



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, February 26, 2013 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

Steve Harrison Mayor
Weldon Smith Ward One
John Titsworth Ward Two
Travis Read Ward Three
Robert Karr Ward Four
Buddy Garvin Ward Five
Sam Mason, Vice Mayor Ward Six

Peter J. Stasiak City Manager
William J. Ervin City Attorney
Cora M. Middleton City Clerk

This agenda has been posted at the McAlester City Hall, distributed to the appropriate news media, and posted on the City website: www.cityofmcalester.com within the required time frame.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The McAlester City Hall is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 918.423.9300, Extension 4956.

CALL TO ORDER

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Robert Tate, First Indian Baptist Church

ROLL CALL

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to five (5) minutes.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Approval of the Minutes from the February 5, 2013 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the February 12, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for February 6 – February 19, 2013. *(Toni Ervin, Chief Financial Officer)*
- D. Consider, and act upon, a request by the Italian Festival Foundation to partner with them for the rental fee for the use of the Southeast Expo Center for the 2013 Annual Italian in the amount of \$2,125.00. *(Mel Priddy, Director of Community Services)*
- E. Concur with Mayor's Re-Appointment of Cara Bland, 601 Nelson Lane to the McAlester Hospital Board for a term to expire February, 2019. *(Steve Harrison, Mayor)*

ITEMS REMOVED FROM CONSENT AGENDA**PUBLIC HEARING**

All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2425 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2012-2013; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

AN ORDINANCE TO RESCIND ORDINANCE NO. 2447 THAT AMENDED SECTIONS 54-48. TO ARTICLE III, CHAPTER 54, OF THE CODE OF THE CITY OF McALESTER, OKLAHOMA BY PROHIBITING TOBACCO USE ON CITY-OWNED PREMISES AND PROPERTIES IN GENERAL AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

- 1. Presentation of the new City of McAlester Marketing Video. *(Shari Cooper, Executive Director MPower)*

Executive Summary

The new City of McAlester Marketing Video.

2. Presentation and discussion of the possible purchase of the South Side Business Development Center by the Choctaw Nation. Presented by Assistant Chief Gary Batton and Councilman Bob Pate. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve entering into a discussion and negotiating a sale price of the South Side Business Development Center to the Choctaw Nation.

3. Discussion and possible action regarding a proposition sales tax election. *(Jon Wolff, Municipal Finance Services, Inc. and Allan Brooks, OK Public Finance Law Group PLLC)*

Executive Summary

Discussion and possible action regarding a proposition sales tax election.

4. Consider, and act upon, an Ordinance amending Ordinance No. 2425 which established the budget for fiscal year 2012-2013; 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.

5. Consider and act upon contributing \$25,000 as match for an ODEQ grant for the renovation of the OKLA Theatre. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon contributing \$25,000 as match for an ODEQ grant for the renovation of the OKLA Theater.

6. Tabled - Update, discussion and possible action to resolve status of contract FAA AIP 3-40-0057-011-012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport awarded June 26, 2012 by City of McAlester Airport Authority to Total Investment Company, Guthrie, Oklahoma. Seven months, as of January 26, 2013 have elapsed since said award. Bids on this project were received on September 2, 2011. *(Cora Middleton, City Clerk/Vice Mayor Sam Mason)*

Executive Summary

Update, discussion and possible action to resolve status of contract FAA AIP 3-40-0057-011-012-2011 and OAC Project #MLCC-12-75.

7. Consider, and act upon, accepting Kristen Lloyd Photography, Inc and Whistle Stop Bistro as participants in the Retail Sales Tax Incentive Program for the McAlester Main Street District Businesses and Choctaw Corridor and authorizing the Mayor to sign the Certification of all Applicable Requirements. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve certification in writing to accept the attached businesses as a participant.

8. Discussion and possible action, to rescind Ordinance 2447 (prohibiting tobacco use on City owned or controlled Property) based on Oklahoma Attorney General's Opinion 2013-2. *(William J. Ervin, City Attorney)*

Executive Summary

Discussion and possible action, to rescind Ordinance 2447 based on Oklahoma Attorney General's Opinion 2013-2.

NEW BUSINESS

Any matter not known or which could not have been reasonably foreseen prior to the time of posting the Agenda in accordance with Sec. 311.9, Title 25, Oklahoma State Statutes.

CITY MANAGER'S REPORT (Peter J. Stasiak)

- Report on activities for the past two weeks.

REMARKS AND INQUIRIES BY CITY COUNCIL

MAYORS COMMENTS AND COMMITTEE APPOINTMENTS

RECESS COUNCIL MEETING

CONVENE AS McALESTER AIRPORT AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the February 12, 2013 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item C, regarding claims ending February 19, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 1, Presentation of the new City of McAlester Marketing Video. *(Shari Cooper, Executive Director MPower)*
- Confirm action taken on City Council Agenda Item 3, regarding the calling of a sales tax special election. *(Jon Wolff, Municipal Finance Services, Inc. and Allan Brooks, OK Public Finance Law Group PLLC)*
- Confirm action taken on City Council Agenda Item 6, resolve status of contract FAA AIP 3-40-0057-011-012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport awarded June 26, 2012 by City of McAlester Airport Authority to Total Investment Company, Guthrie, Oklahoma. Seven months, as of January 26, 2013 have

elapsed since said award. Bids on this project were received on September 2, 2011.
(Cora Middleton, City Clerk/Vice Mayor Sam Mason)

- Confirm action taken on City Council Agenda Item 8, to rescind Ordinance 2447 (prohibiting tobacco use on City owned or controlled Property) based on Oklahoma Attorney General's Opinion 2013-2. (William J. Ervin, City Attorney)

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the February 12, 2013 Regular Meeting of the McAlester Public Works Authority (Cora Middleton, City Clerk)
- Confirm action taken on City Council Agenda Item C, regarding claims ending February 19, 2013. (Toni Ervin, Chief Financial Officer)
- Confirm action taken on City Council Agenda Item 1, Confirm action taken on City Council Agenda Item 1, Presentation of the new City of McAlester Marketing Video. (Shari Cooper, Executive Director MPower)
- Confirm action taken on City Council Agenda Item 2, discussion of the possible purchase of the South Side Business Development Center by the Choctaw Nation. Presented by Assistant Chief Gary Batton and Councilman Bob Pate. (Peter Stasiak, City Manager)
- Confirm action taken on City Council Agenda Item 3, regarding the calling of a sales tax special election. (Jon Wolff, Municipal Finance Services, Inc. and Allan Brooks, OK Public Finance Law Group PLLC)
- Confirm action taken on City Council Agenda Item 4, an Ordinance amending Ordinance No. 2425 which established the budget for fiscal year 2012-2013; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (Toni Ervin, Chief Financial Officer)
- Confirm action taken on City Council Agenda Item 7, Resolution 11-10, establishing a Retail Sales Tax Incentive Program for McAlester Main Street District Businesses and Choctaw Corridor and authorizing the Mayor to sign the Certification of all Applicable Requirements. (Toni Ervin, Chief Financial Officer)
- Confirm action taken on City Council Agenda Item 8, to rescind Ordinance 2447 (prohibiting tobacco use on City owned or controlled Property) based on Oklahoma Attorney General's Opinion 2013-2. (William J. Ervin, City Attorney)

ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the January 22, 2012, Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Approval of Retirement Benefit Payments for the Period of February, 2013. *(Toni Ervin, Chief Financial Officer)*

ADJOURN MRTA**RECONVENE COUNCIL MEETING**

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this _____ day of _____ 2013 at _____ a.m./p.m. as required by law in accordance with Section 303 of the Oklahoma Statutes and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of McAlester website: www.cityofmcalester.com.

Cora M. Middleton, City Clerk

Council Chambers
Municipal Building
February 5, 2013

The McAlester City Council met in Special session on Tuesday, February 5, 2013, at 5:30 P.M. after proper notice and agenda was posted, February 1, 2013, at 4:22 P. M.

Call to Order

Mayor Harrison called the meeting to order.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Travis Read, Robert Karr, Buddy Garvin, Sam Mason & Steve Harrison

Absent: None

Presiding: Steve Harrison, Mayor

Staff Present: Peter Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director, Mel Priddy, Community Services Director and Cora Middleton, City Clerk

Scheduled Business

1. Discussion on Marketing Alliance proposal presented at the City Council Meeting on January 8, 2013.

Mayor Harrison stated that there had been interest in having a Workshop to discuss the proposal that had been presented to the Council at a Regular Meeting on January 8, 2013, including the possible funding if the Council were to proceed with the plan. He then asked Manager Stasiak to begin with his presentation.

Manager Stasiak addressed the Council reviewing a power point presentation that summarized the latest figures for the Expo Center which included the activities and how the funds were spent on Tourism and the Expo. He stated that in 2010/2011 the City separated Tourism from the Expo so there was a better accounting of the revenues and expenses. He then reviewed both the Expo's and Tourism's revenues and expenses in detail.

During Manager Stasiak's presentation there was discussion among the Council regarding the travel trailer park at the Expo, Capitol Outlay for the Expo, the increase in revenue for the Expo, how much of the General Fund was used to maintain the Expo, and how much revenue was created from visitors.

The following individuals addressed the Council expressing their concern and support of keeping the Expo open: Ed Palmer, Howard Thompson, Randy Crone, Wendell Marley, Mike Graham, Kevin Smith, David Cantrell, Paul McDaniel, Bob Impson, Bradley Hamilton and Trent Myers.

There was further discussion among the Council regarding what the Workshop was for, how the tourism tax was spent, hiring someone to promote tourism in McAlester, getting more people off the highways and into the motels, using the marketing plan as a tool, promoting the Expo and the City, and having a full-time Expo manager and a full-time tourism director.

Adjournment

There being no further business to come before the Council, Councilman Smith moved for the meeting to be adjourned, seconded by Councilman Read. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 6:55 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk

The McAlester City Council met in Regular session on Tuesday, February 12, 2013, at 6:00 P.M. after proper notice and agenda was posted, February 8, 2013, at 4:26 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Pastor Charles Neff, United Methodist Church, gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Travis Read, Robert Karr, Buddy Garvin & Steve Harrison

Absent: Sam Mason

Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, Chief Financial Officer; David Medley, Utilities Director; Brett Brewer, Fire Chief; Mel Priddy, Community Services Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Stephanie Giacomo, Executive Director of Pride In McAlester addressed the Council reminding them of Pride In McAlester's Banquet was Thursday, February 21, 2013 at the Whistle Stop Bistro in Old Town. She informed them that the City of McAlester would be receiving an award. She commented that Pride's next Volunteer Day was scheduled for this Saturday, February 16, 2013 in Old Town.

Ginny Webb, Executive Director of McAlester Main Street Association addressed and distributed a couple of handouts that were regarding the last two (2) objectives that had been completed in January. She informed them that the communications objective was to aid in transparency and build awareness. She then commented that they had the results of the survey, which had been compiled for the Council in one of the handouts.

Consent Agenda

- A. Approval of the Minutes from the January 8, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*

- B. Approval of the Minutes from the January 22, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the January 29, 2013 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of Claims for January 16, 2013 – February 5, 2013. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$94,963.32; Nutrition - \$1,146.93; Landfill Res./Sub-Title D - \$9,287.89; Educational Fund - \$370,000.00; Tourism Fund - \$3,666.67; SE Expo Center - \$14,482.03; E-911 - \$3,445.49; Economic Development - \$256,651.51; CDGB Grants - \$164.04; Fleet Maintenance - \$23,270.66; Worker's Compensation - \$941.68 and CIP Fund - \$3,378.84.
- E. Ratify a One (1) year Lease Number 134 between City of McAlester and First National Bank for a 2006 Caterpillar D7R11WDA S/N#AEC00983 and a 2000 Al-Jon Trash Compactor S/N#13652 with all accessions and accessories. *(Cora Middleton, City Clerk)*
- F. Authorize the Mayor to sign XTO Energy, Inc. Division Order for Property No. 131528, OSP 01-25H Pittsburg County, Oklahoma. The DO is confirmation that the well has reached producing status, provides a legal description of the property and confirms the City's decimal interest in revenues. *(Cora Middleton, City Clerk)*
- G. Accept donation of a 2000 Dodge 3500 Truck from the Oklahoma Department of Agriculture, Food and Forestry, Department of Defense, for use by the City of McAlester Fire Department for off road fire suppression. *(Cora Middleton, City Clerk)*
- H. Accept and Place on file MPower Second Quarter Report for October through December, 2012, FY 2012-2013. *(Peter Stasiak, City Manager)*
- I. Consider, and approve a Resolution Consenting to and Approving the Assignment of the Cable Permit and System to BCI Allegiance, LLC. *(Peter Stasiak, City Manager)*
- J. Authorize Mayor to sign Letter of Intent to Participate in the FY-2013 Small Cities CDBG Grant Program. *(Millie Vance, Contract Grant Administrator/Peter Stasiak, City Manager)*

Councilman Titsworth requested that item "I" be removed for individual consideration.

Councilman Garvin moved to approve the Consent Agenda items "A through H and J", seconded by Councilman Karr. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Items Removed from Consent Agenda

- I. Consider, and approve a Resolution Consenting to and Approving the Assignment of the Cable Permit and System to BCI Allegiance, LLC. (*Peter Stasiak, City Manager*)

A motion was made by Councilman Read and seconded by Councilman Smith to approve RESOLUTION NO. 13-01, approving the assignment of the Cable Permit and System to BCI Allegiance, LLC.

Before the vote, Councilman Titsworth commented that he had received several calls for citizens concerning the cable service and he inquired if the contract contained any performance guarantees.

There was a brief discussion among the Council, Manager Stasiak and City Attorney Ervin regarding the citizen's options to air their concerns, and that this item was only dealing with the transfer of ownership. There was no further discussion and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Scheduled Business

1. Presentation of the Mayor's Annual State of the City Address. (*Steve Harrison, Mayor*)

Mayor Harrison delivered his annual State of the City address. During his speech he highlighted on how the City had improved its' financial status since 2005, he mentioned a possible Special Election to address the question of how the City of McAlester would be allowed to use the excess funds from the excess penny sales tax,. In closing he thanked many of the groups that worked within the City of McAlester and the volunteers that turned out to help with many of the activities around the City of McAlester.

2. POSTPONED - Consider and Act Upon, authorizing the Mayor to sign the lease agreement between the City of McAlester and the United States of America-Federal Aviation Administration Lease No. DTFACN-13-L-00151, term beginning February 1, 2013 and ending on September 30, 2022. (*Mel Priddy, Community Services Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign said lease.

A motion was made by Councilman Smith and seconded by Councilman Read to authorize the Mayor to sign the lease agreement between the City of McAlester and the United States of America-Federal Aviation Administration Lease No. DTFACN-13-L-00151, term beginning February 1, 2013 and ending on September 30, 2022.

Before the vote, Mel Priddy introduced Jason Fitzgerald, Kenny Wilson and Shawn Stevens all employees of the FAA.

Mr. Stevens and Mr. Fitzgerald addressed the Council regarding the equipment that had remained in the Flight Service Station. They emphasized that this equipment was essential for the operation of the McAlester Regional Airport and many surrounding airports.

There was discussion among the Council including Mr. Stevens and Mr. Fitzgerald concerning the lease that had been submitted to the Council, the term of the lease, what the equipment actually did, what repercussions having the equipment in the building could have if the City ever wanted to sell the building, what it would take to move the equipment to another location on the Airport grounds, the length of the lease, possibly changing the lease to a shorter term and possibly postponing this item until more information on moving the equipment was obtained.

City Attorney Ervin recommended that this item be indefinitely postponed and allow both parties to evaluate and gather the information needed regarding the cost of moving the equipment to another building, which building that might be and the length of the lease.

Mayor Harrison moved to indefinitely postpone this item until more information could be gathered. The motion was seconded by Councilman Smith. There was no further discussion, and the vote was taken as follow:

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

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon an Amendment to Airport Consultant LBR's contract with City of McAlester. (*Mel Priddy, Community Services Director*)

Executive Summary

Motion to approve Amendment to LBR's contract with the City of McAlester, to provide services on preliminary plans for grant from the Oklahoma Strategic Military Planning Commission.

A motion was made by Councilman Karr and seconded by Councilman Smith to approve an Amendment to LBR's contract with the City of McAlester, to provide services on preliminary plans for grant from the Oklahoma Strategic Military Planning Commission.

Before the vote, Mel Priddy explained that this was to allow C130 airplanes to park at the Municipal Airport without damaging the airport apron. He added that the Army Ammunition Plant had requested that this was done at the City of McAlester's Airport.

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

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

NAY: None

Mayor Harrison declared the motion carried.

4. Update, discussion and possible action to resolve status of contract FAA AIP 3-40-0057-011-012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport awarded June 26, 2012 by City of McAlester Airport Authority to Total Investment Company, Guthrie, Oklahoma. Seven months, as of January 26, 2013 have elapsed since said award. Bids on this project were received on September 2, 2011. *(Peter Stasiak, City Manager)*

Executive Summary

Update, discussion and possible action on status of contract FAA AIP 3-40-0057-011-012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to consider the status of contract FAA AIP 3-40-0057-011-012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport awarded June 26, 2012 by City of McAlester Airport Authority to Total Investment Company, Guthrie, Oklahoma.

Before the vote, Mayor Harrison commented that Vice-Mayor Mason was ill this evening and he had contacted the Mayor and asked if the Council would consider tabling this item until the next meeting as he had a number of discussion items that he had wanted to bring up.

Mayor Harrison moved to table the item seconded by Councilman Smith. There was no discussion and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider, and act upon, authorizing the Mayor to sign a Profession Services Agreement with Aquaterra Environmental Solutions, Inc. (Aquaterra) to prepare a Gas Remediation Plan required to address gas migration issues related to GP-4 at the City of McAlester landfill. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*

Executive Summary

Motion to approve a Profession Services Agreement with Aquaterra Solutions, Inc. and authorize the Mayor to sign said agreement.

A motion was made by Councilman Titsworth and seconded by Councilman Titsworth to approve and authorize the Mayor to sign a Profession Services Agreement with Aquaterra Environmental Solutions, Inc. (Aquaterra) to prepare a Gas Remediation Plan required to address gas migration issues related to GP-4 at the City of McAlester landfill.

Before the vote, John Modzelewski addressed the Council explaining that on December 21, 2012, the City of McAlester landfill's groundwater and gas monitoring wells were sampled and tested in accordance with requirements of the Oklahoma Department of Environmental Quality (ODEQ). According to the methane levels that were detected the City of McAlester is required to submit to ODEQ for approval a remediation plan, describing the nature and extent of the problem and the proposed remedy.

