

Council Chambers  
Municipal Building  
March 13, 2012

The McAlester City Council met in Regular session on Tuesday, March 13, 2012, at 6:00 P.M. after proper notice and agenda was posted, March 12, 2012, at 3:15 P. M.

**Call to Order**

Mayor Priddle called the meeting to order.

Pastor Terren Anderson, Life Church 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; John C. Modzelewski, City Engineer/Public Works Director; Brett Brewer, Fire Chief; Toni Ervin, Chief Financial Officer; David Medley, Utilities Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

**Outgoing Council**

Councilman Browne requested that his statement be included verbatim in the minutes:

“It has been my great honor to represent 3rd ward for the past 4 years. 3rd ward has always had a distinct identity, all the tough kids back in the old days came from 3rd ward. We were always considered the wrong side of the tracks and as an after thought for improvements. I, however, think of 3rd ward as a great place to live. Like most of McAlester, 3rd ward is working class. It is the blue collar workers home and it makes me proud to have been allowed to represent the people of 3rd ward.

With that being said, I call on the incoming council to remember what their responsibilities are as elected representatives of our city. As a council you have 3 areas of concern. Each as important as the other. 1. Doing the business of the city, using the citizen’s money, responsibly.

2. Representing the people. I urge you to leave behind any agendas that you may come into office with. Always keep in mind the senior citizen in 3rd ward who relies solely on social security to survive. While what many would consider a minor rate or fee increase may be pondered, that amount can mean a world of difference to a person on a fixed

income. Do not overlook the consequences of what you may consider to be a slight matter may have on others. Remember you are elected to represent all the people; those from Kincaid to those of us on the wrong side of the tracks.

Your 3rd concern is your employees. You have around 200 people who rely on you for their livelihoods. That is a big responsibility that often times gets pushed aside, especially in the case of the non-uniformed employees. Your workforce is your greatest asset, treat them with the dignity and respect they deserve. They work very hard to keep this city running. Whether it be an office worker keeping the information system accurate or the Street department worker sanding the roads in the middle of the night, to the water department worker fixing broken lines in freezing weather. Do not take these people for granted, do not take the attitude that if they don't like it they can find another job. These workers have invested their efforts to make this city better just as the city has invested in them. Treat them right and always remember they are an asset not a commodity.

Public safety is another facet of your workforce to keep in mind. You may want to use formulas that say that you need x number of police officers per 1000 people and that may be all well and good if you live in ideal town America. We do not. We have an extremely busy highway running through our town. This road is a direct line from Dallas to St. Louis and Chicago. It is probably one of the heaviest drug trafficked roads in America. Additionally the Mid-West is the heartland for Methamphetamine. Anytime you think that we might have too many police officers look I hour to the north, Muskogee. Drugs and gangs are big problems that dose. Our police presence in our neighborhoods has, so far kept this problem away from McAlester. Do not rely on formulas when determining how to keep our citizens safe.

Lastly, I want to talk a little bit about the situation with the fire fighters. There is a big misconception about what this dispute is about. The issue is not the fire fighters wanting more money; in fact their proposal is a very slight decrease from the previous contract year. What this is, is a fairness issue. If you worked for an organization and planned your life, your house payment, your retirement, your kids education, on a pay package that was fairly negotiated over a number of years and your employer unilaterally took it away, not in a time of crisis, but because you do not like deals that were negotiated and even agreed to by some members of this council and previous councils. You would be outraged. While changes may need to be made in future contracts, these changes need to be negotiated. I call on the fire fighters to hold their leaders feet to the fire on negotiations. It has become too easy in the past for both sides to enter into the process with an all or nothing mind set, this does not work. It is in every ones best interest to reach agreement it does not foster future good faith to have an arbitrator impose a contract. As I stated in a previous council meeting, this issue has the potential to tear our city apart. Whichever side eventually wins this battle will not do so with a mandate. It will be a dose vote as evidenced by the recent outcome from the elections that have put you in office. I urge both sides to continue to meet to try to negotiate an agreement and not to continue down this path of divisiveness for our city.

