

Council Chambers
Municipal Building
February 22, 2011

The McAlester City Council met in Regular session on Tuesday, February 22, 2011, at 6:00 P.M. after proper notice and agenda was posted, February 18, 2011, at 4:23 P.M.

Call to Order

Mayor Priddle called the meeting to order.

Councilman Sam Mason gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Steve Harrison, John Browne, Robert Karr, Buddy Garvin, Sam Mason & Kevin Priddle
Absent: None
Presiding: Kevin E. Priddle, Mayor

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

Citizen's Comments on Non-agenda Items

There were no comments.

Consent Agenda

- A. Approval of the Minutes from the February 8, 2011, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for February 9, 2011 through February 22, 2011. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$99,835.10; Parking Authority - \$131.58; Nutrition - \$803.95; Landfill Res./Sub-Title D - \$64,757.00; Airport Grant - \$23,400.00; SE Expo Ctr/Tourism Fund - \$7,418.98; E-911 - \$3,355.13; Gifts & Contributions - \$588.99; Fleet Maintenance - \$9,099.05 and Federal Forfeiture Fund - \$1,596.00.
- C. Accept and place on file Mayor Kevin E. Priddle, State of the City Address. (*Cora Middleton, City Clerk*)

- D. Concur with Mayor's Re-Appointment of John Titsworth to the Audit & Finance Advisory Committee for a term to expire August, 2012. *(Kevin E. Priddle, Mayor)*
- E. Concur with Mayor's Appointment of Ross Eaton to the Planning Commission for a term to expire May, 2013. *(Kevin E. Priddle, Mayor)*
- F. Ratification of City Manager's decision to extend water bills due date from February 4, 2011 to February 11, 2011 as a result of extreme snow storm conditions. *(Peter J. Stasiak, City Manager)*
- G. Ratification of Permit Fees Waived Report for January 2011. *(Peter J. Stasiak, City Manager)*

Mayor Priddle removed item "D" from the Consent Agenda and Councilman Mason requested that items "F & G" be removed for individual consideration.

Councilman Harrison moved to approve Consent Agenda items "A through C" and "E". The motion was seconded by Vice-Mayor Browne.

There was no further 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.

Items Removed from Consent Agenda

- D. Concur with Mayor's Re-Appointment of John Titsworth to the Audit & Finance Advisory Committee for a term to expire August, 2012. *(Kevin E. Priddle, Mayor)*

Mayor Priddle commented that he had pulled this item because of inconsistencies between the Charter and the Ordinance that created this committee.

- F. Ratification of City Manager's decision to extend water bills due date from February 4, 2011 to February 11, 2011 as a result of extreme snow storm conditions. *(Peter J. Stasiak, City Manager)*

Vice-Mayor Browne moved to ratify the City Manager's decision to extend water bills due date from February 4, 2011 to February 11, 2011 as a result of extreme snow storm conditions. The motion was seconded by Councilman Karr.

Before the vote, Councilman Mason commented that in October 2009 the Council passed Resolution No. 09-14 authorizing the City Manager to waive fees, permits, licenses and related charges not to exceed \$250.00 in a single transaction. He asked that with this Resolution in effect was there any reason that the City Manager come before the Council with this item.

Mr. Ervin explained that he and the City Manager had discussion concerning policy and policy making and one of the concerns was that the staff not be construed as making policy. He added that they would reread the Resolution to clarify their responsibilities.

Mayor Priddle commented that he appreciated the City Manager being forthcoming and totally transparent with this matter.

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

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

NAY: None

Mayor Priddle declared the motion carried.

G. Ratification of Permit Fees Waived Report for January 2011. (*Peter J. Stasiak, City Manager*)

Vice-Mayor Browne moved for Ratification of Permit Fees Waived Report for January 2011. The motion was seconded by Councilman Harrison.

Before the vote, Councilman Mason commented that the Resolution required that any fees waived during a month be reported the first Council meeting of each month. He suggested that an item be placed on the agenda next to the City Manager's report titled "Waiver of Fees". He added that this could be filled in with the information or with none if there were no fees waived.

Vice-Mayor Browne commented that there had not been any fees waived in 2010. Manager Stasiak stated that it was in 2009 when he waived a fee for a bonfire for the school.

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

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

NAY: None

Mayor Priddle declared the motion carried.

Councilman Smith commented on the appointment issue item "D", stating that there were three (3) things that needed to be in compliance. The City Charter, the ordinance and the Audit and Finance Advisory Board Committee Mission Statement. He then asked the Mayor if it would be reasonable to appoint a committee to review the three (3) documents.

Mayor Priddle concurred with Councilman Smith's suggestion and asked if Councilman Smith would be willing to work on the committee.

Scheduled Business

1. Consider, and act upon, to adopt Resolution providing for the sale of an oil and gas lease at public auction regarding that mineral interests owned by the City in Sec. 29-T6N-Rg15E and Sec. 30-T6N-15E, Pittsburg County, Ok. (*Cora Middleton, City Clerk*)

Executive Summary

A motion to adopt a Resolution providing for the sale of an oil and gas lease.