City Attorney Ervin commented that he had reviewed the contract and had a few items that he would recommend that the Council change. He then reviewed those recommended changes that were as follows; 1) Page 1 of 4 in section 5, remove the word indemnifies, in the second paragraph; 2) Page 2 of 4 in section 7, remove all of the sentences except for the last sentence and then 3) Page 4 of 4 in section 21, change the governing law from the state of Kansas to the state of Oklahoma.

There was discussion among the Council including Manager Stasiak and Mr. Modzelewski concerning Aquaterra Environmental Solutions being the only company that could perform this service, this item being brought before the Council to keep them aware of the matter and the anticipation of the City moving forward with the plan, and the time crunch of this project.

Mayor Harrison commented that this approval would be subject to the changes recommended by the City Attorney.

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

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider and Act Upon, authorizing the Mayor to sign two Certificates of Completion per Close-Out Agreements that authorized the City of McAlester to provide Certificates of Completion for properties within the Urban Renewal Neighborhood Development Project area known as R-31, Eastview Area "A". *(Joe Ervin, City Attorney)*

Executive Summary

Motion to authorize Mayor to sign two Certificates of Completion.

A motion was made by Councilman Karr and seconded by Councilman Smith to authorize the Mayor to sign two Certificates of Completion per Close-Out Agreements that authorized the City of McAlester to provide Certificates of Completion for properties within the Urban Renewal Neighborhood Development Project area known as R-31, Eastview Area "A".

Before the vote, City Attorney Ervin explained that when the Urban Renewal Authority was dissolved it entered into a Close-Out agreement which authorized the City of McAlester to provide a Certificate of Completions for properties within the Urban Renewal Neighborhood Development Project area. He added that this had been done once in 1995 and once again in 2007. He added that the applicant meets the requirements and the City was authorized to issue the Certificates of Completion.

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

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

NAY: None

Mayor Harrison declared the motion carried.

7. Discussion, and possible action, on considering one (1) complete S.C.B.A. unit, from the McAlester Fire Department, as surplus. *(Brett Brewer, Fire Chief)*

Executive Summary

Motion to consider one (1) used S.C.B.A. unit from the McAlester Fire Department as surplus.

A motion was made by Councilman Read and seconded by Councilman Titsworth to consider one (1) complete S.C.B.A. unit, from the McAlester Fire Department, as surplus.

Before the vote, Chief Brewer explained that the Fire Department was in the process of purchasing new S.C.B.A units and to take advantage of a promotion that was being offered by Chief Fire & Safety, they had previously requested that ten (10) older units be declared surplus. He added that the units had been declared surplus and with this request it would bring that total to eleven (11).

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

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

NAY: None

Mayor Harrison declared the motion carried.

8. Discussion, and possible action, on approval of a bid award for Chief Fire & Safety to purchase our surplus SCBA's (Self Contained Breathing Apparatus). *(Brett Brewer, Fire Chief)*

Executive Summary

Motion to approve and accept a bid award from Chief Fire & Safety to purchase eleven (11) of the McAlester Fire Department's surplus SCBA's, at \$500.00 each.

Councilman Karr moved to approve a bid award for Chief Fire & Safety to purchase the eleven (11) surplus S.C.B.A units from the City of McAlester Fire Department at \$500.00 each. The motion was seconded by Councilman Smith.

Before the vote, Chief Brewer explained that the City has an offer from Chief Fire & Safety to purchase the eleven (11) surplus S.C.B.A. units and with the acceptance of this offer the City would trade in the old S.C.B.A. units and save approximately \$5,500.00.

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

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

NAY: None

Mayor Harrison declared the motion carried.

New Business

There was no new business.

City Manager's Report

Manager Stasiak reported that for the first five (5) months of fiscal year 2012-2013 the City's revenues had been running about 1.5 to 3% under budget. Since then things had taken a turn for the worst, with revenues down about 11%. He commented that there was a trend in what was happening and he intended to keep the Council informed of the status of the City. He then informed them that he had implemented an immediate hiring freeze and would be moving employees around the City to address work load needs. He added that any critical need items would be addressed on a case by case matter.

Remarks and Inquiries by City Council

Councilman Smith commented on the sign that had been installed at Poppa's Country Market at the corner of 14th and Carl Albert Parkway.

Councilmen Titsworth and Garvin did not have any comments for the evening.

Councilman Read commented that the Daily Oklahoman had an article on the front page that said the Attorney General ruled that cities could not ban smoking in parks. He asked that the City Attorney review the Attorney General's ruling and bring a revised ordinance to comply with the AG's opinion.

City Attorney Ervin commented that he would bring a proposed revised ordinance that complied with the new Attorney General's opinion.

Councilman Karr urged the citizens to use the City's website to report problems that they might see around the community.

Mayor's Comments and Committee Appointments

Mayor Harrison had no comments for the evening.

Recess Council Meeting

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Titsworth.

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

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:18 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:19 P.M.

Councilman Smith moved for the Regular Meeting to be recessed for an Executive Session to discuss the Purchase or Appraisal of Real Property, more particularly: South Side Business Development Center, in accordance with Title 25, Section 307.B.3. The motion was seconded by Councilman Titsworth.

Before the vote, Councilman Read asked if the appraisal had already occurred and how much had it cost.

Manager Stasiak answered that it had been done and cost around \$2,500.00 to \$3,000.00 and everyone on the Council had been provided a copy of the appraisal when it had been completed.

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

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:20 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 (B) (3) et.seq. Oklahoma Statutes, to wit:

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (3) for Discussion of the Purchase or Appraisal of Real Property, more particularly: South Side Business Development Center.

Reconvene into Open Session

The Regular Meeting was reconvened at 8:02 P.M. Mayor Harrison reported that the Council had recessed the Regular Meeting for an Executive Session to discuss the Purchase or Appraisal of Real Property, more particularly: South Side Business Development Center, in accordance with Title 25, Section 307.B.3. Only that matter was discussed, no action was taken and the Council returned to open session at 8:02 P.M., and this constituted the Minutes of the Executive Session.

Adjournment

There being no further business to come before the Council, Councilman Smith moved for the meeting to be adjourned, seconded by Councilman Titsworth. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 8:03 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk

CLAIMS FROM

**FEBRUARY 6, 2013
THRU
FEBRUARY 19, 2013**

2/19/2013 2:29 PM
PACKET: 09295 CLAIMS FOR 2/26/2013
VENDOR SET: 01
FUND : 01 GENERAL FUND

REGULAR DEPARTMENT PAYMENT REGISTER

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VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-1	MISC VENDOR					
	RALPH JERNIGEN	I-201302064624	01 -5431331	EMPLOYEE TRAV RALPH JERNIGEN: TRAVEL EXP	063511	100.35
	MICHELLE GARRETT	I-201302064626	01 -5324207	CLOTHING ALLO MICHELLE GARRETT: CLOTHING ALL	063513	82.22
	TIMMY ADAMS	I-201302144643	01 -5865207	CLOTHING ALLO TIMMY ADAMS: BOOT ALLOWANCE	063550	100.00
01-A00170	ADA PAPER CO.					
	I-355854	01 -5548203	REPAIRS & MAI JANITORIAL SUPPLIES	063563	300.93	
01-A00200	ADAM TRUE VALUE & AG SU					
	I-250046	01 -5542203	REPAIRS & MAI MISC REPAIR ITEMS	063564	13.00	
	I-250693	01 -5542203	REPAIRS & MAI MISC REPAIR ITEMS	063564	12.00	
01-A00229	ADVANTAGE TRUCK AND AUT					
	I-41704	01 -5542203	REPAIRS & MAI STEPS FOR NEW TRUCK	063565	250.00	
01-A00267	AIRGAS, INC					
	I-9906471612	01 -5542203	REPAIRS & MAI MONTHLY BOTTLE LEASE	063566	37.51	
	I-9906471612	01 -5543203	REPAIRS & MAI MONTHLY BOTTLE LEASE	063566	87.54	
01-A00362	ALLEGIANCE COMMUNICATIO					
	I-201302064619	01 -5542328	INTERNET SERV INTERNET SVS-STIPE CENTER	063516	72.95	
	I-201302064619	01 -5320328	INTERNET SERV INTERNET SVS-DET DIV	063516	116.75	
	I-201302064619	01 -5547328	INTERNET SERV INTERNET SVS-CEMETERY	063516	59.95	
	I-201302144640	01 -5542328	INTERNET SERV INTERNET SVS-PARKS SHOP	063553	75.65	
	I-201302144640	01 -5548328	INTERNET SERV INTERNET SVS-FAC MAINT	063553	75.65	
	I-201302144640	01 -5865328	INTERNET SERV INTERNET SVS-STREETS TC	063553	75.65	
	I-201302144640	01 -5431328	INTERNET SERV INTERNET SVS-N FIRE ST	063553	62.95	
	I-201302144640	01 -5431328	INTERNET SERV INTERNET SVS-EMER RESP CENTER	063553	62.95	
01-A00500	AMERICAN MUNICIPAL SERV					
	I-201302194659	01 -2105	COLLECTION AG COLLECTIONS FEE DUE-COURT	063569	5,839.00	
01-A00751	ATWOODS					
	I-1403/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063570	99.99	
	I-1405/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063570	100.00	
	I-1406/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063570	100.00	
	I-1407/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063570	99.99	
	I-1408/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063570	100.00	
	I-1409/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063570	100.00	
	I-1410/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063570	100.00	
	I-1411/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063570	99.94	
	I-1412/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063570	79.99	
	I-1413/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063570	99.99	
	I-1414/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063570	100.00	
	I-1417/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063570	99.99	
	I-1418/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063570	100.00	
	I-1419/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063570	100.00	
	I-1420/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063571	100.00	
	I-1421/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063571	99.99	

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VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-A00751	ATWOODS	continued				
		I-1422/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063571	100.00
		I-1423/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063571	99.99
		I-1424/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063571	100.00
		I-1425/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063571	99.94
		I-1427/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063571	99.99
		I-1428/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063571	99.94
		I-1429/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063571	100.00
		I-1430/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063571	99.99
		I-1432/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063571	100.00
		I-1434/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063571	99.99
		I-1436/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063571	100.00
		I-1437/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063572	100.00
		I-1438/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063572	64.99
		I-1439/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063572	100.00
		I-1440/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063572	89.99
		I-1442/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063572	100.00
		I-1444/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063572	99.99
		I-1445/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063572	99.99
		I-1447/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063572	99.99
		I-1448/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063572	100.00
		I-1450/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063572	99.94
		I-1451/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063572	79.99
		I-1452/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063572	99.99
		I-1457/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063572	89.99
		I-1458/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063573	100.00
		I-1459/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063573	89.99
		I-1461/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063573	89.99
		I-1462/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063573	89.99
		I-1463/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063573	99.99
		I-1468/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063573	99.99
		I-1477/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063573	99.99
		I-1483/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063573	100.00
		I-D82394/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063573	100.00
		I-D83570/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063573	100.00
		I-D84554/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063573	100.00
		I-D86270/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063573	100.00
		I-D86761/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063573	100.00
		I-D90681/9	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063574	100.00
01-B00172	BILLY DALE YOUNG					
		I-764365	01 -5542316	REPAIRS & MAI WIRING REPAIR ON SAUNA	063579	200.00
01-C00100	CLEET					
		I-201302144648	01 -2100	CLEET PAYABLE CLEET FEES DUE	063554	5,497.01
01-C00245	CATHEY & ASSOCIATES, L.					
		I-32996	01 -5543203	REPAIRS & MAI POOL LINER CLEANER	063585	42.00

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VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-C00251	CAVENDER'S					
		I-46673	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063586	87.19
		I-46685	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063586	99.99
		I-46686	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063586	79.99
		I-46692	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063586	100.00
		I-46727	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063586	100.00
		I-46861	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063586	100.00
		I-47042	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063586	100.00
		I-50267	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063586	100.00
		I-50341	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063586	100.00
		I-50348	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063586	100.00
		I-50363	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063586	79.99
01-C00430	CHIEF FIRE & SAFETY CO.					
		I-173028	01 -5431202	OPERATING SUP SCBA UNITS	063588	15.00
01-C00669	CONTINENTAL RESEARCH CO					
		I-1229229	01 -5865218	STREET REPAIR SAW BLADES; DRILL BITS	063590	184.97
01-D00225	DEFRANGE AUTOCRAFTS					
		I-1609	01 -5542203	REPAIRS & MAI TOOL BOXES FOR PARKS VEH	063594	680.00
01-D00330	DEPT. OF PUBLIC SAFETY					
		I-041305915	01 -5321308	CONTRACTED SE TELETYPE RENTAL FEE	063597	350.00
01-D00600	DONNA M. CREWS					
		I-201302194655	01 -5544308	CONTRACT LABO SCOREKEEPER FEES-6 GAMES	063599	90.00
01-D00775	JUSTIN DUVAL					
		I-201302194656	01 -5544308	CONTRACT LABO REFEREE FEES-12 GAMES	063600	300.00
01-F00015	FLEETCOR TECHNOLOGIES					
		I-201302194661	01 -5322212	FUEL EXPENSE FUEL EXP-JANUARY-A/C	063603	685.94
		I-201302194661	01 -5321212	FUEL EXPENSE FUEL EXP-JANUARY-POLICE	063603	9,692.11
		I-201302194661	01 -5431212	FUEL EXPENSE FUEL EXP-JANUARY-FIRE	063603	1,876.55
		I-201302194661	01 -5542212	FUEL EXPENSE FUEL EXP-JANUARY-PARKS	063603	2,100.87
		I-201302194661	01 -5548212	FUEL EXPENSE FUEL EXP-JANUARY-FAC MAINT	063603	599.91
		I-201302194661	01 -5865212	FUEL EXPENSE FUEL EXP-JANUARY-STREETS	063603	3,364.91
		I-201302194661	01 -5544212	FUEL EXPENSE FUEL EXP-JANUARY-REC	063603	108.03
		I-201302194661	01 -5652212	FUEL EXPENSE FUEL EXP-JANUARY-CODES	063603	463.31
		I-201302194661	01 -5225212	FUEL EXPENSE FUEL EXP-JANUARY-IT	063603	119.18
		I-201302194661	01 -5653212	FUEL EXPENSE FUEL EXP-JANUARY-SAFETY	063603	32.25
		I-201302194661	01 -5547212	FUEL EXPENSE FUEL EXP-JANUARY-CEMETERY	063603	538.01
		I-201302194661	01 -5432212	FUEL EXPENSE FUEL EXP-JANUARY-EMS	063603	1,521.50
		I-201302194662	01 -5865212	FUEL EXPENSE FUEL EXP-JANUARY-STREETS	063604	179.86
		I-201302194662	01 -5547212	FUEL EXPENSE FUEL EXP-JANUARY-CEMETERY	063604	42.92
		I-201302194662	01 -5542212	FUEL EXPENSE FUEL EXP-JANUARY-PARKS	063604	35.13
		I-201302194662	01 -5544212	FUEL EXPENSE FUEL EXP-JANUARY-REC	063604	43.52

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VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-F00170	FIRST NATIONAL BANK					
	I-2013 RENT BOX 575	01 -5211202	OPERATING SUP SAFETY DEPOSIT BOX RENT	063605	17.00	
01-G00010	G & C RENTAL CENTER, IN					
	I-17726ADD	01 -5865218	STREET REPAIR EQUIPMENT RENTAL	063606	760.00	
01-G00494	GT DISTRIBUTORS, INC					
	I-INV0432650	01 -5321331	EMPLOYEE TRAV TASER AIR CARTRIDGES	063609	1,486.50	
01-I00061	RICOH USA, INC.					
	I-5024869638	01 -5321308	CONTRACTED SE COPIER MAINT & FEES	063611	45.00	
01-I00115	INTERMEDIX TECHNOLOGIES					
	I-201302194663	01 -5432308	CONTRACTED SE CONTRACTED SVS EMS-JAN 2013	063613	3,685.51	
01-J00110	JACKIE BRANNON CORR. CT					
	I-20130059	01 -5542308	CONTRACTED SE MONTHLY INMATE FEES	063614	131.51	
01-K00101	KEITH A. BARNES					
	I-201302194658	01 -5544308	CONTRACT LABO REFEREE FEES-9 GAMES	063617	225.00	
01-K00224	KIAMICHI TECH CENTER-PO					
	I-1213-2897	01 -5653213	SAFETY EXPENS SCBA FITNESS TESTS FEES	063618	2,900.00	
	I-1213-2898	01 -5431305	PHYSICALS TESTING FEES	063618	1,100.00	
01-L00067	COMPLIANCE RESOURCE GRO					
	I-036370	01 -5653348	DRUG TESTING/ MISC DRUG TEST FEES	063619	50.00	
	I-036419	01 -5653348	DRUG TESTING/ MISC DRUG TEST FEES	063619	50.00	
01-L00380	LOCKE SUPPLY CO.					
	I-19576512-00	01 -5548203	REPAIRS & MAI MISC MAINT SUPPLIES	063621	21.96	
	I-19605998	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	063621	29.66	
	I-19671497-00	01 -5542316	REPAIRS & MAI REPAIR ITEMS FOR SAUNA	063621	168.08	
01-L00428	LOWE'S CREDIT SERVICES					
	I-906523	01 -5548203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	063622	130.99	
01-M00083	MARGARET MCMORROW - LOV					
	I-2-4-13	01 -5210302	CONSULTANTS/L LEGAL FEES	063623	238.50	
01-M00470	MILLER BROTHERS ENTERPR					
	I-12965-06	01 -5548203	REPAIRS & MAI GARAGE DOOR REPAIR	063625	1,200.00	
	I-13306-06	01 -5548316	REPAIRS & MAI REPAIRS AS NEEDED	063625	95.00	
01-MC0169	MCALESTER REGIONAL HOSP					
	I-CITYOFMC 1-31-13	01 -5653348	DRUG TESTING/ PHY CAPACITY TESTING	063628	226.00	
01-MC0200	MCALESTER SCOTTISH RITE					
	I-700568	01 -5548311	PARKING RENTA PARKING LOT RENTAL FEE	063629	375.00	