In closing, I would like to reiterate my great pride in representing 3rd ward, it has been one of the highest points in my life to date. It has been a pleasure and an honor. I want to thank Mayor Priddle for his leadership these last 4 years, I have learned a lot from you. City Manager Pete

Stasiak, you do a tremendous job running this city, I hope the incoming council will keep in mind that they are a governing body, not an operating one, and not interfere with the daily Operations of our city. To the council, it has been a great pleasure working with some of you and a great effort to work with others. Thank you to the City employees, thank you to the city administration and most importantly thank you to the citizens of McAlester, especially those of 3rd ward for allowing me to serve you the last 4 years. Thank you.”

Mayor Priddle thanked the citizens stating that it had been an honor and a privilege to serve as Mayor. He thanked the Council, Manager Stasiak and City Clerk Middleton for all their hard work.

Mayor-Elect Harrison presented Mayor Priddle and Vice-Mayor Browne with plaques from the Council and City Manager, expressing appreciation for their service on the Council.

### **Swearing-in Ceremony**

Municipal Judge Deborah Hackler administered the oaths of office to Mayor-Elect Steve Harrison, Ward One Councilman-Elect Weldon Smith, Ward Three Councilman-Elect Travis and Ward Five Councilman-Elect Buddy Garvin.

### **Incoming Council**

Mayor Harrison opened the floor to the new Council for comments.

Each of the new members and Mayor Harrison expressed their appreciation to the voters of their prospective Wards and to the entire City.

Selection of Vice-Mayor for the two-year term beginning March 2012 and ending March 2014.

Councilman Smith moved to appoint Councilman Mason as Vice-Mayor for a two-year term beginning March 2012 and ending March 2014. The motion was seconded by Councilman Garvin. There was no discussion and the vote was taken as follows:

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

NAY: None

ABSTAIN: Councilman Mason

Mayor Harrison declared the motion carried.

### **Citizen’s Comments on Non-agenda Items**

Stephanie Shafer reminded the Council of the City wide clean up and she encouraged each of the Councilmen to form teams within their Wards.

## Consent Agenda

- A. Approval of the Minutes from the February 28, 2012 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for February 22 through March 6, 2012 (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$103,284.34; Nutrition - \$2,002.28; Tourism Fund - \$13,350.00; SE Expo Center – \$11,248.64; E-911 - \$1,346.10; Economic Development - \$90,253.05; Gifts & Contributions - \$4,708.50; CDBG Grants - \$989.50; Fleet Maintenance - \$16,981.44 and CIP Fund - \$67, 358.46.
- C. Concur with Mayor’s Re-Appointment of Dr. Leroy M. Milton to the Hospital Board for a term to expire February, 2018. (*Mayor*)
- D. Ratify and approve for a one year term the E-911 Master Services Agreement between the City of McAlester and Southwestern Bell Telephone d/b/a/ AT&T Oklahoma. (*Cora Middleton, City Clerk*)
- E. Ratify and approve for a one year term the Airport Lease between Jo Ann Crabtree and the City of McAlester Municipal Airport. (*Cora Middleton, City Clerk*)
- F. Ratify and approve for a one year term the McAlester Public Library Contract between the Southeastern Public Library Board System of Oklahoma and the City of McAlester. (*Cora Middleton, City Clerk*)
- G. Ratify and approve the Minutes from the Special Meeting of the City of McAlester City Council June 3, 2008. (*Cora Middleton, City Clerk*)
- H. Ratify and approve the Minutes from the Regular Meeting of the City of McAlester City Council on June 10, 2008. (*Cora Middleton, City Clerk*)

Councilman Read requested that items “G and H” be removed for individual consideration. Councilman Smith requested that item “C” be removed for individual consideration.

Councilman Smith moved to approve the Consent Agenda, items “A, B, D, E and F”. The motion was seconded by Councilman Read.

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

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

NAY: None

Mayor Harrison declared the motion carried.