Councilman Karr moved to approve RESOLUTION NO. 11-03, providing for the sale of an oil and gas lease at public auction regarding that mineral interests owned by the City in Sec. 29-T6N-Rg15E and Sec. 30-T6N-15E, Pittsburg County, Ok. The motion was seconded by Councilman Mason.

Before the vote, Mr. Ervin explained that they were recommending approval so the advertisement could go out. He commented on the correction that had been pointed out by Councilman Harrison.

There was a brief discussion among the Council and Mr. Ervin concerning how this lease came about and how the rate per acre had been calculated. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

2. Consider, and act upon, declaring certain vehicles and equipment surplus property in accordance with the Code of Ordinances Sec 2- 286 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2- 287. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

Executive Summary

A motion to declare certain vehicles and equipment surplus property and authorizing the sale of them.

Councilman Harrison moved to declare certain vehicles and equipment surplus property in accordance with the Code of Ordinances Sec 2- 286 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2- 287. The motion was seconded by Vice-Mayor Browne.

Before the vote, John Modzelewski explained that the list that had been presented to the Council for this meeting was only a portion of a larger list. He stated that he would bring the rest of the list before the Council at a later date. He then reviewed the various vehicles and pieces of equipment that had been submitted for consideration.

There was a brief discussion among the Council including Mr. Modzelewski concerning the book value of the items and if the Council could be notified if any of the items were disposed of at a loss to the City.

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

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

NAY: None

Mayor Priddle declared the motion carried.

3. Discussion and update on the agreement with James Earl Tannehill for the storage and display of an electric chair formerly housed at the Oklahoma State Penitentiary. (*Joe Ervin, City Attorney*)

Executive Summary

Discussion and update on the agreement with James Earl Tannehill for the storage and display of the electric chair formerly housed at the Oklahoma State Penitentiary. The Oklahoma Prisons' Historical Association no longer provides a museum for display of the electric chair.

Councilman Karr moved to open the floor for discussion on the agreement with James Earl Tannehill for the storage and display of an electric chair formerly housed at the Oklahoma State Penitentiary. The motion was seconded by Councilman Garvin.

Before the vote, Mr. Ervin commented that his office had been in communication with the Department of Corrections regarding the return of the electric chair that had been donated to the City sometime in 1976. He then updated the Council regarding the current status of the ownership, possession and display of the chair. He added that he would keep the Council apprised of any changes in the status of the chair.

There was a brief discussion among the Council regarding the Prison museum and the museum that was planned to house the electric chair.

There was no vote on this item.

New Business

No new business.

City Manager's Report

Manager Stasiak reported to the Council that there would be a demonstration of asphalt zipper or asphalt milling machine on Friday, February 24, 2011 at 10:00 A.M. He added that the location would be furnished to the Council. He reported that the seven (7) new Police cars had been placed in service this week and that several police officers had expressed their appreciation to the Council and Mayor. He updated the Council on the status of the ballot language with the IAFF that the Council had approved on January 25, 2011. He added that the City's language had been submitted to the arbitrators on February 21, 2011 and that on January 1, 2011 management had imposed the City's offer on the firefighters. He reported that the City now had a Face Book page and as of today had forty (40) new friends. He commented that this was another way to get information to the public.

Remarks and Inquiries By City Council

Councilman Smith commented that if the Mayor wanted to broaden public involvement on the boards that maybe an announcement of the various vacancies might help to inform the citizens.

Mayor Priddle stated that he was working on a pamphlet and would show it to the Council when it had been completed.

Councilman Harrison stated that he did get a friend request from the City.

Vice-Mayor Browne commented on the trash service during the snow storm and suggested considering a rebate. He announced that Congressman Boren would have a Town Hall meeting at the Vo-Tech on February 23rd.

Councilman Karr inquired on the status of the review of the contract with Allied. He expressed his appreciation for the work that had been done in Fourth Ward. He thanked the City workers for the job they did during the snow storm and asked about imposing the City's contract on the firemen.

Mr. Ervin stated that he was working on the review and when the revisions were completed he would bring it back to the Council. He then explained that used to if a contract had not been negotiated the parties would continue with the previous contract but that can no longer be done.

Councilman Garvin asked if something could be done about a house in Fifth Ward that looked like a landfill after the trash had been picked. He then urged the Council members to attend the demonstration of the asphalt milling machine.

Manager Stasiak commented that the problem house in Fifth Ward could be treated as a public nuisance to start with and then proceed further if necessary.

Councilman Mason asked if the machine being demonstrated was a true milling machine. He then asked if anything was being done to improve the City's website.

Mayor Priddle commented that the demonstration would be interesting, he encouraged everyone to attend the Town Hall meeting and he added that he had received many compliments on the job that was done during the second snow storm.

Recess Council Meeting

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

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 6:56 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:58 P.M.

Adjournment

There being no further business to come before the Council, Councilman Karr moved for the meeting to be adjourned, seconded by Councilman Garvin.

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

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

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 6:59 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk