne moved to approve accepting a bid from American Ramp Company to purchase additional equipment for our skate park at Connelly Park. The motion was seconded by Councilman Fiedler.

Before the vote, Mel Priddy explained that this was a good bid. The equipment would fit perfectly with the current equipment in the Skate Park and this was part of the donated funds. He added that the benefactor was actually ahead of schedule for the donations.

There was a brief discussion among the Council regarding the job that was being done in the Skate Park, expressing appreciation to Mr. Wallace for his donations, the delivery time for this equipment and the weather affecting the work on the park. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne, Wilkinson & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

7. 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*)

- Exhibit A-1: Dedicated Sales Tax Fund.** Need to increase budget for bond payments. Error found in the statement and calculation for last year. New amounts are calculated Feb. 1<sup>st</sup>. Main adjustment is for '99B Series.
- Exhibit A-2: Repayment Fund (CIP):** Appropriate funds for Hwy 69 Utility Relocate design. Appropriate transfer from General Fund for Carolyn Hearod settlement.
- Exhibit A-3: Juvenile Fund:** Appropriate funds for loan to Gifts and Contributions Fund for skate park.
- Exhibit A-4: Gifts & Contributions Fund:** Adjust budget for additional donation for Skate Park and appropriate loan from Juvenile Fund to complete skate park expansion.
- Exhibit A-5: General Fund:** Appropriate revenue from Carolyn Hearod settlement.

Executive Summary

This agenda item involves amending the budget for fiscal year 2009/10.

**ORDINANCE NO. 2348**

**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 Condit moved for approval of **ORDINANCE NO. 2348**, seconded by Councilman Browne.

Before the vote, Mr. Stasiak reviewed the exhibits with the Council, explaining that the first exhibit was the result of incorrect information being furnished for a previous bond payment, the second exhibit was to appropriate funds for the Highway 69 Utility Relocation and appropriately transfer the Carolyn Hearod settlement, the third and fourth exhibits were to appropriate funds for the Skate Park renovations by borrowing from the Juvenile Fund and the fifth exhibit was dealing with the Carolyn Hearod settlement.

There was a brief discussion among the Council concerning the exhibits, the need to appropriate the funds for the Utility Relocation because the City would most likely have to do that project and how the mistake on the bond payment could have occurred. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Mason, Fiedler, Condit, Browne, Wilkinson, Garvin & Mayor Priddle  
 NAY: None

Mayor Priddle declared the motion carried.

Councilman Fiedler move to approve the EMERGENCY CLAUSE, seconded by Councilman Condit. There was no discussion and the vote was taken as follows:

AYE: Councilman Fiedler, Condit, Browne, Wilkinson, Garvin, Mason & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

8. Consider, and act upon, approving contract with Tyler Technologies, Inc., to provide for Utility Billing On-Line and Court On-Line services. Consider, and act upon, City fees in association with On-Line and Credit Card Payments by phone. Should fees be approved, and appropriate Resolution or Ordinance will later follow. (*Gayla Duke, Chief Financial Officer*)

Executive Summary

This item involves the Mayor to sign the contract with Tyler Technologies, Inc. and associated fees.

Councilman Fiedler moved to approve a contract with Tyler Technologies, Inc., to provide for Utility Billing On-Line and Court On-Line services and the associated fees with On-Line and Credit Card Payments by phone and should fees be approved, and appropriate Resolution or Ordinance will later follow. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Mr. Stasiak explained that this would be a great benefit to the community. He stated that there were some fees associated with the service but once it was set up the charges would be nominal.

James Stanford presented the Council with a short web demonstration of the proposed service. He explained that there would be a link on the City of McAlester's website to a secured site to make payments. He emphasized that the City would not collect any of the citizens credit card information when payments were made.

There was a brief discussion among the Council and Mr. Ervin regarding the type of payments that could be accepted and some of the language regarding the term of the contract. Councilman Mason commented that the motion could be amended to include the review by the City Attorney.

Mayor Priddle re-stated that motion as moved to approve a contract with Tyler Technologies, Inc., to provide for Utility Billing On-Line and Court On-Line services and the associated fees with On-Line and Credit Card Payments by phone and should fees be approved, and appropriate Resolution or Ordinance will later follow, subject to the review of the City Attorney. Mr. Ervin commented that he had reviewed the contract and the only problem was with the three year term of the Contract.

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

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

10. Consider, and act upon, McAlester Airport Advisory Board Proposal to raise hangar rental rates by \$25.00 per hangar at the Airport. (*Mel Priddy, Director of Community Services*)

Executive Summary

This item involves a proposal by the McAlester Airport Advisory Board to raise hangar rental rates.

Mr. Stasiak requested that both this item and the following item be withdrawn. Councilman Condit recommended that these be presented through the Airport Advisory Board.

11. Consider, and act upon, McAlester Airport Advisory Board Proposal to renew the rental and fuel fee contract with Bren Air, Inc. (*Mel Priddy, Director of Community Services*)

Executive Summary

This item involves a proposal by the McAlester Airport Advisory Board to renew contract with Bren Air, Inc.

This item was withdrawn.

12. Discussion, and possible action, on supporting and approval of certain costs related to the new fire station from the City's portion of the quarter cent excise tax for fire services and city funds. (*Harold Stewart, Fire Chief*)

Executive Summary

This item involves approval of costs related to the new fire station.