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VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-MC0226	MC DONALDS RESTURANT					
	I-JAN 2013	01 -5321202	OPERATING SUP PRISONER MEALS	063631	104.44	
01-N00059	NATIONAL FLOOD INSURANC					
	I-4000106347	01 -5215322	LIABILITY INS FLOOD INS-SBC & WWM	063632	8,566.00	
01-N00250	MCALESTER NEWS CAPITAL					
	I-05609160	01 -5542203	REPAIRS & MAI ADVERTISING FEE-MTG	063633	16.45	
01-000219	OKLA BUREAU OF NARCOTIC					
	I-201302144646	01 -2103	OBN PAYABLE (DRUG ED FEES DUE	063559	11.96	
01-000530	OML-OK MUNICIPAL LEAGUE					
	I-048057	01 -5101331	EMPLOYEE TRAV REGISTRATION FEE-NMOI	063642	85.00	
01-000595	OSBI					
	I-201302144647	01 -2101	AFIS PAYABLE AFIS FEES DUE	063560	3,025.36	
	I-201302144647	01 -2102	FORENSICS PAY FORENSIC FEES DUE	063560	2,921.41	
01-000610	OTA PIKEPASS CENTER					
	I-20121292557	01 -5542202	OPERATING SUP PIKE PASS FEE	063643	50.00	
01-P00242	PETER STASIAK					
	I-201302064631	01 -5210331	EMPLOYEE TRAV TRAVEL EXP-FMCA MEDIATION	063522	117.66	
	I-201302144642	01 -5210331	EMPLOYEE TRAV TRAVEL EXP-OMRF	063561	156.31	
01-P00510	PRO-KIL, INC					
	I-70840	01 -5542308	CONTRACTED SE MONTHLY PEST CONTROL	063644	126.00	
01-P00560	PUBLIC SERVICE/AEP					
	I-201302064622	01 -5215313	ELECTRIC UTIL ELECT UTIL-STREET LIGHTS	063523	10,047.44	
	I-201302064622	01 -5215313	ELECTRIC UTIL ELECT UTIL-LIBRARY	063523	1,307.88	
	I-201302064622	01 -5215313	ELECTRIC UTIL ELECT UTIL-333 E CARL ALBERT	063523	38.68	
	I-201302064622	01 -5215313	ELECTRIC UTIL ELECT UTIL-301 W JEFFERSON	063523	38.44	
	I-201302064622	01 -5215313	ELECTRIC UTIL ELECT UTIL-TRAFFIC LITE	063523	49.49	
	I-201302064622	01 -5215313	ELECTRIC UTIL ELECT UTIL-GEN FUND	063523	11,021.29	
01-Q00017	JOSHUA HASS dba QUALITY					
	I-003600	01 -5542203	REPAIRS & MAI JANITORIAL SUPPLIES	063645	600.00	
	I-003600	01 -5542203	REPAIRS & MAI JANITORIAL SUPPLIES	063645	419.05	
01-R00210	RED RIVER SPECIALIST, I					
	I-405363	01 -5542206	CHEMICALS CHEMICALS FOR PARKS	063647	1,051.00	
	I-524157	01 -5547206	CHEMICALS CHEMICALS FOR WEEDS	063647	580.50	
	I-524188	01 -5542206	CHEMICALS CHEMICALS FOR PARKS	063647	728.40	
01-R00300	RICHARD RUSHING					
	I-201302194657	01 -5544308	CONTRACT LABO REFEREE FEES-3 GAMES	063648	75.00	

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VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-S00180	OKLA SECRETARY OF STATE					
		I-12-01502A	01 -5212330	DUES & SUBSCR NOTARY RENEWAL-CITY CLK	063650	10.00
01-S00190	SECURITY SYS. & ENG. IN					
		I-28399	01 -5321308	CONTRACTED SE QTRLY ALARM MONITORING	063651	45.00
		I-28400	01 -5320308	CONTRACTED SE QTLY ALARM MONTORING	063651	45.00
		I-28401	01 -5321325	FIRING RANGE QTLY ALARM MONITORING	063651	45.00
01-S00244	SHAWN SMITH					
		I-201302064629	01 -5653213	SAFETY EXPENS TRAVEL EXP-WORK COMP TRIAL	063525	163.84
		I-201302064630	01 -5653213	SAFETY EXPENS TRAVEL EXP-WORK COMP TRIAL	063525	120.61
01-S00329	SHRED-IT USA, INC-OKLAH					
		I-9401456361	01 -5212308	CONTRACTED SE SHREDDING SERVICE	063654	64.00
01-S00726	STAPLES ADVANTAGE					
		C-3189702697	01 -5213202	OPERATING SUP MISC OFFICE SUPPLIES	063656	165.99-
		C-3191756160	01 -5213202	OPERATING SUP MISC OFFICE SUPPLIES	063656	10.00-
		I-22212	01 -5213202	OPERATING SUP MISC OFFICE SUPPLIES	063656	71.47
		I-22926	01 -5653202	OPERATING SUP MISC OFFICE SUPPLIES	063656	7.29
		I-3189702698	01 -5213202	OPERATING SUP MISC OFFICE SUPPLIES	063656	331.98
		I-3191756161	01 -5213202	OPERATING SUP MISC OFFICE SUPPLIES	063656	8.49
		I-34745	01 -5225202	OPERATING SUP MISC CS SUPPLIES	063656	176.47
		I-70987	01 -5213202	OPERATING SUP MISC OFFICE SUPPLIES	063656	159.99
		I-81195	01 -5213202	OPERATING SUP NEW FAX MACHINE	063657	360.91
01-T00010	T. H. ROGERS LUMBER CO.					
		I-469121	01 -5542203	REPAIRS & MAI MATERIALS FOR SAUNA REPAI	063659	45.36
		I-469137	01 -5542203	REPAIRS & MAI MATERIALS FOR SAUNA REPAI	063659	3.49
01-T00458	TONYA M BARNES					
		I-201302194654	01 -5544308	CONTRACT LABO SCOREKEEPER FEES-6 GAMES	063660	90.00
01-T00499	TRACTOR SUPPLY COMPANY					
		I-139585	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063661	99.99
		I-139819	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063661	99.99
		I-139831	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063661	100.00
		I-139843	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063661	79.99
		I-140142	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063661	100.00
		I-140267	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063661	99.99
		I-140728	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063661	99.99
		I-75137	01 -5653340	CLOTHING ALLO BOOT ALLOWANCE	063661	100.00
01-T00630	TWIN CITIES READY MIX,					
		I-77234	01 -5865218	STREET REPAIR CONCRETE FOR MISC POURS	063662	1,600.00
		I-77301	01 -5865218	STREET REPAIR CONCRETE FOR MISC POURS	063662	1,728.13
01-U00128	UNITED PACKAGING & SHIP					
		I-117670	01 -5321202	OPERATING SUP SHIPPING FEES	063664	31.19

PACKET: 09295 CLAIMS FOR 2/26/2013

VENDOR SET: 01

FUND : 01 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-W00270	WHITE ELECTRICAL SUPPLY					
	I-S1560958.001	01 -5542203	REPAIRS & MAI BULBS FOR PARK LIGHTS	063669	277.23	
	I-S1561344.001	01 -5548203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	063669	23.10	
	I-S1561496.001	01 -5548203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	063669	16.09	
	I-S1564379.001	01 -5542203	REPAIRS & MAI REPAIR ITEMS FOR PARKS	063669	162.50	
	I-S1565199.001	01 -5542203	REPAIRS & MAI REPAIR ITEMS FOR PARKS	063669	181.79	
	I-S1571496.001	01 -5548203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	063669	162.42	
	I-S1573222.001	01 -5548203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	063669	62.80	
01-Z00010	ZEE MEDICAL INC					
	I-0021040287	01 -5865202	OPERATING SUP FIRST AIDE SUPPLIES	063670	21.90	
FUND	01	GENERAL FUND	TOTAL:		103,203.19	

PACKET: 09295 CLAIMS FOR 2/26/2013

VENDOR SET: 01

FUND : 02 MPWA

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-1	MISC VENDOR					
	KELLEY PARRISH	I-201302144644	02 -5973331	EMPLOYEE TRAV TRAVEL EXP-LAB SCHOOL	063551	57.99
01-A00362	ALLEGIANCE COMMUNICATIO					
		I-201302064619	02 -5973328	INTERNET SERV INTERNET SVS-E WWM	063516	68.20
		I-201302144640	02 -5975328	INTERNET SERV INTERNET SVS-UTM OFFICE	063553	62.95
01-A00423	ALLIED WASTE SERVICES O					
		I-201302064628	02 -5866306	CONTRACTED RE WASTE SVS FEES - JAN 2013	063517	149,567.71
		I-201302064628	02 -5866306	CONTRACTED RE BAD DEBT WRITE OF	063517	417.06-
01-A00430	ALTIVIA					
		I-242937	02 -5974206	CHEMICALS ALUM FOR WTP	063568	3,398.64
01-A00770	BOLTE ENTERPRISES, INC					
		I-921049	02 -5974203	REPAIRS & MAI REPAIR PARTS AS NEEDED	063575	27.41
01-B00490	BRIGGS PRINTING					
		I-55775-2	02 -5871202	OPERATING SUP BUSINESS CARDS-JOHN M	063581	68.50
		I-58688-3	02 -5216202	OPERATING SUP ENVELOPES FOR UTIL BILLING	063581	4,187.50
01-B00491	BRENNTAG SOUTHWEST					
		I-BSW373572	02 -5974206	CHEMICALS CHLORINE FOR WTP	063582	3,480.00
		I-BSW374987	02 -5974203	REPAIRS & MAI CARBON FOR WTP	063582	3,280.00
01-C00271	CBSA					
		I-201302194660	02 -2512	CBSA COLLECTI COLLECTION FEES DUE UB&C	063587	189.22
01-C00320	CENTERPOINT ENERGY ARKL					
		I-201302144638	02 -5267314	GAS UTILITY GAS UTIL-301 E POLK	063556	522.69
01-C00880	CULLIGAN WATER COND INC					
		I-5474	02 -5974304	LAB TESTING LAB TEST SUPPLIES	063592	24.00
01-D00158	DAVID T HARDGRAVE					
		I-4-1301	02 -5973302	CONSULTANTS (MONTHLY PRETREATMENT FEES	063593	1,013.78
01-D00322	DEPT. OF ENVIR. QUALITY					
		I-55178246	02 -5975329	DEQ FEES DEQ FEES	063595	474.62
		I-0E4525357	02 -5973331	EMPLOYEE TRAV TEST FEES FOR LICENSES	063596	62.00
01-D00540	DOLESE BROTHERS					
		I-RM13002692A	02 -5975218	STREET REPAIR CONCRETE FOR MISC REPAIRS	063598	95.20
		I-RM13004747	02 -5975218	STREET REPAIR CONCRETE FOR STREET REPAI	063598	1,025.00
		I-RM13005154	02 -5975218	STREET REPAIR CONCRETE FOR MISC REPAIRS	063598	1,025.00
		I-RM13005155	02 -5975218	STREET REPAIR CONCRETE FOR MISC REPAIRS	063598	158.75
01-E00024	STANLEY RAY OWENS DBA E					
		I-1516	02 -5866230	RECYCLING CEN PORT-A-POT RENTAL-RECYCLE	063601	100.00

PACKET: 09295 CLAIMS FOR 2/26/2013

VENDOR SET: 01

FUND : 02 MPWA

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-F00015	FLEETCOR TECHNOLOGIES					
	I-201302194661	02 -5975212	FUEL EXPENSE	FUEL EXP-JANUARY-UTM	063603	546.29
	I-201302194662	02 -5216212	FUEL EXPENSE	FUEL EXP-JANUARY-UB&C	063604	540.82
	I-201302194662	02 -5864212	FUEL EXPENSE	FUEL EXP-JANUARY-LF	063604	66.85
	I-201302194662	02 -5866212	FUEL EXPENSE	FUEL EXP-JANUARY-SANITATION	063604	1,272.99
	I-201302194662	02 -5871212	FUEL EXPENSE	FUEL EXP-JANUARY-ENGINEERING	063604	192.15
	I-201302194662	02 -5974212	FUEL EXPENSE	FUEL EXP-JANUARY-WTP	063604	715.07
	I-201302194662	02 -5973212	FUEL EXPENSE	FUEL EXP-JANUARY-WWM	063604	1,134.05
	I-201302194662	02 -5975212	FUEL EXPENSE	FUEL EXP-JANUARY-UTM	063604	3,171.72
	I-201302194662	02 -5972212	FUEL EXPENSE	FUEL EXP-JANUARY-UTIL DIR	063604	106.38
01-F00251	FORT COBB FUEL AUTHORIT					
	I-201302064621	02 -5267314	GAS UTILITY	GAS UTIL-UTM OFF ON HEREFORD	063520	1,321.07
01-G00010	G & C RENTAL CENTER, IN					
	I-18545A	02 -5975218	STREET REPAIR EQUIPMENT RENTAL		063606	1,722.98
	I-19048	02 -5975218	STREET REPAIR EQUIPMENT RENTAL		063606	65.00
	I-19554	02 -5974203	REPAIRS & MAI MOWER PARTS		063606	45.75
01-I00110	IMPRESS OFFICE SUPPLY					
	I-034784	02 -5216202	OPERATING SUP MISC OFFICE SUPPLIES		063612	71.14
	I-034952	02 -5216202	OPERATING SUP MISC OFFICE SUPPLIES		063612	29.16
	I-034987	02 -5864202	OPERATING SUP LANDFILL TICKETS-5000		063612	436.30
01-J00399	JOHN C. MODZELEWSKI					
	I-201302144645	02 -5871331	EMPLOYEE TRAV REIMB WEBINAR FEE		063557	79.00
01-K00210	KIAMICHI ELECTRIC COOP.					
	I-201302144639	02 -5267313	ELECTRIC UTIL ELECT UTIL-UTM OFFICE		063558	438.22
01-L00428	LOWE'S CREDIT SERVICES					
	I-01592	02 -5974203	REPAIRS & MAI MISC MAINT & REPAIR ITEMS		063622	15.72
	I-01775	02 -5973203	REPAIRS & MAI PLANT SUPPLIES-WWM		063622	87.19
	I-06825	02 -5974203	REPAIRS & MAI MISC MAINT & REPAIR ITEMS		063622	28.69
	I-07146	02 -5975230	SEWER MAIN RE MISC REPAIR & MAINT ITEMS		063622	36.42
	I-07151	02 -5975230	SEWER MAIN RE MISC REPAIR & MAINT ITEMS		063622	17.69
	I-901596	02 -5974203	REPAIRS & MAI MISC MAINT & REPAIR ITEMS		063622	8.19
01-M00304	MESHEK & ASSOC. INC					
	I-1503	02 -5871302	CONSULTANTS DRAINAGE STUDY/DESIGN		063624	2,310.00
	I-1523	02 -5871302	CONSULTANTS ENG FEE-STM WTR MGMT		063624	2,300.62
01-N00059	NATIONAL FLOOD INSURANC					
	I-4000106347	02 -5267322	LIABILITY INS FLOOD INS-SBC & WWM		063632	6,339.00
01-O00075	O'REILLY AUTO PARTS					
	I-0230-489025	02 -5975209	UTILITY MAINT MISC REPAIR PARTS		063637	25.01
	I-0230-491705	02 -5973203	REPAIRS & MAI MISC REPAIR ITEMS		063638	59.60

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VENDOR SET: 01

FUND : 02 MPWA

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-P00560	PUBLIC SERVICE/AEP					
		I-201302064622	02 -5267313	ELECTRIC UTIL ELECT UTIL-RECYCLE CENTER	063523	60.31
		I-201302064622	02 -5267313	ELECTRIC UTIL ELECT UTIL-MPWA	063523	31,299.70
01-R00090	RAM INC					
		I-83535	02 -5974212	FUEL EXPENSE PROPANE FOR WTP	063646	24.00
01-R00600	RURAL WATER DISTRICT #1					
		I-201302064623	02 -5267316	WATER UTILITY WATER UTIL-LANDFILL	063524	19.75
01-S00212	SERVICE & EQUIPMENT INT					
		I-7-0517-13	02 -5973316	REPAIRS & MAI SVS AGMT FOR GENERATORS	063652	2,658.05
01-S00580	AT & T					
		I-201302064615	02 -5267315	TELEPHONE UTI PHONE UTIL-MPWA	063526	4,391.76
		I-201302144636	02 -5267315	TELEPHONE UTI PHONE UTIL-DATA LINE	063562	129.58
01-S00710	STANDARD MACHINE LLC					
		I-231706	02 -5974203	REPAIRS & MAI LABOR TO REBUILD #3 & #4	063655	398.00
01-S00726	STAPLES ADVANTAGE					
		I-3190139080	02 -5216202	OPERATING SUP OFFICE SUPPLIES-TONER	063656	149.98
01-U00128	UNITED PACKAGING & SHIP					
		I-117369	02 -5973316	REPAIRS & MAI SHIPPING FEES FOR SAMPLES	063664	37.44
		I-117370	02 -5973316	REPAIRS & MAI SHIPPING FEES FOR SAMPLES	063664	35.82
			FUND 02 MPWA	TOTAL:		230,859.56

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VENDOR SET: 01

FUND : 03 AIRPORT AUTHORITY

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-F00015	FLEETCOR TECHNOLOGIES					
		I-201302194662	03 -5876212	FUEL EXPENSE FUEL EXP-JANUARY-AIRPORT	063604	53.32
01-P00560	PUBLIC SERVICE/AEP					
		I-201302064622	03 -5876313	ELECTRIC UTIL ELECT UTIL-AIRPORT	063523	1,106.82
01-R00210	RED RIVER SPECIALIST, I					
		I-524156	03 -5876203	REPAIRS & MAI CHEMICALS FOR AIRPORT GRD	063647	1,007.20
			FUND 03	AIRPORT AUTHORITY	TOTAL:	2,167.34

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VENDOR SET: 01

FUND : 05 PARKING AUTHORITY

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-P00560	PUBLIC SERVICE/AEP					
		I-201302064622	05 -5218313	ELECTRIC UTIL ELECT UTIL-PARKING AUTH	063523	67.66
			FUND	05 PARKING AUTHORITY	TOTAL:	67.66