**Items removed from Consent Agenda**

- C. Concur with Mayor's Re-Appointment of Dr. Leroy M. Milton to the Hospital Board for a term to expire February, 2018. (*Mayor*)

Councilman Read moved to approve the Re-Appointment of Dr. Leroy Milton to the Hospital Board for a term to expire February, 2018. The motion was seconded by Councilman Karr.

Before the vote, Harold King addressed the Council expressing his concerns about Dr. Milton's appointment and the method in which appointments were made.

After a brief discussion among the Council regarding the reason that this item had been tabled from the previous meeting, and the Councilmen recommending potential board members. The vote was taken as follows:

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

NAY: None

ABSTAIN: Councilman Smith

Mayor Harrison declared the motion carried.

- G. Ratify and approve the Minutes from the Special Meeting of the City of McAlester City Council June 3, 2008. (*Cora Middleton, City Clerk*)

A motion was made by Councilman Karr and seconded by Councilman Garvin to ratify and approve the Minutes from the Special Meeting of the City of McAlester City Council June 3, 2008.

Before the vote, Councilman Read asked for an explanation of the item. City Attorney Ervin stated it had been discovered that after the minutes were discussed during the June 24, 2008 meeting there was no apparent action to approve them.

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

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

NAY: None

Mayor Harrison declared the motion carried.

- H. Ratify and approve the Minutes from the Regular Meeting of the City of McAlester City Council on June 10, 2008. (*Cora Middleton, City Clerk*)

A motion was made by Councilman Smith and seconded by Councilman Karr to ratify and approve the Minutes from the Regular Meeting of the City of McAlester City Council on June 10, 2008.

Councilman Read asked why the numbering on the minutes in question was out of order. City Attorney Ervin commented that the Chair may have called them out of order. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Councilman Smith moved to open a Public Hearing concerning three Ordinances. The motion was seconded by Councilman Read. There was no vote and the Public Hearing was opened at 6:36 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.**

**A PUBLIC HEARING FOR PROPOSED FY 2011-2012 COMMUNITY DEVELOPMENT BLOCK GRANT – ECONOMIC DEVELOPMENT INFRASTRUCTURE FINANCING (CDBG-EDIF) FOR THE HAMPEL OIL WATERLINE/RAILROAD CROSSING PROJECT AT STEVEN TAYLOR INDUSTRIAL PARK.**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCE, CITY OF McALESTER, OKLAHOMA AMENDING THE FOLLOWING SECTIONS 18-51; 18-53; 18-141; 18-217; AND 18-348.**

**AN ORDINANCE AMENDING CHAPTER 106, UTILITIES, ARTICLE IV. SOLID WASTE, DIVISION 1. GENERALLY, AND DIVISION 2. MUNICIPAL COLLECTION SERVICE, 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 DEBRIS, SECTION 106-321, CITY'S EXCLUSIVE RIGHT TO COLLECT REFUSE, SECTION 106-323, GENERAL REFUSE CONTAINER AND STORAGE 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 BELONGING OR ASSIGNED TO SOMEONE ELSE, SECTION 106-327, CHARGES FOR REMOVAL OF ~~REFUSE~~ PERMISSIBLE SOLID WASTE, SECTION 106-328, RECYCLING AND ADDING 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 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 Smith, Read, Karr, Garvin, Mason & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:38 P.M.

### **Scheduled Business**

1. 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. 2415**

**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 Vice-Mayor Mason and seconded by Councilman Karr to approve **ORDINANCE NO. 2415.**

Before the vote, Ms. Ervin reviewed the amendment exhibits with the Council. Vice-Mayor Mason asked what the procedure was for exhibits five (5) and six (6) if item thirteen (13) failed. Ms. Ervin stated that those two (2) exhibits would need to be rescinded.

Councilman Read inquired about the fund information on exhibit five (5). Ms. Ervin explained that there had been a previous amendment of \$10,000.00 which made the year to date total amendments for that fund to be \$19,900.00. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the EMERGENCY CLAUSE. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

2. Consider, and act upon, adopting Citizens Participation Plan for FY 2011-2012 Community Development Projects. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

Executive Summary

Motion to adopt Citizens Participation Plan for FY 2011-2012 Community Development Projects.

