

Council Chambers  
Municipal Building  
July 13, 2010

The McAlester City Council met in Regular session on Tuesday, July 13, 2010, at 6:00 P.M. after proper notice and agenda was posted, July 9, 2010, at 5:00 P.M.

**CALL TO ORDER**

Mayor Priddle called the meeting to order.

Councilman Smitherman gave the invocation and 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 & Kevin Priddle

Absent: None

Presiding: Kevin E. Priddle, Mayor

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

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

Joyce Carlson addressed the Council regarding the Allied Waste Trash Service and some of the confusion with the new service.

Mark Wilkett addressed the Council regarding the old commercial dumpsters. He commented that Pride in McAlester was putting together a program to help remove those dumpsters for a small fee.

**Recognition**

Mayor Priddle recognized First National Bank for their contribution and sponsoring of this years fireworks for the Fourth of July Celebration at the Southeast Expo Center.

**Consent Agenda**

- A. Approval of the Minutes from the June 8, 2010, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of the Minutes from the June 15, 2010, Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

- C. Approval of the Minutes from the June 22, 2010, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- D. Approval of Claims for June 23, 2010 through July 13, 2010. (*Gayla Duke, Chief Financial Officer*) Claims for the period of June 22, 2010 through June 30, 2010 in the following amounts: General Fund - \$128,264.27; Nutrition - \$650.78; Landfill Res./Sub-Title D - \$18,676.18; Police Grant Fund - \$938.75; SE Expo Ctr/Tourism - \$35,246.43; E-911 - \$16,563.58; Economic Development - \$1,368.76; Gifts & Contributions - \$244.50; Dedicated Sales Tax-MPWA - \$1,500.00 and CIP Fund - \$32,029.46. Claims for the period of July 1, 2010 through July 13, 2010 in the following amounts: General Fund - \$12,815.00; SE Expo Ctr/Tourism Fund - \$182,699.46; Economic Development - \$282.50; Gifts & Contributions - \$970.00 and Worker's Compensation - \$1,233.75.
- E. Concur with Mayor's Re-appointment of Yvonne Wallis to the Southeastern Public Library System's Board of Trustees for a term to expire June 30, 2013. (*Kevin E. Priddle, Mayor*)

Councilman Harrison requested that items "A, C and D" be removed for individual consideration.

Councilman Harrison moved to approve the Consent agenda items "B and E". The motion was seconded by Vice-Mayor Browne. 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**

- A. Approval of the Minutes from the June 8, 2010, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

Councilman Harrison moved to approve the Minutes from the June 8, 2010, Regular Meeting of the McAlester City Council, seconded by Councilman Fiedler.

Before the vote, Councilman Harrison commented that on Item five (5) of those minutes the executive summary recommended a motion not to approve and it had been his understanding that when the Mayor called for a motion and the motion and second were made by hand signal, that motion was what was recommended in the agenda information. If that was the case then essentially the same motion was made twice. He added that he wanted to confirm that when a motion was made by hand that it was the motion that had been recommended by the item. Mayor Priddle commented that was correct. 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

- C. Approval of the Minutes from the June 22, 2010, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

Councilman Smitherman moved for approval of the Minutes from the June 22, 2010, Regular Meeting of the McAlester City Council. The motion was seconded by Councilman Karr.

Before the vote, Councilman Harrison commented that item twelve (12) of these minutes had stated that the EMERGENCY CLAUSE had passed but the City Charter stated that it requires an affirmative vote of at least five (5) members of the Council. He suggested that in brackets it be stated in those minutes that the motion did not carry and the reason. There was a brief discussion among the Council including the City Clerk and City Attorney concerning the correct wording for the minutes. Mayor Priddle moved to amend item twelve (12) of the minutes to indicate that the EMERGENCY CLAUSE needed a super majority. The motion was seconded by Councilman Harrison.

There was no further 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

- D. Approval of Claims for June 23, 2010 through July 13, 2010. (*Gayla Duke, Chief Financial Officer*) Claims for the period of June 22, 2010 through June 30, 2010 in the following amounts: General Fund - \$128,264.27; Nutrition - \$650.78; Landfill Res./Sub-Title D - \$18,676.18; Police Grant Fund - \$938.75; SE Expo Ctr/Tourism - \$35,246.43; E-911 - \$16,563.58; Economic Development - \$1,368.76; Gifts & Contributions - \$244.50; Dedicated Sales Tax-MPWA - \$1,500.00 and CIP Fund - \$32,029.46. Claims for the period of July 1, 2010 through July 13, 2010 in the following amounts: General Fund - \$12,815.00; SE Expo Ctr/Tourism Fund - \$182,699.46; Economic Development - \$282.50; Gifts & Contributions - \$970.00 and Worker's Compensation - \$1,233.75.