Councilman Condit moved for the support and approval of certain costs related to the new fire station from the City's portion of the quarter cent excise tax for fire services and city funds. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Chief Stewart reported that the City was eight (8) to ten (10) weeks from completion of the fourth fire station. He then explained that he was requesting \$27,226.00 which was approximately \$13,000.00 less than he thought would have been needed. He added that if this was approved then the City would have contributed 1.3% to this project.

Mayor Priddle commented that of the \$27,000.00, \$17,329.00 was for the generator used to maintain the Emergency Command Center. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Condit, Browne, Wilkinson, Garvin, Mason & Mayor Priddle

NAY: None

ABSTAIN: (which was counted as a no vote) Councilman Fiedler

Mayor Priddle declared the motion carried.

13. Consider and act upon, authorizing the Mayor to sign a Rental Agreement for a City owned dwelling located at Talawanda Lake Number 1. (*Peter J. Stasiak, Acting City Manager*)

Executive Summary

This item involves authorizing the Mayor to sign a Rental Agreement for a City owned dwelling located at Talawanda Lake Number 1.

Councilman Mason moved to authorize the Mayor to sign a Rental Agreement for a City owned dwelling located at Talawanda Lake Number 1. The motion was seconded by Councilman Wilkinson.

Before the vote, Mr. Stasiak explained that this is a house owned by the City and was currently vacant. He commented that this was an isolated home and since they had been working on this project there had been an individual in the house watching it and last Thursday, Friday and Saturday nights someone had attempted to break into the house. Mayor Priddle commented that this was for a fifty dollar (\$50.00) lease between now and June 30, 2010. Mr. Stasiak stated that this would be evaluated during that time to decide what the City wanted to do with this property in the future. Councilman Condit explained that he was not related to the individual that would be leasing the property and he assumed he was the new water plant superintendent, Randy Condit. Vice-Mayor Garvin asked if Mr. Condit had contact with the police department. Mr. Stasiak stated that he did have cell phone service and that Mr. Condit would not be chasing any more would be burglars away. Councilman Browne asked if the City had any other rental property at the lake. Mr. Stasiak commented that there was one other house that was currently leased by one of the animal control officers and the difference between the two leases was that with this lease the renter was responsible for any major or minor repairs. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Browne, Wilkinson, Garvin, Mason, Fielder, Condit & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

### **NEW BUSINESS**

None

### **CITY MANAGER'S REPORT**

Mr. Stasiak reported that the Code of Conduct was currently being prepared to be distributed to the employees on Thursday and Friday and would go to all employees, boards and commissions along with an affidavit showing they had received the document. He stated that work would begin on the Peaceable Road problem and continue until completed, he and Ms. Duke would be attending an OML Budget Workshop on Friday and the 4 leases of the mineral interests had generated \$99,487.62. Mr. Stasiak reported that he had received the RFP's for the Strategic Plan from all three (3) companies and would distribute copies to the evaluation team on Wednesday. He expected to get the scoring of the companies back on Monday and would be proceeding with contracting with one of the companies for the Strategic Plan sometime in the future. He stated that the workshop that had been planned for the sanitation would be rescheduled for sometime next week and the City had received the letters from the FOP and the IAFF to open negotiations and would be responding to them in the next week to ten (10) days.

### **REMARKS AND INQUIRIES BY CITY COUNCIL**

Councilman Wilkinson and Mason had no comments.

Vice-Mayor Garvin stated that the True Value store in North Town had opened and would have a grand opening in April.

Councilman Fiedler expressed his appreciation for the work that was scheduled for the Peaceable Road problem and commented that he was involved with the planning of the Italian Festival which will be held May 22<sup>nd</sup> and 23<sup>rd</sup>.

Councilman Condit expressed his appreciation for the repairs on the Peaceable Road area.

Councilman Browne commented that the A Street railroad crossing was now open and a great job had been done.

Mayor Priddle commented that with the changes in the new Charter, the elected Council members would take office almost immediately and he felt it behooved the current Council to conduct a workshop to inform the candidates of the intricacies and procedures of the Council positions. He stated that the Chamber of Commerce Banquet was scheduled for this Thursday. Mayor Priddle commented that at this time the Prison Rodeo would not be held in 2010.

#### RECESS COUNCIL MEETING

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

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:49 P.M.

#### RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 7:51 P.M.

Councilman Fiedler moved to recess the Regular meeting for an Executive Session to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest, in accordance with Title 25, Section 307.B.4. The motion was seconded by Councilman Mason.

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

AYE: Councilman Mason, Fiedler, Condit, Browne, Wilkinson, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Regular meeting was recessed at 7:52 P.M.

**EXECUTIVE SESSION**

*Recess into Executive Session in compliance with Section Title 25 Section 307 B.4 et.seq. Oklahoma Statutes, to wit:*

Section 307 (B) (4) – Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest.

- Barr v. City of McAlester
- Baird v. City of McAlester
- Phifer v. City of McAlester
- Few v. City of McAlester
- Wilson v. City of McAlester

The Regular meeting was reconvened at 8:44 P.M. Mayor Priddle reported that the Council had recessed the Regular Meeting for an Executive Session to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest, in accordance with Title 25, Section 307.B.4. Only that matter was discussed, no action was taken and the Council returned to open session at 8:44 P.M. and this constituted the Minutes of the Executive Session.

**ADJOURNMENT**

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

AYE: Councilman Fiedler, Condit, Browne, Wilkinson, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 8:45 P.M.

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Kevin E. Priddle, Mayor

ATTEST:

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Cora Middleton, City Clerk