A motion was made by Councilman Garvin and seconded by Councilman Karr to consider adopting Citizens Participation Plan for FY 2011-2012 Community Development Projects.

Before the vote, Manager Stasiak requested that items 2 through 8, all dealing with the CDBG-EDIF Grant application be pulled from the agenda.

Items 2 through 8 were pulled from the agenda and not considered.

3. Discussion, CDBG-EDIF documents, (Statement of Compliance, Ordinance Job Tracking, Resolution Accepting and Job Tracking) to be approved after notification of CDBG-EDIF Grant is funded. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

Executive Summary

Discussion only of CDBG-EDIF related documents. To be considered after notification of award of Grant.

Pulled.

4. Consider, and act upon, Resolution to apply for CDBG-EDIF Funds from the Oklahoma Department of Commerce (ODOC) for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

Executive Summary

Motion to approve Resolution to apply for CDBG-EDIF Funds from the Oklahoma Department of Commerce (ODOC) for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

Pulled.

5. Consider and act upon, Proposed Budget for the CDBG-EDIF Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

Executive Summary

Motion to approve Proposed Budget for the CDBG-EDIF Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

Pulled.



6. Consider, and act upon, Resolution on Leverage Funds for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

Executive Summary

Motion to approve Resolution on Leverage Funds for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

Pulled.

7. Consider, and act upon, approval of contract with Millie Vance, Inc. to prepare CDBG-EDIF grant application and provide Administrative Services for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project and authorize Mayor to sign related documents. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

Executive Summary

Motion to approve contract with Millie Vance, Inc. to prepare CDBG-EDIF grant application and provide Administrative Services for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project and authorize Mayor to sign related documents.

Pulled.

8. Consider, and act upon, adopting Residential Anti-Displacement Plan for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

Executive Summary

Motion to adopt Residential Anti-Displacement Plan for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

Pulled.

9. Consider, and act upon, a Resolution adopting the 2009 edition of the International Residential Code, the 2009 edition of the International Building Code and the 2008 edition of the National Electrical Code, and amending Ordinance Sections 18-51, 18-53, 18-141, 18-271, and 18-348. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve the Resolution adopting these code changes and amending Ordinance, Sections 18-51, 18-53, 18-141, 18-271, 18-348 of the Code of Ordinance of the City of McAlester.

A motion was made by Councilman Smith and seconded by Vice-Mayor Mason to adopt the 2009 edition of the International Residential Code, the 2009 edition of the International Building Code and the 2008 edition of the National Electrical Code, and amend Ordinance Sections 18-51, 18-53, 18-141, 18-271, and 18-348.

After discussion among the Council, City Attorney Ervin and Manager Stasiak regarding the procedure to amend ordinances, the need for both a Resolution and an Ordinance, updating the related fees, ignoring the Resolution and addressing only the Ordinance, if this was the most up to date versions of the Building and Electrical Code, correcting the areas of the Code that was

amended from 18-271 to 18-217 and adopting the versions of the Codes presented at this meeting then having the administration review available information and updating the Council, the following Ordinance was adopted by the Council.

**ORDINANCE NO. 2416**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCE, CITY OF MCALESTER, OKLAHOMA AMENDING THE FOLLOWING SECTIONS 18-51; 18-53; 18-141; 18-217; and 18-348.**

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

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

NAY: None

Mayor Harrison declared the motion carried.

10. Discussion, and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the purchase of communications equipment with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

A motion was made by Councilman Read and seconded by Councilman Smith to approve certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

Before the vote, Fire Chief Brewer addressed the Council explaining that the Fire Department would need to purchase approximately twenty (20) handheld radios, and install a radio system in the new ambulance. He added that this would allow every firefighter access to a handheld radio on the fire ground and would be a needed safety precaution.

Mayor Harrison inquired about the balance of the City's portion of the county quarter cent excise tax for fire services.