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VENDOR SET: 01

FUND : 08 NUTRITION

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-A00276	A LEROY DICK					
		I-201302194651	08 -5549308	CONTRACT SERV REIMB MILEAGE FOR MEAL DEL	063567	141.25
01-E00207	EMMA E. BELLIS					
		I-201302194652	08 -5549308	CONTRACT SERV CONTRACT MEAL DELIVERY	063602	120.00
		I-201302194653	08 -5549308	CONTRACT SERV REIMB MILEAGE FOR MEAL DEL	063602	90.40
01-F00015	FLEETCOR TECHNOLOGIES					
		I-201302194661	08 -5549212	FUEL EXPENSE FUEL EXP-JANUARY-NUTRITION	063603	662.79
01-R00304	RICHELLE CHEYENNE					
		I-201302194649	08 -5549308	CONTRACT SERV CONTRACT MEAL DELIVERY	063649	165.00
		I-201302194650	08 -5549308	CONTRACT SERV REIMB MILEAGE FOR MEAL DEL	063649	107.35
01-S00726	STAPLES ADVANTAGE					
		I-3190607440	08 -5549202	OPERATING SUP FILE CABINET FOR NUTRITIO	063656	379.49
		I-59374	08 -5549202	OPERATING SUP FILE CABINET FOR NUTRITIO	063656	64.99
		I-76065	08 -5549202	OPERATING SUP FILE CABINET FOR NUTRITIO	063656	140.45
				FUND 08 NUTRITION	TOTAL:	1,871.72

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PACKET: 09295 CLAIMS FOR 2/26/2013

VENDOR SET: 01

FUND : 09 LANDFILL RES./SUB-TITLE D

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-G00462	GREEN COUNTRY TESTING,	I-44256	09 -5864327	SUB TITLE D E TESTING FEES-LANDFILL	063607	1,495.21
01-K00005	K-BAR CO CONSTRUCTION	I-13422	09 -5864327	SUB TITLE D E COVER DIRT FOR LANDFILL	063616	5,100.00
			FUND	09 LANDFILL RES./SUB-TITLE D TOTAL:		6,595.21

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PACKET: 09295 CLAIMS FOR 2/26/2013

VENDOR SET: 01

FUND : 27 TOURISM FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-000137	OKLA TOURISM/RECREATION					
		I-10280	27 -5655214	TOURISM EXPEN TOURISM BROCHURE	063641	507.40
			FUND	27 TOURISM FUND	TOTAL:	507.40

PACKET: 09295 CLAIMS FOR 2/26/2013

VENDOR SET: 01

FUND : 29 E-911

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-1	MISC VENDOR					
	KIM TROUSSEL	I-201302064625	29 -5324207	CLOTHING ALLO KIM TROUSSEL: CLOTHING ALLOW	063512	195.46
	SHELIA TRAMMELL	I-201302064632	29 -5324207	CLOTHING ALLO SHELIA TRAMMELL: CLOTHING ALLO	063515	143.34
01-A00033	AT&T					
		I-201302144637	29 -5324401	CAPITAL OUTLA PHONE UTIL-911 EQUIP LEASE	063552	2,403.33
01-A00581	AT&T					
		I-201302064616	29 -5324315	TELEPHONE UTI PHONE UTIL-911 HOST CIRCUIT	063518	781.25
		I-201302064617	29 -5324315	TELEPHONE UTI PHONE UTIL-911 CTY HOST CIRCUI	063518	198.00
01-C00146	CANADIAN VALLEY TELEPHO					
		I-201302144641	29 -5324315	TELEPHONE UTI PHONE UTIL-COUNTY 911 TRUNK	063555	93.36
01-C00856	CROSS TELEPHONE COMPANY					
		I-201302064618	29 -5324315	TELEPHONE UTI PHONE UTIL-911 CTY TRUNK LINE	063519	334.54
01-F00015	FLEETCOR TECHNOLOGIES					
		I-201302194661	29 -5324212	FUEL EXPENSE FUEL EXP-JANUARY-E911	063603	123.36
01-S00580	AT & T					
		I-201302064613	29 -5324315	TELEPHONE UTI PHONE UTIL-E911 WIRELESS	063526	228.36
		I-201302064614	29 -5324315	TELEPHONE UTI PHONE UTIL-E911	063526	2,182.30
			FUND 29 E-911	TOTAL:		6,683.30

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 VENDOR SET: 01
 FUND : 35 FLEET MAINTENANCE

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VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-A00200	ADAM TRUE VALUE & AG SU	I-251559	35 -5862203	REPAIRS & MAI MISC REPAIR PARTS	063564	9.58
01-A00770	BOLTE ENTERPRISES, INC	C-921101 CR	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063575	57.49-
		I-920226	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063575	74.44
		I-920245	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063575	9.09
		I-920322	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063575	37.74
		I-920330	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063575	11.47
		I-920364	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063575	26.43
		I-920647	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063575	149.79
		I-920678	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063575	45.99
		I-920726	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063575	87.92
		I-920749	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063575	136.88
		I-920763	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063575	60.94
		I-920859	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063575	23.38
		I-920995	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063575	78.88
		I-921065	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063576	42.02
		I-921115	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063576	9.44
		I-921117	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063576	70.15
		I-921145	35 -5862203	REPAIRS & MAI SMALL REPAIR PARTS	063576	9.80
01-B00043	B & S SUPPLY, INC.	I-62716	35 -5862203	REPAIRS & MAI SHOP SUPPLIES	063577	471.08
01-B00150	BEALES GOODYEAR TIRES	I-MC-202757	35 -5862203	REPAIRS & MAI TIRES FOR FIRE VEHICLE	063578	476.52
		I-MC-202877	35 -5862203	REPAIRS & MAI TIRES FOR POLICE VEHICLES	063578	2,295.40
01-C00148	CAR BONZ SALVAGE	I-246585	35 -5862203	REPAIRS & MAI SMALL PARTS AS NEEDED	063583	35.00
01-C00430	CHIEF FIRE & SAFETY CO.	I-173530	35 -5862203	REPAIRS & MAI PARTS FOR S-35 ST SWEEPER	063589	150.00
01-F00015	FLEETCOR TECHNOLOGIES	I-201302194661	35 -5862212	FUEL EXPENSE FUEL EXP-JANUARY-FLEET MAINT	063603	424.59
		I-201302194662	35 -5862212	FUEL EXPENSE FUEL EXP-JANUARY-FLEET MAINT	063604	14.63
01-G00490	GRISSOM IMPLEMENT INC	I-317747	35 -5862203	REPAIRS & MAI SMALL PARTS FOR REPAIRS	063608	17.67
01-H00019	HD ROUSE dba HDR SERVIC	I-0308	35 -5862203	REPAIRS & MAI WRECKER FEE - S-53	063610	675.00
01-J00310	JET TIRE SERVICE	I-107618	35 -5862203	REPAIRS & MAI MISC VEHICLE REPAIRS	063615	69.95
		I-107701	35 -5862203	REPAIRS & MAI MISC VEHICLE REPAIRS	063615	44.95

PACKET: 09295 CLAIMS FOR 2/26/2013

VENDOR SET: 01

FUND : 35 FLEET MAINTENANCE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-M00543	MONTAGE ENTERPRISES INC					
		I-18639	35 -5862203	REPAIRS & MAI FLAIL MOWER BLADES & SHIE	063626	611.26
01-MC0208	MCALESTER WELDING					
		I-495983	35 -5862203	REPAIRS & MAI TORCH KIT FOR WRECKER	063630	220.00
01-N00271	NIX FORD MERCURY INC.					
		I-140570	35 -5862203	REPAIRS & MAI 35.50	063634	35.50
		I-140962	35 -5862203	REPAIRS & MAI MISC REPAIR PARTS	063634	59.95
		I-141014	35 -5862203	REPAIRS & MAI MISC REPAIR PARTS	063634	35.50
		I-141072	35 -5862203	REPAIRS & MAI MISC REPAIR PARTS	063634	43.25
		I-141156	35 -5862203	REPAIRS & MAI MISC REPAIR PARTS	063634	35.50
		I-141205	35 -5862203	REPAIRS & MAI 35.50	063634	35.50
01-000075	O'REILLY AUTO PARTS					
		C-0230-488279 CR	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063635	9.89-
		C-0230-489123 CR	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063635	15.26-
		C-0230-491774 CR	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063635	35.99-
		C-PCM59572-5	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063635	42.38-
		C-PCM60208-0	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063635	85.96-
		I-0230-419356A	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063635	9.46
		I-0230-427219	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063635	49.84
		I-0230-427223	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063635	49.84
		I-0230-454715	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063635	22.51
		I-0230-460590	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063635	2.13
		I-0230-485984	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063635	52.63
		I-0230-487636	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063635	27.29
		I-0230-487744	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063635	51.96
		I-0230-487781	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063635	19.99
		I-0230-488162	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063636	7.85
		I-0230-488164	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063636	22.09
		I-0230-488274	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063636	25.56
		I-0230-488280	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063636	9.35
		I-0230-488298	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063636	51.18
		I-0230-488305	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063636	208.75
		I-0230-488322	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063636	76.49
		I-0230-488336	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063636	73.94
		I-0230-488517	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063636	59.50
		I-0230-488551	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063636	47.92
		I-0230-488660	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063636	38.78
		I-0230-488665	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063636	13.52
		I-0230-488887	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063636	47.88
		I-0230-488919	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063637	14.41
		I-0230-489096	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063637	22.74
		I-0230-489132	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063637	24.40
		I-0230-489195	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063637	42.49
		I-0230-489227	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063637	25.29
		I-0230-489275	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063637	27.19
		I-0230-489692	35 -5862203	REPAIRS & MAI MISC SMALL PARTS	063637	12.94

PACKET: 09295 CLAIMS FOR 2/26/2013

VENDOR SET: 01

FUND : 35 FLEET MAINTENANCE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-000075	O'REILLY AUTO PARTS	continued				
	I-0230-489764	35	-5862203	REPAIRS & MAI MISC SMALL PARTS	063637	1.68
	I-0230-489833	35	-5862203	REPAIRS & MAI MISC SMALL PARTS	063637	29.98
	I-0230-489987	35	-5862203	REPAIRS & MAI MISC SMALL PARTS	063637	53.02
	I-0230-490272	35	-5862203	REPAIRS & MAI MISC SMALL PARTS	063637	141.97
	I-0230-490554	35	-5862203	REPAIRS & MAI MISC SMALL PARTS	063637	8.79
	I-0230-490665	35	-5862203	REPAIRS & MAI MISC SMALL PARTS	063638	84.51
	I-0230-490920	35	-5862203	REPAIRS & MAI MISC SMALL PARTS	063638	34.08
	I-0230-491368	35	-5862203	REPAIRS & MAI MISC SMALL PARTS	063638	20.97
	I-0230-491369	35	-5862203	REPAIRS & MAI MISC SMALL PARTS	063638	107.07
	I-0230-491384	35	-5862203	REPAIRS & MAI MISC SMALL PARTS	063638	123.93
	I-0230-491644	35	-5862203	REPAIRS & MAI MISC SMALL PARTS	063638	87.04
	I-0230-491679	35	-5862203	REPAIRS & MAI MISC SMALL PARTS	063638	152.98
	I-0230-492107	35	-5862203	REPAIRS & MAI MISC SMALL PARTS	063638	208.74
	I-0230-492243	35	-5862203	REPAIRS & MAI MISC SMALL PARTS	063638	65.48
01-000122	OK TIRE					
	I-6688	35	-5862203	REPAIRS & MAI MISC TIRE REPAIRS	063639	50.00
01-000129	OKLA TERRITORY CONSTRUC					
	I-382411-DCT-2	35	-5862203	REPAIRS & MAI PARTS FOR TRACHOE	063640	326.79
01-S00234	SHARE CORPORATION					
	I-834013	35	-5862203	REPAIRS & MAI SHOP SUPPLIES	063653	755.40
01-S00726	STAPLES ADVANTAGE					
	I-80592	35	-5862202	OPERATING SUP MISC OFFICE SUPPLIES	063656	114.47
	I-80594	35	-5862202	OPERATING SUP MISC OFFICE SUPPLIES	063656	266.92
	I-81189	35	-5862202	OPERATING SUP MISC OFFICE SUPPLIES	063657	97.96
01-S00871	STEWART MARTIN EQUIPMEN					
	I-74283	35	-5862203	REPAIRS & MAI CLOW PLUG FOR C-69	063658	15.00
01-U00127	UNITED ENGINES					
	I-0349123	35	-5862203	REPAIRS & MAI EMER REPAIRS FIRE TRUCK	063663	1,402.27
	I-0349874	35	-5862203	REPAIRS & MAI DRAG LINK FOR S-35 SWEEPE	063663	215.32
01-W00072	WARREN CAT					
	I-PS100453005	35	-5862203	REPAIRS & MAI PUMP CONNECTIONS S-10	063666	282.16
01-W00195	WELDON PARTS INC.					
	I-920535-00	35	-5862203	REPAIRS & MAI MISC REPAIR PARTS	063667	8.55
	I-964549-00	35	-5862203	REPAIRS & MAI MISC REPAIR PARTS	063667	86.65
01-W00269	WHITES TRACTORS					
	I-282078	35	-5862203	REPAIRS & MAI HYD. CYL REPAIR - W-20	063668	295.00
		FUND	35	FLEET MAINTENANCE	TOTAL:	12,562.87

2/19/2013 2:29 PM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 21

PACKET: 09295 CLAIMS FOR 2/26/2013

VENDOR SET: 01

FUND : 41 CIP FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-C00430	CHIEF FIRE & SAFETY CO.					
		I-173028	41 -5431402	CAPITAL OUTLA SCBA UNITS	063588	48,000.00
				FUND 41 CIP FUND	TOTAL:	48,000.00
					REPORT GRAND TOTAL:	417,070.10

** G/L ACCOUNT TOTALS **

				=====LINE ITEM=====			=====GROUP BUDGET=====	
YEAR	ACCOUNT	NAME	AMOUNT	ANNUAL BUDGET	BUDGET OVER AVAILABLE BUDG	ANNUAL BUDGET	BUDGET OVER AVAILABLE BUDG	
2012-2013	01 -2100	CLEET PAYABLE (COURT)	5,497.01					
	01 -2101	AFIS PAYABLE - COURT	3,025.36					
	01 -2102	FORENSICS PAYABLE (COURT)	2,921.41					
	01 -2103	OBN PAYABLE (COURT)	11.96					
	01 -2105	COLLECTION AGENCY 25% (COU	5,839.00					
	01 -5101331	EMPLOYEE TRAVEL & TRAININ	85.00	1,000	206.65			
	01 -5210302	CONSULTANTS/LABOR RELATION	238.50	65,000	3,333.12			
	01 -5210331	EMPLOYEE TRAVEL & TRAININ	273.97	5,900	1,696.92			
	01 -5211202	OPERATING SUPPLIES	17.00	6,300	3,203.00			
	01 -5212308	CONTRACTED SERVICES	64.00	2,300	25.40-	Y		
	01 -5212330	DUES & SUBSCRIPTIONS	10.00	450	112.00			
	01 -5213202	OPERATING SUPPLIES	756.85	5,000	2,720.11			
	01 -5215313	ELECTRIC UTILITY	22,503.22	315,000	140,267.22			
	01 -5215322	LIABILITY INSURANCE/BONDS	8,566.00	145,000	36,216.69			
	01 -5225202	OPERATING SUPPLIES	176.47	2,600	2,091.96			
	01 -5225212	FUEL EXPENSE	119.18	1,800	575.26			
	01 -5320308	CONTRACTED SERVICES	45.00	1,500	609.12			
	01 -5320328	INTERNET SERVICE	116.75	1,500	566.00			
	01 -5321202	OPERATING SUPPLIES	135.63	12,700	5,836.01			
	01 -5321212	FUEL EXPENSE	9,692.11	148,660	66,986.18			
	01 -5321308	CONTRACTED SERVICES	440.00	15,000	6,347.28			
	01 -5321325	FIRING RANGE	45.00	12,500	4,135.39			
	01 -5321331	EMPLOYEE TRAVEL & TRAININ	1,486.50	10,500	8,329.42			
	01 -5322212	FUEL EXPENSE	685.94	6,600	1,963.12			
	01 -5324207	CLOTHING ALLOWANCE	82.22	1,000	917.78			
	01 -5431202	OPERATING SUPPLIES	15.00	11,700	1,690.84			
	01 -5431212	FUEL EXPENSE	1,876.55	19,600	4,563.55			
	01 -5431305	PHYSICALS	1,100.00	25,000	21,398.00			
	01 -5431328	INTERNET SERVICE	125.90	2,800	1,352.15			
	01 -5431331	EMPLOYEE TRAVEL & TRAININ	100.35	9,300	5,985.46			
	01 -5432212	FUEL EXPENSE	1,521.50	19,000	7,178.96			
	01 -5432308	CONTRACTED SERVICES	3,685.51	36,900	12,570.58			
	01 -5542202	OPERATING SUPPLIES	50.00	6,000	4,239.66			
	01 -5542203	REPAIRS & MAINT SUPPLIES	2,728.04	52,600	11,972.24			
	01 -5542206	CHEMICALS	1,779.40	17,000	11,903.35			
	01 -5542212	FUEL EXPENSE	2,136.00	38,000	8,483.95			
	01 -5542308	CONTRACTED SERVICES	257.51	15,500	5,829.22			
	01 -5542316	REPAIRS & MAINTENANCE	368.08	15,800	10,769.40			
	01 -5542328	INTERNET SERVICE	148.60	1,800	611.20			
	01 -5543203	REPAIRS & MAINT SUPPLIES	129.54	13,000	5,139.76			
	01 -5544212	FUEL EXPENSE	151.55	2,550	108.90			
	01 -5544308	CONTRACT LABOR	780.00	22,000	13,698.83			
	01 -5547206	CHEMICALS	580.50	2,800	2,219.50			
	01 -5547212	FUEL EXPENSE	580.93	13,400	5,140.00			
	01 -5547328	INTERNET SERVICE	59.95	840	420.75			