Councilman Fiedler moved for approval of Claims for June 23, 2010 through July 13, 2010. The motion was seconded by Councilman Karr.

Before the vote, Councilman Harrison stated that in the past when there were claims that covered two (2) fiscal years on the agenda they had been presented as two (2) separate items. He then asked if the City would mind doing that in the future.

Councilman Karr inquired about the US Cellular bill and if the City was going to go out for bids when the contract was up. He also asked about the number of phones on the contract.

Manager Stasiak stated that the City was carefully reviewing that contract and would eliminate all unnecessary phones.

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.

Councilman Harrison moved to open a Public Hearing for comments on proposed Ordinances amending the Fiscal Year 2009-2010 Budget, and amending the Fiscal Year 2010-2011 Budget. The motion was seconded by Vice-Mayor Browne.

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 Public Hearing was opened at 6:18 P.M.

### **Public Hearing**

- **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.**
- **AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2361 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2010-2011; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

There were no comments from either the citizens or the Council and Councilman Karr moved to close the Public Hearing. The motion was seconded by Councilman Smitherman.

There was no 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, and the Public Hearing was closed at 6:19 P.M.

## **Scheduled Business**

1. Presentation by Mr. Neal Wood of the Harley Owner's Group (HOG) regarding their rally at the Southeast Expo Center on October 5-9, 2011.

### Executive Summary

A presentation on the Harley Owner's Group (HOG) rally to be held on October 5-9, 2011.

Councilman Fiedler moved to open the floor for the presentation by Mr. Neal Wood of the Harley Owner's Group (HOG) regarding their rally at the Southeast Expo Center on October 5-9, 2011. The motion was seconded by Councilman Harrison.

Mr. Neil Wood addressed the Council regarding his organizations rally in October of 2011. He commented that rallies in the past had increased revenue and Hotel/Motel tax receipts in the cities that had hosted the rally. He stated that H.O.G. rallies were family oriented and included rides, bike games, a bike show, parade, riding the area, and concerts. Mr. Wood then explained the process to coordinate a rally and selection of the host city.

There was a brief discussion among the Council including Mr. Wood, the City Manager and the City Attorney regarding the selection process, ways to sell the City, if this was an open or closed rally, if the Council could vote to show support and what would be the selling factor or most help in selling the City of McAlester.

Mr. Ervin reminded the Council that this item had not been put on the agenda as an action item and no vote could be taken.

Mr. Wood stated that monetary support would be the most important factor.

There was no further discussion, and no vote was taken.

2. Consider, and act upon, a Resolution declaring certain buildings as dangerous by reason of dilapidation and detriment to the welfare of the public and community. (*Peter J. Stasiak, City Manager*)

### Executive Summary

A motion to approve a Resolution declaring certain buildings as dilapidated and subject to removal.

Councilman Harrison moved to approve a Resolution declaring certain buildings as dangerous by reason of dilapidation and detriment to the welfare of the public and community. The motion was seconded by Councilman Smitherman.

Before the vote, Manager Stasiak reviewed the list of buildings that the City had recommended for removal. There was a brief discussion among the Council including Manager Stasiak and Mark Wilkett regarding charging the owner for demolition of the buildings, the type of damage each of the structures had sustained, bidding the demolitions and placing any unpaid demolition expenses on the property owners' ad valorem taxes with the county.

Mark Wilkett addressed the Council expressing Pride in McAlester's support of the condemnations.

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.

3. Consider and act upon a Resolution declaring certain vehicles and a commercial semi trailer public nuisances and detrimental to the health, safety and welfare of the general public. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve a Resolution of the City of McAlester declaring certain vehicles and a commercial semi trailer public nuisances and detrimental to the health, safety and welfare of the general public and authorizing the City Manager to take the appropriate steps to resolve the situation.

Councilman Harrison moved to approve a Resolution declaring certain vehicles and a commercial semi trailer public nuisances and detrimental to the health, safety and welfare of the general public. The motion was seconded by Councilman Fiedler.

Before the vote, Manager Stasiak commented that the City had been working on this project since September of 2009. He explained that the building had burned and the owner had demolished the building, he stored the contents of the building in the trailer but never removed the trailer and he has parked cars on the property also. Manager Stasiak stated that on December 10, 2009 the owner had been found guilty of failure to comply in accordance with City Code section 62.280, he appealed the decision to District Court in January 2010 and the case had been dismissed in favor of the City of McAlester on May 26, 2010.

There was a brief discussion among the Council including Manager Stasiak and Mr. Ervin regarding the explanation of dismissed with prejudice, who the cars parked on the property belonged to, this item setting a precedence for future condemnations and how long after the Council's decision the owner had to comply. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Fiedler, Harrison, Karr, Garvin, Smitherman & Mayor Priddle  
NAY: None  
ABSTAIN: (counted as a no vote) Vice-Mayor Browne

Mayor Priddle declared the motion carried.