Chief Brewer informed the Mayor that the balance after this purchase, if approved would be \$41,018.78.

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

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

NAY: None

Mayor Harrison declared the motion carried.

11. Consider, and act upon, award of bid to HTM Underground, LLC, for the construction of 2940 feet of 12 inch water line and appurtenances at Steven Taylor Industrial Park and authorize the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office in an amount of \$177,681.00. (*David Medley, P.E., Director, Public Utilities*)

Executive Summary

Motion to award of bid for Taylor Industrial Park 12-Inch Water Improvements and authorizing the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with HTM Underground, LLC of Blanchard, Oklahoma in an amount of \$177,681.00. A faxed copy of the Bid Bond was submitted with the Bid. The Council is asked to waive this technicality and an original Bid Bond will be included in the Contract Documents.

A motion to award a bid to HTM Underground, LLC, for the construction of 2940 feet of 12 inch water line and appurtenances at Steven Taylor Industrial Park and authorize the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office in an amount of \$177,681.00 was made by Councilman Smith and seconded by Vice-Mayor Mason.

Before the vote, David Medley informed the Council that on March 1, 2012, the Utilities Department had opened bids for this project. He stated that of the four (4) bids received, HTM Underground, LLC had been the low bidder and their references had been checked. Mr. Medley added that this project would replace an old cast iron 12-inch main along Taylor Blvd. to Berry Plastics which had become undependable for their operations.

After a brief discussion regarding the time frame for the project, if the bond had been furnished and the number of times this main had recently broke, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

12. TABLED FROM PREVIOUS. Consider, and Act Upon, a Solid Waste Ordinance Amending Chapter 106, Utilities, Article IV. Solid Waste, Division 1. Generally, and Division 2. Municipal Collection Service, 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 adding Section 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.

**ORDINANCE NO. 2417**

**AN ORDINANCE AMENDING CHAPTER 106, UTILITIES, ARTICLE IV. SOLID WASTE, DIVISION 1. GENERALLY, AND DIVISION 2. MUNICIPAL COLLECTION SERVICE, 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 DEBRIS, AND DIVISION 2, MUNICIPAL COLLECTION SERVICE, SECTION 106-**

**106-323, GENERAL REFUSE CONTAINER AND STORAGE REQUIREMENTS – FOR PERMISSIBLE SOLID WASTE FOR RESIDENTIAL UNITS, SECTION 106-324, SAME – FOR LARGE COMMERCIAL AND INDUSTRIAL UNITS, SECTION 106-325, MAINTENANCE, REPAIR AND REPLACEMENT OF POLYCARTS AND COMMERCIAL DUMPSTERS, SECTION 106-326(a), PROHIBITING THE UNAUTHORIZED DEPOSIT OF REFUSE IN CONTAINERS BELONGING OR ASSIGNED TO SOMEONE ELSE, SECTION 106-327, CHARGES FOR REMOVAL OF PERMISSIBLE SOLID WASTE, SECTION 106-328, RECYCLING AND ADDING SECTION 106-329, ADMINISTRATIVE PROCEDURES OF THE CODE OF ORDINANCES OF THE CITY OF McALESTER; AND DECLARING AN EMERGENCY.**

A motion was made by Councilman Garvin and seconded by Councilman Smith to adopt **ORDINANCE NO. 2417.**

After a lengthy discussion among the Council, Manager Stasiak and City Attorney Ervin regarding various changes in the Ordinance, reviewing the previous meetings DVD for clarification, changing the wording concerning the polycarts and who was responsible for a polycarts once a citizen moved, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Councilman Karr and seconded by Councilman Smith to approve the EMERGENCY CLAUSE. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

13. Discussion and possible action to enter into a Participation Agreement with Today In America. (*Peter J. Stasiak, City Manager*)

Executive Summary

Discussion and possible action to enter into a Participation Agreement with Today In America for filming of a five minute segment on the attributes of McAlester Oklahoma and authorizing the Mayor to sign the appropriate documents.

A motion was made by Councilman Read and seconded by Councilman Karr to enter into a Participation Agreement with Today In America.