** G/L ACCOUNT TOTALS **

YEAR	ACCOUNT	NAME	AMOUNT	=====LINE ITEM=====		=====GROUP BUDGET=====	
				ANNUAL BUDGET	BUDGET OVER AVAILABLE BUDG	ANNUAL BUDGET	BUDGET OVER AVAILABLE BUDG
01	-5548203	REPAIRS & MAINTENANCE SUPP	1,918.29	54,500	26,791.42		
01	-5548212	FUEL EXPENSE	599.91	6,400	2,689.14		
01	-5548311	PARKING RENTAL	375.00	4,500	0.00		
01	-5548316	REPAIRS & MAINTENANCE	95.00	23,000	6,616.41		
01	-5548328	INTERNET SERVICE	75.65	1,000	394.80		
01	-5652212	FUEL EXPENSE	463.31	4,100	576.54		
01	-5653202	OPERATING SUPPLIES	7.29	2,800	811.32		
01	-5653212	FUEL EXPENSE	32.25	1,000	696.43		
01	-5653213	SAFETY EXPENSE	3,184.45	27,800	14,892.46		
01	-5653340	CLOTHING ALLOCATION	7,101.63	0	5,594.45-	Y	
01	-5653348	DRUG TESTING/PHYSICALS	326.00	22,200	15,208.25		
01	-5865202	OPERATING SUPPLIES	21.90	4,500	915.77		
01	-5865207	CLOTHING ALLOWANCE	100.00	3,438	750.94		
01	-5865212	FUEL EXPENSE	3,544.77	30,000	669.80-	Y	
01	-5865218	STREET REPAIRS & MAINTENAN	4,273.10	275,000	48,165.17		
01	-5865328	INTERNET SERVICE	75.65	1,510	324.15		
02	-2512	CBSA COLLECTION FEES	189.22				
02	-5216202	OPERATING SUPPLIES	4,437.78	13,500	3,788.30-	Y	
02	-5216212	FUEL EXPENSE	540.82	6,500	315.13		
02	-5267313	ELECTRIC UTILITY	31,798.23	389,500	172,288.61		
02	-5267314	GAS UTILITY	1,843.76	5,400	1,790.33		
02	-5267315	TELEPHONE UTILITY	4,521.34	50,900	6,882.52		
02	-5267316	WATER UTILITY	19.75	8,300	8,047.89		
02	-5267322	LIABILITY INSURANCE/BONDS	6,339.00	51,000	26,985.72		
02	-5864202	OPERATING SUPPLIES	436.30	2,000	1,467.86		
02	-5864212	FUEL EXPENSE	66.85	2,100	4,604.03-	Y	
02	-5866212	FUEL EXPENSE	1,272.99	20,000	9,496.33		
02	-5866230	RECYCLING CENTER EXPENSE	100.00	4,600	2,076.32		
02	-5866306	CONTRACTED REFUSE SERVICES	149,150.65	1,680,000	639,931.72		
02	-5871202	OPERATING SUPPLIES	68.50	3,800	2,381.64		
02	-5871212	FUEL EXPENSE	192.15	2,250	954.57		
02	-5871302	CONSULTANTS	4,610.62	166,060	42,840.42		
02	-5871331	EMPLOYEE TRAVEL & TRAININ	79.00	3,300	1,215.46		
02	-5972212	FUEL EXPENSE	106.38	1,600	573.88		
02	-5973203	REPAIRS & MAINT SUPPLIES	146.79	74,100	28,745.64		
02	-5973212	FUEL EXPENSE	1,134.05	11,900	1,871.68		
02	-5973302	CONSULTANTS (IND. PRETREAT	1,013.78	40,000	23,942.80		
02	-5973316	REPAIRS & MAINTENANCE	2,731.31	40,500	13,515.81		
02	-5973328	INTERNET SERVICE	68.20	750	221.02		
02	-5973331	EMPLOYEE TRAVEL & TRAININ	119.99	3,000	57.99-	Y	
02	-5974203	REPAIRS & MAINT SUPPLIES	3,803.76	114,000	546.15		
02	-5974206	CHEMICALS	6,878.64	389,000	89,447.04		
02	-5974212	FUEL EXPENSE	739.07	13,800	2,837.84-	Y	
02	-5974304	LAB TESTING	24.00	30,000	13,216.59		
02	-5975209	UTILITY MAINTENANCE SUPP.	25.01	32,500	21,323.17		

** G/L ACCOUNT TOTALS **

YEAR	ACCOUNT	NAME	AMOUNT	=====LINE ITEM=====		=====GROUP BUDGET=====	
				ANNUAL BUDGET	BUDGET OVER AVAILABLE BUDG	ANNUAL BUDGET	BUDGET OVER AVAILABLE BUDG
02	-5975212	FUEL EXPENSE	3,718.01	38,800	4,768.89		
02	-5975218	STREET REPAIRS & MAINTENAN	4,091.93	158,000	62,875.48		
02	-5975230	SEWER MAIN REPAIR	54.11	100,000	55,829.82		
02	-5975328	INTERNET SERVICE	62.95	1,500	579.31		
02	-5975329	DEQ FEES	474.62	2,000	1,525.38		
03	-5876203	REPAIRS & MAINT SUPPLIES	1,007.20	2,700	40.64		
03	-5876212	FUEL EXPENSE	53.32	1,800	28.76-	Y	
03	-5876313	ELECTRIC UTILITY	1,106.82	15,200	6,747.67		
05	-5218313	ELECTRIC UTILITY	67.66	1,400	871.56		
08	-5549202	OPERATING SUPPLIES	584.93	1,500	515.07		
08	-5549212	FUEL EXPENSE	662.79	9,400	3,109.23		
08	-5549308	CONTRACT SERVICES	624.00	15,500	5,658.87		
09	-5864327	SUB TITLE D EXPENSE	6,595.21	80,000	23,483.29		
27	-5655214	TOURISM EXPENSE	507.40	48,500	20,879.38		
28	-5654202	OPERATING SUPPLIES	784.81	3,500	1,346.52		
28	-5654203	REPAIR & MAINT SUPPLIES	1,167.51	20,000	5,309.97		
28	-5654210	CONCESSION SUPPLIES	934.64	29,000	14,581.84		
28	-5654212	FUEL EXPENSE	145.84	2,400	1,027.45		
28	-5654308	CONTRACT SERVICES	135.00	4,500	2,212.33		
28	-5654316	REPAIRS & MAINTENANCE	939.80	22,000	9,942.43		
28	-5654317	ADVERTISING & PRINTING	300.75	5,000	276.05-	Y	
28	-5654328	INTERNET SERVICE	143.50	900	182.50		
29	-5324207	CLOTHING ALLOWANCE	338.80	2,500	2,161.20		
29	-5324212	FUEL EXPENSE	123.36	2,100	1,031.88		
29	-5324315	TELEPHONE UTILITY	3,817.81	60,000	22,466.55		
29	-5324401	CAPITAL OUTLAY	2,403.33	30,714	11,487.36		
35	-5862202	OPERATING SUPPLIES	479.35	4,000	2,940.25		
35	-5862203	REPAIRS & MAINTENANCE SUPP	11,644.30	369,900	193,753.01		
35	-5862212	FUEL EXPENSE	439.22	15,081	11,202.42		
41	-5431402	CAPITAL OUTLAY	48,000.00	48,000	0.00		
** 2012-2013 YEAR TOTALS **			417,070.10				

NO ERRORS

** END OF REPORT **

PACKET: 09295 CLAIMS FOR 2/26/2013

VENDOR SET: 01

BANK : FNB FIRST NATIONAL BANK

VENDOR	NAME / I.D.	DESC	CHECK TYPE	CHECK DATE	DISCOUNT	AMOUNT	CHECK NO#	CHECK AMOUNT
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** POSTING PERIOD RECAP **

FUND	PERIOD	AMOUNT
01	2/2013	103,203.19CR
02	2/2013	230,859.56CR
03	2/2013	2,167.34CR
05	2/2013	67.66CR
08	2/2013	1,871.72CR
09	2/2013	6,595.21CR
27	2/2013	507.40CR
28	2/2013	4,551.85CR
29	2/2013	6,683.30CR
35	2/2013	12,562.87CR
41	2/2013	48,000.00CR
=====		
ALL		417,070.10CR



McAlester City Council

AGENDA REPORT

Meeting Date: February 26, 2013
Department: Tourism/Expo
Prepared By: Jerry Lynn Wilson
Date Prepared: February 13, 2013

Item Number: D – Consent Agenda
Account Code: 28-5654349
Budgeted Amount: \$10,125.00
Exhibits: _____

Subject

Consider, and act upon, a request by the Italian Festival Foundation to partner with them for the rental fee for the use of the Southeast Expo Center for the 2013 Annual Italian in the amount of \$2,125.00.

Recommendation

Consider partnering in the amount of \$2,125.00 for the 2013 Italian Festival for the use of the Expo.

Discussion

Attached hereto is a copy of the Southeast EXPO Center Rental Policy and Procedure, which was adopted by the McAlester City Council on January 8, 2008 via Resolution No. 08-04. Clause 13 of the Rules and Regulations states: "WAIVER OF RENTAL FEES – The City of McAlester will not waive any rental fees to any organizations. The City will consider partnering with organizations for educational and economic development projects if the project is open to the residents of the City of McAlester and no fee is charged to the residents of the City of McAlester. Any request for partnering must be made to the City of McAlester."

Approved By

Department Head
City Manager

Initial

Date

[Signature]

2-19-13

City of McAlester**"Southeast EXPO Center"**

4500 W. Highway 270
McAlester, OK 74502

Phone **918/420-EXPO**Fax **918/423-1092****Partnership Request**Date of Request: February 13, 2013Name: **Satina Murdaugh**Organization: **Italian Festival Committee**Phone #: **918-421-1868**

Date of Event: **May 17-19, 2013 (17th for set up)**Description of Event: **43rd Annual Italian Festival**Description & Rate of Scheduled Room: **Expo Hall for 3 days** **\$2,125.00****TOTAL OF REQUEST** **\$2,125.00****APPROVED PARTNERSHIPS****2012/2013 PARTNERSHIP TOTAL BUDGETED AMOUNT:** **\$10,125.00****APPROVED PARTNERSHIP TOTAL AMOUNT FOR 2012/13 BUDGET YEAR TO DATE:** **-0-**

<u>Approved Groups</u>	<u>Requested Date</u>	<u>Event Date/s</u>	<u>Amount</u>
------------------------	-----------------------	---------------------	---------------

2012/2013 BUDGETED AMOUNT BALANCE **\$10,125.00**

Cara Bland
601 Nelson Lane
McAlester, OK 74501
918-424-0998

Spouse: James Bland, Associate District Judge, District 18

Children: Eli Bland(22), Ryli Bland(21)

Residency: Moved from Siloam Springs, AR to McAlester in 1982.

Occupation: First Realty, Inc. - Financial Services (1994-present)

First United Methodist Church - Treasurer (1999-present)

Coleman Team, Siloam Springs, AR – Management/Financial Services (1998-present)

The Puterbaugh Foundation – Trustee/Treasurer (2001-present)

Public Accounting: Tax, accounting, some auditing – (1985-1994)

Education: Siloam Springs High School – graduated 1981

University of Arkansas – Fall 81/Spring 82

East Central University, Ada, OK – BSBA 1985

Certification in Public Accounting: (1986-1995)

Community Service: McAlester Public School Foundation(1989-present)

Meals-on-Wheels Delivery (1993-present)

McAlester Public School Volunteer (1994-2010)

MRHC Board of Trustees (2007-present)

Boys and Girls Club of McAlester Board (2005-2010)

United Way of McAlester Board



McAlester City Council

AGENDA REPORT

Meeting Date: February 26, 2013 Item Number: 1
Department: MPower
Shari Cooper, Executive
Prepared By: Director Account Code: _____
Date Prepared: February 19, 2013 Budgeted Amount: _____
Exhibits: _____

Subject

Presentation of the new City of McAlester Marketing Video.

Recommendation

The new City of McAlester Marketing Video.

Discussion

Approved By

Department Head
City Manager

P. Stasiak

Initial

Pfs

Date

02/19/13



McAlester City Council

AGENDA REPORT

Meeting Date: February 26, 2013
Department: City Manager
Prepared By: Peter Stasiak
Date Prepared: February 19, 2013

Item Number: 2
Account Code: N/A
Budgeted Amount: N/A
Exhibits: N/A

Subject

Presentation and discussion of the possible purchase of the South Side Business Development Center by the Choctaw Nation. Presented by Assistant Chief Gary Batton and Councilman Bob Pate.

Recommendation

Motion to approve entering into a discussion and negotiating a sale price of the South Side Business Development Center to the Choctaw Nation.

Discussion

Approved By

	<i>Initial</i>	<i>Date</i>
Department Head		
City Manager	P Stasiak <i>Pfs</i>	February 19, 2013



McAlester City Council

AGENDA REPORT

Meeting Date: February 26, 2013
Department: City Manager
Prepared By: Allan Brooks/Jon Wolff
Date Prepared: February 19, 2013

Item Number: 3
Account Code: N/A
Budgeted Amount: N/A
Exhibits: N/A

Subject

Discussion regarding the calling of a sales tax special election. (*Jon Wolff, Municipal Finance Services, Inc. and Allan Brooks, OK Public Finance Law Group PLLC*)

Recommendation

Discussion regarding the calling of a sales tax special election.

Discussion

Approved By

Department Head
City Manager

P. Stasiak

Initial

PJS

Date

February 19, 2013

Exhibit 1

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA (THE "CITY") MET IN REGULAR SESSION IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, 28 EAST WASHINGTON AVENUE, IN SAID CITY ON THE 12TH DAY OF MARCH, 2013, AT 6:00 O'CLOCK P.M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the following Ordinance was introduced and caused to be read by the Mayor. Councilmember _____ moved passage of the Ordinance and Councilmember _____ seconded the motion. The motion carrying with it the approval of said Ordinance was approved by the following vote:

AYE:

NAY:

The Ordinance so approved is as follows:

[see next page]

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE PERCENT (1%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE; PROVIDED THAT SAID EXCISE TAX SHALL REPLACE AND SUPERCEDE A ONE PERCENT (1%) EXCISE TAX PRESENTLY BEING LEVIED PURSUANT TO ORDINANCE NO. 1166 OF THE CITY, AS HERETOFORE AMENDED), SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND STATED TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City of McAlester, Oklahoma (the "City") currently levies a three and one half percent (3.5%) excise tax (sales tax); and

WHEREAS, of said three and one half percent (3.5%) excise tax, two percent (2%) is levied pursuant to Ordinance No. 1166 of the City, as amended by Ordinance No. 1310 of the City (collectively, the "General Purpose Ordinance"), and the purpose of said General Purpose Ordinance is to provide revenue for the support of the functions of the municipal government of the City of McAlester, and with the term of said General Purpose Ordinance being unlimited in duration; and

WHEREAS, of said three and one half percent (3.5%) excise tax, one-half of one percent (0.5%) is levied pursuant to Ordinance No. 2159, as it amends the Two Percent Ordinance (said amendment to the General Purpose Ordinance being referred to as the "Half Percent Ordinance"), and the purpose of said Half Percent Ordinance is to provide revenues to be used (i) one-quarter of one percent (0.25%) for education and (ii) one-quarter of one percent (0.25%) for economic development, and with the term of said Half Percent Ordinance expiring on July 1, 2018; and

WHEREAS, of said three and one half percent (3.5%) excise tax, one percent (1%) is levied pursuant to various amendments to the General Purpose Ordinance, which amendments include, but not by way of limitation, Ordinance No. 1576, Ordinance No. 1983, Ordinance No. 2036, Ordinance No. 2037, Ordinance No. 2038, Ordinance No. 2091, and Ordinance No. 2144 (the amendments to the General Purpose Ordinance being collectively referred to as the "Prior One

Percent Ordinance”), and the purpose of said Prior One Percent Ordinance is to provide revenue for the support of payment of principal and interest on indebtedness incurred on behalf of the City by The McAlester Public Works Authority and any indebtedness incurred to refund or advance refund the same and for providing capital improvements of said City, and with the term of said Prior One Percent Ordinance expiring on November 30, 2031; and

WHEREAS, pursuant to this Ordinance No. _____ of the City, which will replace and supersede the Prior One Percent Ordinance in its entirety, the registered qualified voters of the City are being asked to modify the purpose for which the proceeds of said excise tax can be expended.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, AS FOLLOWS:

Section 1. Citations and Codification. This Ordinance shall be known and may be cited as the City of McAlester Sales Tax Ordinance of 2013, and the same shall be codified and incorporated into the Code of Ordinances of the City of McAlester, Oklahoma (the “City”).

Section 2. Tax Imposed. There is hereby imposed an excise tax of one percent (1%), in addition to any and all other excise taxes now in force; provided that said excise tax shall replace and supercede the one percent (1%) excise tax presently being levied pursuant to the Prior One Percent Ordinance; said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.

Section 3. Purpose of Revenues. It is hereby declared to be the purpose of this Ordinance and the excise tax levied hereunder to provide revenues to be used by the City, or any public trust having the City as beneficiary thereof, for the purpose of funding debt service in connection with obligations issued by the City, or any public trust having the City as beneficiary thereof, which obligations have heretofore or hereafter been approved by the voters of the City, including, but not by way of limitation, (i) The McAlester Public Works Authority’s Utility System Revenue Bonds, Series 2002, (ii) The McAlester Public Works Authority’s Utility System and Sales Tax Revenue Refunding Note, Series 2012, and (iii) The McAlester Public Works Authority debt obligations which were approved by the voters of the City on November 6, 2012, and which can be issued in the original aggregate principal amount of not to exceed \$13,800,000 with the proceeds to be used to fund street improvements, as well as related infrastructure improvements within the project areas.

Section 4. Effective Date and No Stated Termination Date. The provisions of this Ordinance and the collection of the excise tax referenced herein shall become effective on and after May 14, 2013, subject to approval by a majority of the qualified electors of the City of McAlester, Oklahoma, voting on the same in the manner prescribed by law. The provisions of this Ordinance and the collection of the excise tax referenced herein shall terminate and shall cease to be levied after November 30, 2031. Any excise tax revenues levied or collected pursuant to the Prior One Percent Ordinance and not expended or obligated for expenditure as of May 14, 2013, shall be available for the purposes set forth in this Ordinance No. _____.

Section 5. Subsisting State Permits. All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purposes

of this Ordinance, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

Section 6. Payment of Tax. The tax herein levied shall be paid to the Tax Collector at the time and in the manner and form prescribed for payment of the state sales tax under the State Tax Law of the State of Oklahoma.

Section 7. This Tax in Addition to Taxes Currently Levied; Administrative Procedures. The tax levied hereby is in addition to any and all other excise taxes levied or assessed by the City (except as provided in Section 2 hereof with respect to the replacement of the one percent (1%) currently being levied) pursuant to existing City Ordinances (the "Existing Ordinances"); provided, however, that those provisions, if any, of said Existing Ordinances relating to Definitions; Tax Collector Defined; Classification of Taxpayers - Permit to Do Business; Subsisting State Permits; the portion of Tax Rate - Sales Subject to Tax, pertaining to Sales Subject to Tax (not rate of Tax); the provisions of said Existing Ordinances regarding Exemptions and Other Exempt Transfers; the provisions of said Existing Ordinances regarding Tax Due When--Returns--Records; the portion of said Existing Ordinances regarding tax constituting debt; Vendor's Duty to Collect Tax; Returns and Remittances - Discounts; Interest and Penalties--Delinquency; Waiver of Interest and Penalties; Erroneous Payments--Claim for Refund; Fraudulent Returns; and Records Confidential shall apply to the excise tax levied and assessed by this Ordinance. For purposes of this Ordinance, references in said Existing Ordinances, to specific provisions of the Oklahoma Statutes shall be deemed to be references to said statutory provisions, as amended.