4. Consider and act upon final plat approval for the Hickory Ridge II Planned Unit Development. *(Peter J. Stasiak, City Manager)*

Executive Summary

A motion to approve the final plat for Hickory Ridge II, a Planned Unit Development (PUD) and authorizing the Mayor to sign the final plat.

Councilman Karr moved for approval of the final plat for the Hickory Ridge II Planned Unit Development. The motion was seconded by Councilman Smitherman.

Before the vote, Manager Stasiak commented that the Planning and Zoning Commission had met at their regularly scheduled meeting on June 15, 2010 and voted to unanimously recommend to the City Council the final plat approval for Hickory Ridge II. He added that the proposed development would consist of fourteen (14) units containing twenty-eight (28) dwelling units.

There was a brief discussion among the Council concerning the first phase of this development, if this was the item that dealt with the easement issue, the extensive amount of information provided with this item and the total dollar amount of the project. 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.

5. Consider, and act upon, authorizing the Mayor to sign a Contract for Services with the McAlester Chamber of Commerce to produce the McAlester Tourism Guide, an amount not to exceed \$8,460. (*Peter J. Stasiak, City Manager*)

Executive Summary

A motion to authorize the Mayor to sign a Contract for Services with the McAlester Chamber of Commerce.

Councilman Fiedler moved to authorize the Mayor to sign a Contract for Services with the McAlester Chamber of Commerce to produce the McAlester Tourism Guide, an amount not to exceed \$8,460. The motion was seconded by Vice-Mayor Browne.

Before the vote, Manager Stasiak explained that this contract was for printing the McAlester Tourism Guide. He stated that the Chamber would be responsible for producing, selling, printing and distribution of the Guides and the City would not be responsible for any costs other than the amount specified in the contract, not to exceed \$8,460.00. He added that he had distributed a second copy of the Contract with one (1) minor change which was the removal of the second sentence in item number two (2).

There was a brief discussion among the Council, Mr. Stasiak and Mr. Ervin regarding the review of the contract by the City Attorney, the Chamber keeping the revenue from the sale of advertisement and if this was a lawful and legitimate interest for the City.

Karen Stevens, Executive Director of the Chamber explained that with the loss of the Rodeo the Chamber had taken a large decrease in their budget and it had not been initially intended for the City to pay for the printing. She added that the Chamber staff would deliver the guides either by mail or in person delivery.

Mayor Priddle commented that he would abstain from the vote as he was a member of the Chamber Board.

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

AYE: Councilman Browne, Karr, Garvin, Smitherman & Fiedler  
NAY: Councilman Harrison  
ABSTAIN: (counted as a no vote) Mayor Priddle

Mayor Priddle declared the motion carried.

6. 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*)

Executive Summary

A motion to approve the budget amendment ordinance.

**ORDINANCE NO. 2363**

**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 Harrison moved for approval of **ORDINANCE NO. 2363**, seconded by Councilman Karr.

Before the vote, Manager Stasiak reviewed each of the exhibits with the Council. Vice-Mayor Browne asked about the arbitrage for the bonds and Mayor Priddle explained it was for the handling of the accounting for the bond issues. Councilman Harrison inquired about the transfer of the Non-Uniform Council bank account and Manager Stasiak stated that the Non-Uniformed Council was aware of the transfer. There was no other 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.

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

AYE: Councilman Garvin, Smitherman, Fiedler, Harrison, Karr, Browne & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

7. Consider, and act upon, an Ordinance amending Ordinance No. 2361 which established the budget for fiscal year 2010-2011; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Gayla Duke, Chief Financial Officer*)

Executive Summary

A motion to approve the budget amendment ordinance.



**ORDINANCE NO. 2364**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2361 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2010-2011; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

Councilman Fiedler moved for approval of **ORDINANCE NO. 2364**, seconded by Councilman Harrison.

Before the vote, Manager Stasiak explained that this amendment was carrying over balances appropriated in previous year so the City could carry various projects forward. He added that the monies would be expended on those projects. 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.

Councilman Harrison moved to approve the EMERGENCY CLAUSE, seconded by Councilman Smitherman. 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.

8. **TABLED** - Consider, and act upon, taking action to place workers compensation judgments on the property tax rolls of the County. (*Gayla Duke, Chief Financial Officer Executive Summary*)

Staff recommends establishing a debt service fund for reimbursement of judgments against the City. Asks for a motion to take action and vote upon whether to place judgments on the property tax rolls. Said tax will only apply to property located within the city limits of the City of McAlester.

Councilman Smitherman moved to approve taking action to place workers compensation judgments on the property tax rolls of the County. The motion was seconded by Councilman Harrison.