Before the vote, Manager Stasiak informed the Council that “Today In America” had approached former Mayor Priddle and himself about doing a segment on McAlester for their show hosted by Terry Bradshaw. He explained that this segment would air one (1) time nationally and nineteen

(19) times regionally. Manager Stasiak commented that the program would be geared toward what the community had to offer and the copy rights would become the property of the City of McAlester. He added that would allow the City to stream the video on the new website and on Channel 21.

After a lengthy discussion among the Council, Manager Stasiak and City Attorney Ervin concerning how the video would be aired, paying in advance, that the agreement was governed by the Florida law not Oklahoma law and if it was crucial that this item be decided on at this meeting, Councilman Garvin moved to table the item until the next meeting. The motion to table was seconded by Vice-Mayor Mason.

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

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

NAY: None

Mayor Harrison declared the motion carried.

14. Submission and presentation of the Proposed 2011 Capital Budget per the City Charter by March 15<sup>th</sup>. (*Peter J. Stasiak, City Manager*)

Executive Summary

This item involves the submission and presentation of the Proposed 2011 Capital Budget to the City Council per the City Charter.

Manager Stasiak presented the Proposed Five (5) Year Capital Budget to the Council. Manager Stasiak commented that this presentation was on schedule with the requirements of the Charter. He highlighted the transition of this proposed capital budget from water to City streets and the way the departments had detailed their critical needs for the next five (5) years.

There was a brief discussion concerning the possible use of a boring machine, and authorizing an engineering study about improving the City's waste water plants.

### **New Business**

There was no new business.

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

Manager Stasiak reported that he had attended a Public Employers Benefit Administration (PEBA) meeting. He commented that PEBA was a Texas organization that was looking to expand into Oklahoma and that it was an alliance of over 800 communities that could utilize the large number of municipal employees to purchase health care benefits. He added that OMAG would be discussing the possibilities with their Board at the March 12, 2012 meeting.

Manager Stasiak reported that he and staff had toured the Water Treatment Plant to inspect the final reconstruction of the filters and clear well. The Public Works Department had received the

Asphalt Zipper. The Utilities Department had received the Vac-Con and all employees had been trained.

Manager Stasiak reported that he had attended the Summary Judgment Hearing at the Professional Employees Relation Board (PERB) meeting in Oklahoma City. He added that the five (5) Unfair Labor Practices (ULP) that had been filed by the IAFF had been consolidated into one (1) ULP and the PERB would be issuing their decision on April 12, 2012.

Manager Stasiak reported that the City had met with the FOP to negotiate the 2012-2013 contract and the negotiated changes would be addressed in Executive Session at the regularly scheduled Council meeting on March 27, 2012. He reported that the City had met with the IAFF to negotiate the 2012-2013 contract and the next meeting would be the week of March 12, 2012.

Manager Stasiak reported that the February 2012 Safety Crew of the Month had been the Cemetery Crew. He had attended the Pittsburg County Regional Expo Authority meeting, the Pride In McAlester Board and Spring Cleanup meetings and the MRHC Board meeting.

### **Remarks and Inquiries by City Council**

Councilmen Smith, Read, Karr and Garvin did not have any comments for the evening.

Councilman Mason inquired about the status of the contract with MCCI to recodify the Code of Ordinances and if the City was ready to advertise for bids on the traffic signals at Strong and Wyandotte.

Manager Stasiak stated that he would update the Council on the MCCI contract at the next Council meeting and the City was on schedule with the signalization project.

Mayor Harrison commented on the Cable franchise and encouraged the citizens to submit comments and complaints to the Council about the cable service. He requested that the campaign signs be picked since the election was over. He then stated that a meeting on the Trails System had been scheduled for Thursday at 6:00 P.M. at Kiamichi Vo-Tech.

### **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 Karr.

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

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 8717:02 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:19 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 Read, Karr, Garvin, Mason, Smith & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 8:19 P.M.

ATTEST:

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Steve Harrison, Mayor

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Cora Middleton, City Clerk