Section 8. Amendments. The people of the City of McAlester, Oklahoma, by their approval of this Ordinance at the election hereinabove provided for, hereby authorize the City by Ordinance duly enacted to make such administrative and technical changes or additions in the method and manner of administration and enforcing this Ordinance as may be necessary or proper for efficiency and fairness or in order to make the same consistent with the Oklahoma Sales Tax Code, as amended, except that the rate of the tax herein provided for shall not be changed without approval of the qualified electors of the City as provided by law.

Section 9. Provisions Cumulative. The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of City Ordinances.

Section 10. Severability. The provisions of this Ordinance are severable, and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

PASSED AND APPROVED THIS 12TH DAY OF MARCH, 2013.

CITY OF MCALESTER, OKLAHOMA

(SEAL)

By: _____
Name: Steve Harrison
Title: Mayor

ATTEST:

By: _____
Name: Cora Middleton
Title: City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF PITTSBURG)

I, the undersigned, the duly qualified and acting Clerk of the City of McAlester, in said County and State, hereby certify that the foregoing copy of proceedings is a true and complete copy of the proceedings had by the City Council of said City at a regular meeting held on the date therein set out, insofar as the same relate to the introduction, reading and adoption of Ordinance No. _____, as the same appears of record in my office.

I further certify that attached hereto are true and complete copies of the notice given to the City Clerk of McAlester, Oklahoma, on or before December 15, 2012, and of public notice posted at the Municipal Building, 28 East Washington Avenue, in McAlester, Oklahoma, at least twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and legal holidays, all in compliance with the Oklahoma Open Meeting Act.

WITNESS MY HAND AND THE SEAL OF SAID CITY THIS 12TH DAY OF MARCH, 2013.

(SEAL)

City Clerk

Exhibit 2

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA (THE "CITY") MET IN REGULAR SESSION IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING, 28 EAST WASHINGTON AVENUE, IN SAID CITY ON THE 12TH DAY OF MARCH, 2013, AT 6:00 O'CLOCK P.M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the following resolution was introduced and caused to be read by the Mayor. Councilmember _____ moved passage of the Resolution and Councilmember _____ seconded the motion. The motion carrying with it the approval of said Resolution was approved by the following vote:

AYE:

NAY:

The Resolution so approved is as follows:

RESOLUTION NO. ____

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF MCALESTER, STATE OF OKLAHOMA, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVAL OR REJECTION OF ORDINANCE NO. ____ RELATING TO CHANGE OF PURPOSE OF A ONE PERCENT (1%) EXCISE TAX (SALES TAX) PRESENTLY BEING LEVIED BY THE CITY; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

WHEREAS, the City of McAlester, Oklahoma (the "City") currently levies a three and one half percent (3.5%) excise tax (sales tax); and

WHEREAS, of said three and one half percent (3.5%) excise tax, two percent (2%) is levied pursuant to Ordinance No. 1166 of the City, as amended by Ordinance No. 1310 of the City (collectively, the "General Purpose Ordinance"), and the purpose of said General Purpose Ordinance is to provide revenue for the support of the functions of the municipal government of the City, and with the term of said General Purpose Ordinance being unlimited in duration; and

WHEREAS, of said three and one half percent (3.5%) excise tax, one-half of one percent (0.5%) is levied pursuant to Ordinance No. 2159, as it amends the Two Percent Ordinance (said amendment to the General Purpose Ordinance being referred to as the "Half Percent Ordinance"), and the purpose of said Half Percent Ordinance is to provide revenues to be used (i) one-quarter of one percent (0.25%) for education and (ii) one-quarter of one percent (0.25%) for economic development, and with the term of said Half Percent Ordinance expiring on July 1, 2018; and

WHEREAS, of said three and one half percent (3.5%) excise tax, one percent (1%) is levied pursuant to various amendments to the General Purpose Ordinance, which amendments include, but not by way of limitation, Ordinance No. 1576, Ordinance No. 1983, Ordinance No. 2036, Ordinance No. 2037, Ordinance No. 2038, Ordinance No. 2091, and Ordinance No. 2144 (the amendments to the General Purpose Ordinance being collectively referred to as the "Prior One Percent Ordinance"), and the purpose of said Prior One Percent Ordinance is to provide revenue for the support of payment of principal and interest on indebtedness incurred on behalf of the City by The McAlester Public Works Authority and any indebtedness incurred to refund or advance refund the same and for providing capital improvements of said City, and with the term of said Prior One Percent Ordinance expiring on November 30, 2031; and

WHEREAS, pursuant to Ordinance No. _____ of the City, which will replace and supersede the Prior One Percent Ordinance in its entirety, the registered qualified voters of the City are being asked to modify the purpose for which the proceeds of said excise tax can be expended; and

WHEREAS, the City Council has determined to call a special election on May 14, 2013, for the purpose of submitting the hereinafter referenced proposition to the registered qualified voters of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA:

SECTION 1. That the Mayor of the City be, and he is hereby authorized and directed to call a special election to be held in said City on the 14th day of May, 2013, for the purpose of submitting to the registered, qualified voters thereof the following proposition:

PROPOSITION

“SHALL ORDINANCE NO. ____ OF THE CITY OF MCALESTER, OKLAHOMA (THE “CITY”) BE APPROVED, WHICH ORDINANCE DOES NOT INCREASE OR EXTEND THE TERM OF ANY CITY SALES TAX, BUT DOES MODIFY THE PURPOSE OF AN EXISTING ONE PERCENT (1%) SALES TAX CURRENTLY BEING LEVIED BY THE CITY, TO ALLOW THE TAX TO BE USED TO PAY DEBT SERVICE ON OBLIGATIONS HERETOFORE OR HEREAFTER APPROVED BY THE VOTERS OF THE CITY; ALL AS MORE SPECIFICALLY SET OUT IN ORDINANCE NO. _____ OF SAID CITY?”

/ ____ /

YES - FOR THE ABOVE PROPOSITION

/ ____ /

NO - AGAINST THE ABOVE PROPOSITION

SECTION 2. That such call for said election shall be by proclamation, signed by the Mayor of the City and attested by the City Clerk, setting forth the proposition to be voted upon and the hours of opening and closing of the polls. That the ballots shall set forth the proposition to be voted upon substantially as set out in Section 1 hereof, and that the returns of said election shall be made to and canvassed by the Pittsburg County Election Board.

PASSED AND APPROVED THIS 12TH DAY OF MARCH, 2013.

CITY OF MCALESTER, OKLAHOMA

(SEAL)

By: _____
Name: Steve Harrison
Title: Mayor

ATTEST:

By: _____
Name: Cora Middleton
Title: City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF PITTSBURG)

I, the undersigned, the duly qualified and acting Clerk of the City of McAlester, in said County and State, hereby certify that the foregoing copy of proceedings is a true and complete copy of the proceedings had by the City Council of said City at a regular meeting held on the date therein set out, insofar as the same relate to the introduction, reading and adoption of a Resolution as the same appears of record in my office.

I further certify that attached hereto are true and complete copies of the notice given to the City Clerk of McAlester, Oklahoma, on or before December 15, 2012, and of public notice posted at the Municipal Building, 28 East Washington Avenue, in McAlester, Oklahoma, at least twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and legal holidays, all in compliance with the Oklahoma Open Meeting Act.

WITNESS MY HAND AND THE SEAL OF SAID CITY THIS 12TH DAY OF MARCH, 2013.

(SEAL)

City Clerk



McAlester City Council

AGENDA REPORT

Meeting Date: February 26, 2013
Department: Finance
Prepared By: Toni Ervin
Date Prepared: February 19, 2013

Item Number: 4
Account Code: _____
Budgeted Amount: _____
Exhibits: 3

Subject

Consider, and act upon, an Ordinance amending Ordinance No. 2425 which established the budget for fiscal year 2012-2013; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency.

Recommendation

Motion to approve the budget amendment ordinance.

Discussion

The budget amendment ordinance is necessary to cover proposed revenue and/or expenditures not included in the budget for this fiscal year.

See attached.

Approved By

Department Head

City Manager

P. Stasiak

Initial
T. Ervin

A handwritten signature in blue ink, appearing to be "T.E.", written over a horizontal line.

Date
02/19/13

02/19/13

Attachment for better understanding of Budget Amendment for 14th Street & Highway 69 project.

Schedule of Council Agenda items:

- July 17, 2012: Approved: Budget Amendment for 350,000 estimate for 14th and 69 Project
Approved: Consider and act upon a Work Order for Mehlburger Brawley for the engineering services required for the design of construction of 14th Street/U.S. 69 Sewer Extension.
- October 9, 2012: Approved Budget Amendment to account for project bids coming in over budget. Amount was changed during meeting based upon discussion on the agenda item below for a total of \$350,000+\$91,082=441,082.
- Approved Agenda Item: Consider and act upon award of bid to C.S. Day & Associates, LLC for the construction of 14th Street/U.S. 69 Sewer Extension in an amount of \$410,488. The discussion and vote was to include the full amount of \$410,488 in order to not slow the project and bring back the change order to reduce the amount at a later date. The intention from the watching video was to change the amendment amount for the total project contract of \$410,488. The amount agreed upon at the meeting and entered into the budget amendment at the time did not have all amounts included; inspection and permit amounts.
- November 27, 2012: Tabled Agenda Item: Consider, and act upon, Change Order No. 1 for the 14th Street/ US 69 Sewer Extension with C.S. Day & Associates of Tahlequah, Oklahoma.
- December 11, 2012 Approved to postpone the item indefinitely: Consider, and act upon, Change Order No. 1 for the 14th Street/ US 69 Sewer Extension with C.S. Day & Associates of Tahlequah, Oklahoma.

Fund Number	Account Number	Department	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
30	40999		Fund Balance	543,253.00	40,726.00	583,979.00
				-		-
						-
			Total		40,726.00	

[illegible]

*** Does not include appropriated fund balance.

Fund Number	Account Number	Department	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
38	40999		Appropriated Fund Balance	-	3,260,000.00	3,260,000.00
						-
						-
			Total		3,260,000.00	

[illegible]

Original Budget - Revenues ***	\$ 4,120,000
Amendments	-
Current Budget - Revenues	\$ 4,120,000
Original Budget - Expenditures	\$ 3,411,822
Amendments	3,260,000
Current Budget - Expenditures	\$ 6,671,822

Approved by the City Council this
February 26, 2013

Appropriated funds to account for the Transfer for the refinancing of the 1999A Bonds approved by vote.

City Clerk

Posted By _____ Date _____ BA# _____ Pkt.# _____

Fund Number	Account Number	Department	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
21	40700		Transfer in - 1999A	2,278,326.00	3,260,000.00	5,538,326.00
				-		-
			Total		3,260,000.00	-

[illegible]

Original Budget - Revenues ***	\$ 4,938,463
Amendments	<u>3,260,000</u>
Current Budget - Revenues	\$ 8,198,463
Original Budget - Expenditures	\$ 4,904,847
Amendments	<u>3,260,000</u>
Current Budget - Expenditures	\$ 8,164,847

Approved by the City Council this
February 26, 2013

Appropriated funds to account for the Transfer for the refinancing of the 1999A Bonds approved by vote.

Attest:

Posted By	Date	BA#	Pkt.#
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A1113-036

FY 12-13 Budget Amendments listed by fund

					Revenue	Expense
004	7/24/12	01	General Fund	Appropriate funds for Fire Payroll		(206,800.00)
004	7/24/12	01	General Fund	Appropriate funds for Fire Payroll		206,800.00
010	8/14/12	01	General Fund	Budget Supplement to lapse and reappropriate e	-	105,004.00
017	9/25/12	01	General Fund	Appropriate funds for Fire Payroll		(51,569.00)
017	9/25/12	01	General Fund	Appropriate funds for Fire Payroll		51,569.00
028	1/8/13	01	General Fund	Appropriate funds for the Mid-Year Review	(129,200.00)	(66,700.00)
032	1/8/13	01	General Fund	Appropriatate funds for the Trails Project	160,000.00	225,118.00
002	7/24/12	02	MPWA	Appropriate funds for CDBG	-	86,069.00
007	8/14/12	02	MPWA	Appropriate funds for CDBG (not awarded)	-	78,081.00
011	8/14/12	02	MPWA	Budget Supplement to lapse and reappropriate e	-	71,060.00
019	10/9/12	02	MPWA	Appropriate Funds to account for project bids coi	-	20,990.00
029	1/8/13	02	MPWA	Appropriate funds for the Mid-Year Review	(43,490.00)	(7,594.00)
022	10/23/12	19	Fire Improvement Grant	Budget Supplement to lapse and reappropriate e	71,250.00	75,000.00
036	2/26/13	21	Bond Trustee Fund	Appropriate Funds to Account for the Transfer fo	3,260,000.00	3,260,000.00
024	11/13/12	24	Airport Grant	Budget Supplement to lapse and reappropriate e	1,818,803.00	1,834,544.00
033	1/22/13	26	Education Fund	Appropriated funds for Distribution to Schools for	-	370,000.00
008	8/14/12	27	Tourism	Appropriate funds for rebranding	-	18,500.00
012	8/14/12	29	E911	Budget Supplement to lapse and reappropriate e	72,000.00	144,000.00
016	9/11/12	29	E911	Appropriate funds to operating supplies for upgræ	-	20,000.00
031	1/8/13	29	E911	Appropriate funds for the Mid-Year Review	-	14,400.00
001	7/10/12	30	Economic Development	Appropriate funds for HWY 69 water & sewer	-	350,000.00
013	8/14/12	30	Economic Development	Budget Supplement to lapse and reappropriate e	-	79,873.00
015	8/28/12	30	Economic Development	Appropriate funds for the Award from the Strateg	133,000.00	147,780.00
021	10/9/12	30	Economic Development	Appropriate Funds to account for project bids coi	-	35,712.00
034	2/26/13	30	Economic Development	Appropriate for ODEQ Grant & 14th Project	-	40,726.00
003	7/24/12	33	CDBG	Appropriate funds for CDBG	164,150.00	164,150.00
006	8/14/12	33	CDBG	Appropriate funds for CDBG (not awarded)	78,081.00	-
006	8/14/12	33	CDBG	Appropriate funds for CDBG (not awarded)	(78,081.00)	-
014	8/14/12	33	CDBG	Budget Supplement to lapse and reappropriate e	73,874.00	134,302.00
020	10/9/12	33	CDBG Grant	Appropriate Funds to account for project bids coi	20,990.00	20,990.00
030	1/8/13	35	Fleet Maintenance	Appropriate funds for the Mid-Year Review	(21,000.00)	(21,000.00)
035	2/26/13	38	Dedicated Sales Tax	Appropriate Funds to Account for the Refinancing		3,260,000.00
005	7/24/12	41	Capital Fund	Appropriate funds for Fire Payroll	(206,800.00)	-
009	8/14/12	41	Capital Fund	Budget Supplement to lapse and reappropriate e	-	601,423.00
018	9/25/12	41	Capital Fund	Appropriate funds for Fire Payroll	(51,569.00)	-
026	11/27/12	41	Capital Fund	Appropriate funds for Utility Maintenance Backhc	-	159,600.00
027	12/11/12	41	Capital Fund	Appropriate funds for lease purchase for Paver		26,120.00
023	11/13/12	42	Federal Forfeiture	Appropriate Funds for new SUV for Patrol		33,000.00
025	11/27/12	42	Federal Forfeiture	Reverse Appropriation 11/13/12 Funds for SUV f	-	(33,000.00)

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2425 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2012-2013; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council heretofore adopted Ordinance No. 2425 setting forth the Budget for Fiscal Year 2012-2013 beginning July 1, 2012 and ending June 30, 2013; and

WHEREAS, the City Departments and Divisions routinely review their budget appropriations to determine if any changes are necessary; and

WHEREAS, based upon said review the City staff now recommends that certain amendments to the Budget be considered by the City Council; and

WHEREAS, the City Council has the authority to make amendments to the City Budget under Article 5, Section 5.07 (b) of the new City Charter as well as State law; and

WHEREAS, the City Council has determined that the proposed amendment to the FY 2012-2013 Budget, with the revenues and expenditures therein contained, is in the best interest of the City; and therefore, desires to adopt the same by formal action.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF McALESTER, OKLAHOMA:

SECTION 1: The proposed amendment to the FY 2012-2013 Budget of the City of McAlester, Oklahoma, as heretofore adopted by Ordinance, as summarized in Exhibit A-1 through A-3, which is attached hereto and fully incorporated herein by reference, be, and the same hereby are, completely adopted and approved as an amendment to the said FY 2012-2013 Budget.

SECTION 2: All portions of the existing FY 2012-2013 Budget, Ordinance No. 2425 except as specifically herein amended, shall remain in full force and effect, and not be otherwise affected by the adoption of the amendatory ordinance.

SECTION 3: That all other ordinances in conflict herewith are hereby repealed to the extent of any such conflict or inconsistency and all other ordinances not in conflict herewith shall remain in full force and effect.

SECTION 4: Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the

same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part or parts as declared to be invalid, illegal, or unconstitutional.

SECTION 5: That an emergency is hereby declared to exist, and for the provision of the public peace, health and safety, by reason whereof it is necessary that all acts take effect immediately and be in full force and effect from, and after the passage and approval.

PASSED and the EMERGENCY CLAUSE ruled on separately this 26th day of February, 2013.

**CITY OF MCALESTER, OKLAHOMA
A Municipal Corporation**

By _____
Steve Harrison, Mayor

ATTEST:

Cora Middleton, City Clerk

Approved as to form and legality this 26th day of February, 2013.

William J. Ervin, City Attorney



McAlester City Council

AGENDA REPORT

Meeting Date:	<u>February 26, 2013</u>	Item Number:	<u>5</u>
Department:	<u>City Manager</u>	Account Code:	<u>N/A</u>
Prepared By:	<u>Peter Stasiak</u>	Budgeted Amount:	<u>N/A</u>
Date Prepared:	<u>February 19, 2013</u>	Exhibits:	<u>(1)</u>

Subject

Consider and act upon contributing \$25,000 as match for an ODEQ grant for the renovation of the OKLA Theatre.