Before the vote, Councilman Harrison commented that according to “Robert’s Rules of Order” this item had already died.

There was a lengthy discussion among the Council concerning why this had been brought back before the Council, making sure all citizens understood that the Council did not want to do this, and making a motion to deny this action.

Mayor Priddle moved to deny action to place workers compensation judgments on the property tax rolls of the County. The motion was seconded by Vice-Mayor Browne.

Jeff Price, Bill Murdock and Joyce Carlson addressed the Council to express their concerns regarding this item.

Mr. Ervin commented that this was a state law and the State, Counties and Municipalities all used this to pay judgments that were brought against any of these entities. He explained that this was not a new tax and did not have to be voted on by the citizens. He added that this item was being killed for a year because of the filing requirements.

Mr. Stasiak stated that it was part of his job to bring information to the Mayor and Council whether that information was popular or not. He added that when initially addressed a month ago the Council had true concerns about placing a tax on the citizens and he had put this back on the agenda to basically kill and get closure.

Mayor Priddle explained that a yes vote was to not place the workers compensation judgments on the property tax rolls of the County. 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

### **New Business**

None

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

Manager Stasiak reported that Wichita Street between 4<sup>th</sup> and 5<sup>th</sup> Streets had been completed. The City would begin working on Peaceable Road from the frontage road to the bottom of the hill tomorrow. He stated that there were areas of pockets of brown water and the City was flushing fire hydrants. He commented that the water coming from the plant was in compliance but they were still finding Manganese and iron in the system. He added that the City was going through the system step by step and they had probably stirred every thing up and would take time to settle. Manager Stasiak reported that the insurance move to OMAG included another \$11,000.00 in savings. He stated that he had spoken with Mr. Mathis and Allied was currently at 98% to 99% of having all residential trash containers delivered. He asked the citizens to take a couple of weeks to see what they really needed concerning their trash containers. Mr. Stasiak commented that 50% of all the commercial containers had been delivered and the City was finding out that many of the commercial containers were not being paid for. He added that the old containers would be emptied and turned over or moved. Manager Stasiak reported Mr. Medley was working on a letter to go out in the water bills on the 15<sup>th</sup> and 30<sup>th</sup> explaining what the Ordinance stated. He urged all citizens to read the stickers on their trash containers. He added that he realized that there were containers put out at vacant houses and that Allied would go back and pick up those containers. He announced that the new hours for the Landfill were

Monday through Friday 8:00 A.M. to 12:00 P.M. (noon) and Saturdays 8:00 A.M. to 4:30 P.M. The landfill would be closed on Sundays. He stated that the hours had been posted on the radio, newspaper and in City Hall.

### **Remarks and Inquiries By City Council**

Councilman Fiedler did not have any remarks for this meeting.

Councilman Harrison reminded everyone that by the end of August the City would have a recycling center and that was a large part of the trash.

Vice-Mayor Browne asked when the City would receive the pot hole repair machine.

Manager Stasiak stated by the end of July, hopefully first week on August. He added that there would be a two (2) man crew, five (5) days a week. He commented that the intent was to patch all holes around the schools and then stripe those areas.

Vice-Mayor Browne thanked Mr. Modzelewski for touring Third Ward. He thanked the Street crew for the street cleanup. He then thanked Mr. Buckner and Mr. Stone for the tour of the Army Plant. He commented that the Plant was well managed.

Councilman Karr commented that he had visited with more people on the phone and in the streets about the water condition. He stated that when he notified the City Manager about problems with the water he had always received immediate response. He commented on the size of the trash containers and the service.

Councilman Garvin commented that everything was fine.

Councilman Smitherman remarked that he was aware of one location that had received three (3) trash containers but were only being billed for one water meter. He asked about a number to contact City Hall of water problems.

Mr. Stasiak stated that they should call 423-9300 and follow the prompts to the water office.

Councilman Smitherman then stated that if any citizens called for his contact number, it was okay to give them his cell phone number of 421-0710.

Mayor Priddle commented on the amount and quality of the ADA work. He congratulated the City Staff again on the new budget. He announced that Thursday at 2:00 P.M. was the opening of the new fire station. He congratulated the Council and City Staff on the progress that had been made working through a lot of difficult issues. He then commented on the 4<sup>th</sup> of July Celebration at the Expo.

### **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 Fiedler, Harrison, Browne, Karr, Garvin, Smitherman & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:44 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:45 P.M.

Adjournment

There being no further business to come before the Council, Councilman Smitherman moved for the meeting to be adjourned, seconded by Councilman Fiedler. 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 meeting was adjourned at 7:46 P.M.

\_\_\_\_\_  
Kevin E. Priddle, Mayor

ATTEST:

\_\_\_\_\_  
Cora Middleton, City Clerk