Recommendation

Motion to approve and act upon contributing \$25,000 as match for an ODEQ grant for the renovation of the OKLA Theater.

Discussion

Pride in McAlester applied for and was awarded an ODEQ grant in the amount of \$200,000. This grant requires a 20% match or \$40,000. To date Pride in McAlester has funds committed in the amount of \$12,000 for the match. In addition, \$3,000 in donations are pending and will be forthcoming. Pride in McAlester is requesting the City of McAlester to provide the additional match for the project to proceed.

Approved By

	<i>Initial</i>	<i>Date</i>
Department Head	_____	_____
City Manager	P. Stasiak <u>PJS</u>	<u>February 19, 2013</u>



MY HOME • OUR COMMUNITY • THEIR FUTURE

February 19, 2013

Peter J. Stasiak
City of McAlester
28 E. Washington
McAlester, OK 74501

Dear Mr. Stasiak:

Pride In McAlester (PIM), The Ardeneum of Oklahoma Charitable and Educational Foundation, and McAlester Main Street are collaborating to preserve the historic OKLA Theater in downtown McAlester. Recently, the organizations have successfully obtained a grant from the Oklahoma Department of Environmental Quality (ODEQ), providing up to \$200,000 towards the removal of asbestos and lead-based paint from the OKLA. The agreement with the ODEQ requires matching funds totaling \$40,000 (20%). To help meet this requirement, we respectfully request a contribution from the City of McAlester in the amount of \$25,000. To date, we have raised more than \$12,000 from donors and requests are pending for the remaining amount.

Before significant renovation can take place, existing serious environmental issues involving asbestos and lead-based paint must be addressed. Support of the OKLA Theater at this phase of development will allow the project to continue to move forward and serve to further promote our common goals of economic development, tourism, sustainable growth, historic preservation, public health, and community revitalization.

The Brownfields Program supports projects across the nation to prevent, assess, clean up, and reuse environmentally contaminated properties for economic development purposes. Their goal is to protect public health through the removal of hazardous materials from communities, believing that a healthy environment is essential to a healthy economy. The program realizes that environmental issues are entwined with economic development and strives to move properties with a zero or negative value to a state of production again. Further, developing contaminated buildings is an important piece to sustainable development, as the greenest building is one that already exists.

Place making, development of cultural assets, and historic preservation have all become popular approaches to economic development. Communities across the nation are seeing the value added by supporting projects that develop infrastructure to support the humanities. In this way, communities are finding themselves more attractive to businesses looking to expand, relocate, and develop. The National Governors Association's report *Arts & the Economy* explains:

In addition to supporting cultural production, arts spaces such as... theaters help stir economic activity by attracting visitors from both inside and outside the community. Often, cultural spaces

become hubs for other kinds of activity, acting as magnets for citizen gatherings at civic events. In this way, cultural facilities can be a powerful community revitalization asset, even in economically distressed communities.

The visibility and attraction of the OKLA's recently restored marquee is evident and can be seen state-wide in printed material and television commercial advertising. The view of the OKLA from Carl Albert Parkway encourages travelers to divert off the highway and into the historic downtown. In use, the theater will attract even more visitors, increasing traffic and benefitting surrounding businesses, thereby boosting sales tax revenue. After all, great destinations have art, culture, and a sense of place.

Few buildings in McAlester evoke more powerful memories and strong emotions than the OKLA Theater. Connections to the building span multiple generations and summon memories of old friends, hot popcorn, and holding hands. It reminds citizens of a time when life seemed simpler and downtown McAlester was a thriving center of social activity. The OKLA Theater is listed on the National Register of Historic Places and further recognized as an outstanding example of Art Deco architecture. It still serves as one of the most architecturally significant properties in McAlester.

This step towards restoration of the theater will be positive for surrounding property values, eliminating a vacant property worth less than the cost to repair it and removing materials hazardous to public health from the area. If those materials become exposed through deterioration or natural disaster, the public expense may be greater still. The Brownfields grant provides an opportunity for immediate action with minimal expense compared to the overall costs of the environmental remediation. Though it does not restore the theater to full use, it does give the property a chance to be relevant and has the potential to increase quality of life for the citizens and visitors of McAlester through art and culture.

We ask that you help us make full use of the funding assistance by partnering with the us, the ODEQ, and the recent donors in setting this landmark building in McAlester's historic downtown on a path to economic viability.

Respectfully,



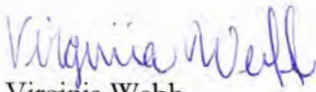
Bert Thomas, Ph.D.



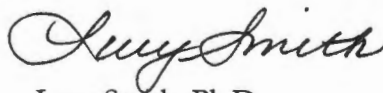
Karl Scifres



Lew Crowl



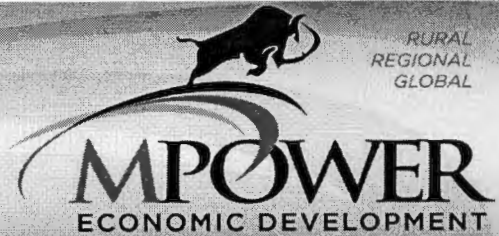
Virginia Webb



Lucy Smith, Ph.D.



Stephanie Giacomo, M.A.



P.O. Box 3190, McAlester, OK 74502 • TEL. 918.423.5735 • FAX: 918.426.0207 • mpowercorp.us

January 28, 2013

To whom it may concern,

The MPOWER Economic Development Corporation board is proud to support the restoration of the OKLA Theater in downtown McAlester and applauds the progress of the OKLA Theater Steering Committee in securing the funds needed to abate the asbestos from the building. We see this as a first step to moving forward with the restoration efforts and taking a potential environmental hazard to a tourist attraction.

A restored OKLA Theater has the potential to offer a unique tourist experience. The OKLA Theater could become a marquee attraction in the downtown area and will improve the current image and appearance of that area. If the OKLA Theater Steering Committee and the other community groups associated with the project are successful in their downtown revitalization efforts, stressing the importance of restoration of the theater, the community will have more reason to shop locally. The restoration of the theater will serve as a spark for renewed interest in the downtown area.

Bringing additional tourists to our community also holds great potential to improve city finances through increased sales tax revenue and bolstering local businesses. Besides providing performance space, a theater contributes in ways that go beyond the traditional approach to economic revitalization.

The history of McAlester is closely tied to memories of the OKLA Theater. For people who grew up in and around McAlester, the OKLA was an iconic venue that recalls a time of vitality in the downtown area. One has only to read some of the comments made when the steering committee mentions its restoration to know the impact this theater had on the lives of many McAlesterites.

With the cost of clean-up greatly exceeding the current value of the property it is unlikely that a private investment could overcome the problems currently plaguing the building and therefore makes community support of this project all the more important. That is why MPOWER is pleased to support the efforts of the Ardeneum of Oklahoma Charitable and Educational Organization, Pride in McAlester, and McAlester Main Street in bringing this unique McAlester landmark back to life.

Ben Capers
President, MPOWER Board

Brad Rutledge
Vice President, MPOWER Board



December 17, 2012

To whom it may concern,

The unique history of our downtown, the architecture, and McAlester's passion and desire to preserve both are unmatched in Southeastern Oklahoma. From the preservation efforts to the refurbishment of the grand OKLA Theater marquee that awes visitors and residents alike, organizations such as Pride in McAlester are leaders in seeking out our town's history and working diligently to preserve it.

Many years ago, the OKLA Theater contributed to making McAlester, OK a premiere tourism location. Belief is that this facility could once again become a premier venue for events, community arts organizations, and a tourism enticement for visitors both old enough to reminisce and remember the days of quaint theatres and also those young enough to be amazed at the beauty and opulence of venues from a previous time.

Let us not forget the potential economic impact that such a historic venue could create for our area. Once refurbished, the OKLA Theater would be one of the only functioning historic theaters in Southeastern Oklahoma.

With the cost of cleanup outweighing the current property value, it is critical that we support the efforts of the Ardeneum of Oklahoma Charitable and Educational Organization, Pride in McAlester, and McAlester Main Street in bringing this unique McAlester landmark back to life.

Sincerely,

Tanaye Harvanek, CEO/President
McAlester Area Chamber of Commerce
PO Box 759
McAlester, OK 74502
918-423-2550
info@mcalester.org
www.mcalester.org

THE CHAMBER HEADQUARTERS
of The Puterbaugh House

918-423-2550 • 918-423-1345 (fax) • www.mcalester.org
345 E. Adams • P.O. Box 759 • McAlester, OK 74502



215 E. Choctaw Ave., Ste. 112 • McAlester, OK 74501 • (918) 423-8888 • mcalestermainst@att.net

December 18, 2012

Community Leaders:

McAlester Main Street is proud to support the restoration of the OKLA Theater in downtown McAlester and is thrilled with the success of the OKLA Theater Steering Committee in securing funding toward asbestos abatement and lead-based paint removal.

Restoration of the theater will be positive for surrounding property values, eliminating a vacant property worth less than the cost to repair it and removing hazardous materials from the area. Due to the cost of cleanup, it is unlikely that any private investor will take on the restoration of the OKLA Theater.

While cleanup is the first and least exciting step toward restoration, it is necessary to use the OKLA Theater again. Someday, the OKLA Theater will serve as a community center for the arts and events that will enrich the lives of people in the McAlester area. Its restoration will preserve a piece of local history and allow people to experience it.

A lively downtown is a source of pride for a community, and the restoration of the OKLA Theater will be a great step towards that goal. In use, the OKLA Theater will be a tourism draw, increasing traffic downtown and benefiting surrounding businesses. The more profitable downtown businesses are, the more sales tax revenue is available for local infrastructure.

McAlester Main Street is excited to be a part of the restoration of the OKLA Theater and looks forward to the good it will do for the community.

Sincerely,

Virginia Webb

Executive Director
McAlester Main Street



P.O. Box 3190, McAlester, OK 74502 • TEL. 918.423.5735 • FAX: 918.426.0207 • mpowercorp.us

January 9, 2013

Stephanie Giacomo
Executive Director
Pride In McAlester
1 E. Choctaw, Ste 525
P.O. Box 583
McAlester, OK 74502

Dear Stephanie:

It is my understanding that Pride In McAlester is seeking a "DEQ sub grant" to remove asbestos from the OKLA Theater building.

The recent restoration of the OKLA Marquee signage has boosted the visual appeal of the building and sparked community interest in the building's renovation. You have shared with me Pride In McAlester's vision for the OKLA Theater, which includes using the building as a non-profit community center for movie screenings, live theater, concerts, dance performances, business meetings, and weddings.

If implemented, and dependent on other local economic variables, the project would most likely have a positive economic impact on the community.

In order to achieve PIM's vision, I am aware that both physical and financial planning lie ahead. While MPOWER has not been a partner in these planning efforts we would like to offer this letter of support in hopes that you can obtain the grant funding for this project.

Sincerely,

Shari Cooper
Executive Director



**BROWNFIELDS REVOLVING LOAN FUND
SUBGRANT AGREEMENT**

THIS SUBGRANT AGREEMENT (Agreement) is made and entered into on this 17 day of July, 2012, by and between the The Ardeneum of Oklahoma Charitable and Educational Foundation, Inc., acting herein through Albert C. Thomas, its duly authorized representatives, hereinafter to as "Grantee", and the Oklahoma Department of Environmental Quality (DEQ), herein represented by Steven A. Thompson, the undersigned, duly authorized to act herein and hereinafter referred to as "Grantor". The Oklahoma Department of Environmental Quality is the lead agency for the administration of the Brownfields Revolving Loan Fund Program. Duties and tasks assigned herein to the "Grantor" will be completed by the Oklahoma Department of Environmental Quality.

WITNESSETH:

WHEREAS, the Grantor is the recipient of Brownfields Supplemental Revolving Loan Funds and is authorized to make certain subgrants from these funds; and

WHEREAS, the Grantor is the manager for subgrants administered through the Brownfield Revolving Loan Fund (RLF) Program; and

WHEREAS, the Grantee is the owner of certain real property located in McAlester, Oklahoma, more particularly described in Exhibit 1, attached hereto; and

WHEREAS, the Property is not listed, or proposed for listing on the National Priorities List of the U. S. Environmental Protection Agency (EPA), nor is the Property the subject of investigation or remediation under federal authority; and

WHEREAS, the Grantee is not a generator or transporter of the contamination at the Property; and

WHEREAS, the Grantee is not and has never been subject to any penalties resulting from environmental non-compliance at or on the Property nor is the Grantee currently suspended, debarred, or otherwise declared ineligible for participation in this federal program or from the receipt of these funds; and

WHEREAS, the Grantee acquired the Property after the time of disposal or placement of hazardous substances and/or petroleum and has not caused, contributed to, permitted, or exacerbated the release of a hazardous substance on, or emanating from that Property;

NOW, THEREFORE, in consideration of the covenants and promises contained herein, it is mutually agreed by and between the parties as follows:

I. Subgrant and Purpose:

Under the terms of this Agreement, and in accordance with the Brownfields Revolving Loan program, the Grantor will provide as a subgrant to the Grantee a sum up to the maximum of \$200,000.00 (Subgrant) to be used exclusively for the cleanup of hazardous substances on the Property. The Subgrant amount is contingent upon the Grantee meeting the conditions and requirements set forth in this Agreement. The Subgrant will be paid to

the Grantee on a reimbursement basis, determined by the submitted claims from the Grantee to the Grantor providing documentation that the invoiced work has been completed.

II. Conditions precedent to the Subgrant:

To be eligible for a Subgrant from the RLF program, the Grantee, as a condition precedent to the Subgrant, shall perform or shall have previously performed "all appropriate inquiries" [Section 101(35)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)] into the history of the Property, per the requirements listed below and provided those findings to the Grantor prior to the execution of this Agreement. The Grantee shall be responsible for the payment of all costs and expenses related to the All Appropriate Inquiries (AAI) investigation. The Grantee agrees that the RLF funds shall not be used for the payment of any cost or expense related to the AAI investigation or for any additional environmental assessment activities that may be required.

- For properties purchased prior to May 31, 1997, the Grantee shall provide documentation that all appropriate inquiries into the previous ownership and uses of the Property were made in accordance with generally accepted good commercial and customary standards and practices prior to purchase of the Property.
 - For properties purchased after May 31, 1997, and before November 1, 2006, the Grantee shall provide evidence of compliance with the AAI interim standards. The Grantee acknowledges that the interim standards require a Phase I Environmental Site Assessment to be performed, according to the American Society for Testing and Materials ("ASTM") E1527-97 or E1527-00, prior to the purchase of the Property.
 - For properties purchased after November 1, 2006, the Grantee shall comply with AAI final rule standards, ASTM E1527-05 or ASTM E2247-08, prior to purchase of the Property.
1. The Grantee warrants to the Grantor that the Grantee acquired the Property after the time of disposal or placement of the hazardous substances to be remediated and that the Grantee has not caused, contributed to, permitted or exacerbated the release of a hazardous substance on or emanating from the Property.
 2. The Grantee warrants to the Grantor that the Grantee is the current owner of the Property, that the Property is a qualified Brownfields site, and that the Grantee is not a potentially responsible party under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9607 regarding hazardous substances on the property.
 3. The Grantee further warrants as a condition precedent that the Grantee is a bona fide purchaser of the Property under Section 101(40) of CERCLA, 42 U.S.C. § 9601(40).

4. The Grantee agrees that the cleanup will be performed under the oversight of the Oklahoma Department of Environmental Quality's Brownfield Program unless the contaminants fall under the jurisdiction of another state agency.
5. The Grantee agrees to:
 - (i) comply with all Oklahoma Department of Labor (DOL) and Oklahoma Department of Environmental Quality rules and regulations regarding the sampling, abatement, and disposal of asbestos containing building materials, and
 - (ii) provide the Grantor one (1) copy of all DOL required Project Documents and submittals, and
 - (iii) copy Grantor on all correspondence to DOL, and
 - (iv) provide the Grantor a copy of all correspondence received from DOL related to the project.
6. Eligible subgrant recipients include eligible entities as defined under CERCLA, 42 U.S.C § 9604(k)(1), and non profit organizations as defined at Section 4(6) of the Federal Financial Assistance Management Improvement Act of 1999 (Public Law 106 - 107). Nonprofit organizations described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995 are not eligible for subgrants.
7. This subgrant requires the Grantee to pay a cost share (which may be in the form of a contribution of money, labor, material, or services) or any combination of these items of at least twenty percent (i.e., 20 %) of the total funds awarded. The cost share contribution consists only of costs that are eligible and allowable under the Subgrant and must be supported by adequate documentation.

III. Subgrant Award/Closing:

The award/closing of this Subgrant shall be subject to execution and delivery to the Grantor by the Grantee of any required Subgrant documents.

IV. Agreements of Grantee:

The Grantee agrees to the following terms and conditions:

1. The Grantee shall carry out the Project in accordance with:
 - (i) For governmental recipients of subgrants
 - o Comprehensive Environmental Response Compensation and Liability Act (CERCLA) Title 42 U.S.C Section 9601
 - o Comprehensive Environmental Response Compensation and Liability Act (CERCLA) Title 42 U.S.C. Section 9604(k)
 - o 40 C.F.R. Part 31
 - o Office of Management & Budget (OMB) Circular A-87
 - (ii) For non-profit recipients of subgrants
 - o 40 C.F.R. Part 30 and
 - o OMB Circular A-122

- (iii) For educational institutions recipients of subgrants
 - o 40 C.F.R. Part 30 and
 - o OMB Circular A-21

All procurements conducted with subgrant funds must comply with 40 C.F.R Part 31.36 or 40 C.F.R. Part 30.40 -30.48, as applicable. Grantee shall also follow all applicable provisions of federal, state or local law.

2. The Grantee agrees to comply with Executive Order 13202 (Feb. 22, 2001, 66 Fed. Reg. 11225) of February 17, 2001, entitled "Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally-funded Construction Projects," as amended by Executive Order 13208 (April 11, 2001, 66 Fed. Reg. 18717) of April 6, 2001, entitled "Amendment to Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects.
3. The Grantee agrees to comply with all federal cross-cutting requirements including, but not limited to, MBE/WBE requirements found at 40 C.F.R. Part 33; OSHA Worker Health & Safety Standard 29 C.F.R. 1910.120; the Uniform Relocation Act; National Historic Preservation Act; Endangered Species Act; and Permits required by Section 404 of the Clean Water Act; Executive Order 11246, Equal Employment Opportunity, and implementing regulations at 41 C.F.R. 60-4; Contract Work Hours and Safety Standards Act, as amended (40 U.S.C Section 327-333) the Anti Kickback Act (40 U.S.C. Section 276c) and Section 504 of the Rehabilitation Act of 1973 as implemented by Executive Orders 11914 and 11250.
4. The Grantee shall carry out the Project in accordance with the Davis-Bacon Act of 1931 [CERCLA § 104(g)(1), 40 U.S.C. § 276(a) – 276(a) - 5 and 42 U.S.C. § 3212]. Compliance with Davis Bacon requires payment of federal prevailing wage rates for construction, repair or alteration work funded in whole or in part with Revolving Loan Funds. The Grantee must obtain recent and applicable wage rates from the U.S. Department of Labor and incorporate them into the construction, alteration, or repair contract. All contractors or subcontractors of the Grantee shall submit certified payroll records on a quarterly basis to the Grantor during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers. The Grantee must periodically interview employees of contractors and subcontractors retained by the Grantee to verify that they are receiving appropriate wage rates.
5. The Grantee shall review all executed prime contracts and subcontracts involved in the remediation efforts to remediate hazardous substances from the Property, for the purpose of ensuring that such contracts and subcontracts contain the appropriate Davis-Bacon clauses specifying that wages paid thereunder meet the locally prevailing wage rates in effect at the time the contract is executed.

6. The Grantee shall comply with Executive Order 11246, Equal Employment Opportunity, and implementing regulations at 41 C.F.R. § 60-4 relating to federally assisted construction contracts.
7. The Grantee understands and agrees that all Subgrant funds provided by the Grantor shall be used only for environmental cleanup of the Property as described to the Grantor. The Grantee shall ensure that the cleanup is protective of human health and the environment.
8. The Grantee shall use the Subgrant funds only for eligible activities and in compliance with the requirements of CERCLA § 104(k) and applicable federal and state laws and regulations. The Grantee shall not use Subgrant funds for administrative costs.
9. The Grantee shall keep all expenditures from the Subgrant funds within the approved Project budget as identified in the required Analysis of Brownfields Alternatives (ABCA). The Grantee shall not exceed any of the costs enumerated in the approved Project Budget without the prior written approval of the Grantor. Furthermore, the Grantee agrees that all changes or modifications to the Project budget shall be approved in writing by the Grantor prior to such changes or modifications becoming effective. Additional costs incurred as the result of any such changes, if not approved beforehand by the Grantor, shall be the responsibility of the Grantee.
10. The Grantee agrees that all Project work performed as required by this Agreement and with Grant funds shall not be initiated until DEQ and EPA have approved a Quality Assurance Project Plan (QAPP) for the Project and that the work shall be performed in accordance with the quality objectives identified in the approved QAPP, the Project budget, and the Work Schedule.
11. The Grantee shall competitively bid the remedial activities and will maintain copies of all proposals, bids, insurance certificates (Workers Compensation and Professional/Pollution Liability, as needed), licenses, permits, contracts, etc., for all work required for the Project, as required in item number 28 of this agreement.
12. The Grantee, at the Grantee's sole cost and expense, and from sources other than Subgrant funds (unless directly related to the Project cleanup), shall be responsible for obtaining all permits, licenses, approvals, certifications, insurance, and inspections required by federal, state, or local law and shall maintain such permits, licenses, approvals, certifications, insurance, and inspections in current status during the terms of this Agreement.
13. The Grantee shall perform all of the Grantee's obligations and agreements under the Subgrant terms as set forth in this Agreement, the applicable federal laws, rules and regulations, and any other agreements or instruments to which the Grantee is a party and which relate to the Subgrant or to the Project.

14. The Grantee shall erect a sign on the Project site providing the appropriate contact for obtaining information on activities being conducted at the Property and for reporting suspected criminal activities. The sign erected on the Project site shall comply with all requirements of the state and local law applicable to on-premise outdoor advertising as well as 40 C.F.R. § 35.6105(a)(2)(ii).
15. Grantee agrees to prepare an Analysis of Brownfields Cleanup Alternatives (ABCA) which will include information about the site and contamination issues (i.e., exposure pathways, identification of contaminant sources, etc.), cleanup standards, applicable laws, alternatives considered, the proposed cleanup and an itemized budget. The evaluation of alternatives must include effectiveness, implementability, and the cost of the response proposed. The evaluation will include an analysis of reasonable alternatives including no action.
16. Grantee agrees to prepare a site-specific plan for involving and informing the affected community. The community must have meaningful input in the development of a site specific community involvement plan. This plan summarizes the community involvement activities conducted to date and identifies how the community will continue to be involved and informed throughout the cleanup process, including the opportunity to comment on the proposed cleanup for the site.
17. Grantee may use a portion of the Subgrant to purchase environmental insurance for the site. The Subgrant may not be used to purchase insurance intended to provide coverage for any of the Ineligible Uses.
18. The Grantee must retain ownership of the site throughout the period of performance of the Subgrant. For the purposes of this agreement, the term "owns" means fee simple title.
19. Prior to conducting or engaging in any on-site activity with the potential to impact properties (such as invasive sampling or cleanup) on the National Register of Historic Places, the grantee shall consult with the Oklahoma State Historic Preservation Office regarding potential applicability of the National Historic Preservation Act.
20. Grantee states that it is not engaged in lobbying activities as defined in Section 3 of the Lobbying Disclosure Act of 1995.
21. Grantee shall maintain records for a minimum of three years following completion of the cleanup financed all or in part with RLF funds. Borrowers or Subgrant recipients shall obtain written approval from DEQ prior to disposing of records. Grantee shall provide access to records relating to this Subgrant to authorized representatives of the State and Federal government, as requested.

V. Miscellaneous Provisions:

All documents to be given under this Agreement to either party by the other shall be sent to the addresses set forth in this Agreement.

Grantor: Oklahoma Department of Environmental Quality
Land Protection Division
P.O. Box 1677
Oklahoma City, OK 73101-1677
Attn: Brownfields Revolving Loan Fund
Phone: 405-702-5100, Fax: 405-702-5101
Savannah.richards@deq.ok.gov

Grantee The Ardeneum of Oklahoma Charitable and Educational Foundation, Inc.
201 North 5th Street
McAlester, OK 74501

Grantee: Albert C. Thomas 7/17/12
Signature Date

Albert C. Thomas, President of the Board
The Ardeneum of Oklahoma Charitable and Educational Foundation, Inc.

ACKNOWLEDGMENT

State of Oklahoma)
Pittsburg County) ss)

Before me, Linda Thompson, in and for this state, on this 17 day of July, 2012, personally appeared Albert C. Thomas, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he/she executed same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Linda Thompson
Notary Public

My Commission Expires 1-12-13

July, 2012



Steven A. Thompson

Steven A. Thompson, Executive Director
Oklahoma Department of Environmental Quality

8-6-12

Date

ACKNOWLEDGMENT

State of Oklahoma)
) ss
Oklahoma County)

Before me, LINDA FINE, in and for this state, on this 6th day of August, 2012, personally appeared Steven A. Thompson to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that he/she executed same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Linda Fine
Notary Public

My Commission Expires

2-18, 20 13





McAlester City Council

AGENDA REPORT

Meeting Date: February 26, 2013
Department: Council
Cora Middleton for Vice-
Prepared By: Mayor Mason
Date Prepared: February 5, 2013

Item Number: 6
Account Code: _____
Budgeted Amount: _____
Exhibits: 1

Subject

TABLED - Update, discussion and possible action to resolve status of contract FAA AIP 3-40-0057-011-012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport awarded June 26, 2012 by City of McAlester Airport Authority to Total Investment Company, Guthrie, Oklahoma. Seven months, as of January 26, 2013 have elapsed since said award. Bids on this project were received on September 2, 2011.

Recommendation

Discussion

Approved By

Department Head
City Manager

P. Stasiak

Initial
CM

PJS

Date

02/05/13

02/19/13



P.O. BOX 578 • 1ST & WASHINGTON • McALESTER, OKLAHOMA 74502 • 918 423-9300 • FAX 421-4971 • www.cityofmcalester.com

January 31, 2013

Wade Inman
Total Investment Company
P.O. Box 1134
Guthrie, OK 73044

Re: Award and Execution of Contract to Total Investment Co. for AIP Project 3-40-0057-010-2011

Dear Mr. Inman;

On August 9, 2011, AIP project 3-40-0057-010-2011, "Improve Runway 2-20 Safety Areas, Remove 2-20 Approach Surface Obstructions" at McAlester Regional Airport was advertised for bidding.

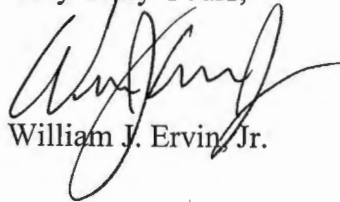
Bids were received on August 31, 2011. An oversight, by FAA, in the environmental determination was discovered on December 29, 2011, and all parties were notified. Due to this oversight, the time frame of awarding the contract (120 days) in General Provision 30-02 "Award of Contract" could not be met. The environmental issue was cleared by the FAA, on May 22, 2012. A letter was sent to the City of McAlester, by Total Investment Company, stating their intent to execute the contract on April 27, 2012. The City of McAlester awarded the project to Total Investment Co., the low bidder, on June 12, 2012.

Subsequent to the Award, the Contract was sent to Total Investment Co. on August 10, 2012. Total Investment Co. has been contacted numerous times, without any resolution of the contract, and bonding, having been executed. The General Provision, of the Contract Documents, Section 30-06 states, "The successful bidder shall sign (execute) the necessary agreements for entering into the contract and return such signed contract to the owner, along with the fully executed surety bond or bonds specified in the subsection titled REQUIREMENTS OF CONTRACT BONDS of this section, within 15 calendar days from the date mailed or otherwise delivered to the successful bidder".

In accordance with the Contract Documents, Total Investment Company is in default, for failure to execute the contract. Herewith, The City of McAlester is granting Total Investment Co. (30) calendar days from receipt of this letter, to return the fully executed contract, and fulfill the bonding requirements. If a fully signed contract, with

appropriate bonding, is not received within 30 calendar days, the City of McAlester will cancel the award of the contract in accordance with the Contract Documents General Provision Section 30-03 "Cancellation of Award".

Very Truly Yours,

A handwritten signature in black ink, appearing to read "W. Ervin, Jr.", written in a cursive style.

William J. Ervin, Jr.



McAlester City Council

AGENDA REPORT

Meeting Date: February 26, 2013
Department: Finance
Prepared By: Toni Ervin
Date Prepared: February 19, 2013

Item Number: 7
Account Code:
Budgeted Amount:
Exhibits: 2

Subject

Consider, and act upon, accepting Kristen Lloyd Photography, Inc and Whistle Stop Bistro as participants in the Retail Sales Tax Incentive Program for the McAlester Main Street District Businesses and Choctaw Corridor and authorizing the Mayor to sign the Certification of all Applicable Requirements.

Recommendation

Motion to approve certification in writing to accept the attached businesses as a participant.

Discussion

This agenda item is to meet the criteria required by Section 3 of the Resolution 11-10:

SECTION 3: That prior to acceptance of a business as a participant in the Sales Tax Rebate Program, the City Manager and Chief Financial Officer will certify in writing the applicants' compliance with all application requirements. Where upon the council, by majority vote, may accept the business as a participant.

Approved By

Department Head
City Manager

P. Stasiak

Initial
T. Ervin

PJS

Date
02/19/13
02/19/13



Certificate

Acceptance as a Participant

Kristen Lloyd Photography, Inc.

Retail Sales Tax Incentive Program for Main Street District and Choctaw Corridor

WHEREAS, the City of McAlester recognizes that the Main Street districts are faced with high vacancy rates, less pedestrian traffic, and declining sales due to a major economic recession, in-creased competition from new development in other areas of the City, and competition from businesses outside of the community;

WHEREAS, the City of McAlester recognizes that additional vacancies in the Main Street districts would reduce the economic viability of other district businesses and could lead to a downward spiral of vacancies and disinvestment;

WHEREAS, the City of McAlester recognizes that vacant commercial buildings generate no sales tax and if the vacancies continue, no sales tax will be generated in the future;

WHEREAS, the City of McAlester recognizes that most Main Street district businesses are locally-owned and that money spent at locally-owned businesses, on average, re-circulates through the local economy more times than money spent at national chain stores;

WHEREAS, the City of McAlester recognizes that a vibrant, active, and economically viable down-town benefits the entire community by contributing toward a high quality of life for community residents;

WHEREAS, the City of McAlester recognizes that McAlester Main Street has the potential to play an important role in achieving downtown economic growth and revitalization;

WHEREAS, the City of McAlester recognizes that it is in the public interest to support McAlester Main Street's efforts;

This Certifies that the above listed business has complied with all application requirements.

Whereupon the council, by majority vote, may accept the business as a participant.

The business may now apply for the Sales Tax rebate request.

Pete Stasiak, City Manager

Toni Ervin, Chief Financial Officer

Steve Harrison, Mayor



Certificate

Acceptance as a Participant

Whistle Stop Bistro

Retail Sales Tax Incentive Program for Main Street District and Choctaw Corridor

WHEREAS, the City of McAlester recognizes that the Main Street districts are faced with high vacancy rates, less pedestrian traffic, and declining sales due to a major economic recession, increased competition from new development in other areas of the City, and competition from businesses outside of the community;

WHEREAS, the City of McAlester recognizes that additional vacancies in the Main Street districts would reduce the economic viability of other district businesses and could lead to a downward spiral of vacancies and disinvestment;

WHEREAS, the City of McAlester recognizes that vacant commercial buildings generate no sales tax and if the vacancies continue, no sales tax will be generated in the future;

WHEREAS, the City of McAlester recognizes that most Main Street district businesses are locally-owned and that money spent at locally-owned businesses, on average, re-circulates through the local economy more times than money spent at national chain stores;

WHEREAS, the City of McAlester recognizes that a vibrant, active, and economically viable down-town benefits the entire community by contributing toward a high quality of life for community residents;

WHEREAS, the City of McAlester recognizes that McAlester Main Street has the potential to play an important role in achieving downtown economic growth and revitalization;

WHEREAS, the City of McAlester recognizes that it is in the public interest to support McAlester Main Street's efforts;

This Certifies that the above listed business has complied with all application requirements.

Whereupon the council, by majority vote, may accept the business as a participant.

The business may now apply for the Sales Tax rebate request.

Pete Stasiak, City Manager

Toni Ervin, Chief Financial Officer

Steve Harrison, Mayor



McAlester City Council

AGENDA REPORT

Meeting Date: February 26, 2011
Department: Legal
Prepared By: William J. Ervin
Date Prepared: February 19, 2011

Item Number: 8
Account Code: _____
Budgeted Amount: _____
Exhibits: 2

Subject

Discussion and possible action, to rescind Ordinance 2447 (prohibiting tobacco use on City owned or controlled Property) based on Oklahoma Attorney General's Opinion 2013-2.

Recommendation

Discussion

Approved By

Department Head

Initial
WJE

Date
02/19/2013

City Manager

P. Stasiak

PJS

02/19/2013

ORDINANCE NO. _____

AN ORDINANCE TO RESCIND ORDINANCE NO. 2447 THAT AMENDED SECTIONS 54-48. TO ARTICLE III, CHAPTER 54, OF THE CODE OF THE CITY OF MCALESTER, OKLAHOMA BY PROHIBITING TOBACCO USE ON CITY-OWNED PREMISES AND PROPERTIES IN GENERAL AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, on December 27, 2012, the City Council of the City of McAlester, Oklahoma held a public hearing and voted to approve and enact Ordinance number 2447 that amended Sections 54-48. to Article III, Chapter 54, of the Code of the City of McAlester, Oklahoma by prohibiting tobacco use on city-owned premises in the McAlester Code of Ordinances. Ordinance 2447 became effective 90 days from enactment.

WHEREAS, the Attorney General of the State of Oklahoma has opined (2013-2) that Municipal ordinances adopted by charter municipalities banning smoking in all outdoor areas of municipally owned or operated property, including public parks, would be in conflict with and would be superseded by the provisions of the Smoking in Public Places and Indoor Workplaces Act.

WHEREAS, based upon the legal opinion of the Attorney General of the State of Oklahoma regarding restrictions on banning smoking in all outdoor areas of municipally owned or operated property, including public parks the Council desires to reconsider the decision to enact Ordinance number 2447.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, that;

SECTION 1: PURPOSE

City Ordinance No. 2447 amending Sections 54-48 to Article III, Chapter 54, of the Code of the City of McAlester, Oklahoma by prohibiting tobacco use on city-owned premises and properties in the McAlester Code of Ordinances is hereby rescinded in its entirety.

SECTION 2: EMERGENCY CLAUSE.

That an emergency is hereby declared to exist, and for the preservation of the public peace, health and safety, by reason whereof it is necessary that all acts take effect immediately and be in full force and effect from, and after the passage and approval.

PASSED and the EMERGENCY CLAUSE ruled on separately by the CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA this 26th day of February, 2013.

CITY OF MCALESTER, OKLAHOMA
A Municipal Corporation

By: _____
Steve Harrison, Mayor

ATTEST:

Cora Middleton, City Clerk

Approved as to form and legality this _____ day of February, 2013.

By: _____
William J. Ervin, City Attorney

2013 WL 486478 (Okla.A.G.)

Office of the Attorney General
State of Oklahoma

Attorney General Opinion No. 2013-2

February 5, 2013

The Honorable Al McAffrey
State Senator
District 46
2300 N. Lincoln Blvd., Room 527A
Oklahoma City, Oklahoma 73105

Dear Senator McAffrey:

This office has received your request for an official Attorney General Opinion in which you ask, in effect, the following question:

Are municipalities prohibited by the Smoking in Public Places and Indoor Workplaces Act, (63 O.S.2011 & Supp.2012, §§ 1-1521 - 1-1527), or the provisions of Oklahoma's public nuisance statute, 21 O.S.Supp.2012, § 1247, from enacting and enforcing ordinances banning public smoking in all outdoor areas of municipally owned or operated properties, including but not limited to all outdoor areas of municipal public parks?

Your question can be answered by examining the authority of municipalities to enact ordinances to control smoking, and determining whether such ordinances would be preempted or superseded by the Smoking in Public Places and Indoor Workplaces Act or the provisions of Oklahoma's public nuisance statute. [FN1]

I.

ALL REGULATIONS, INCLUDING MUNICIPAL ORDINANCES, ENACTED TO CONTROL PUBLIC SMOKING MUST BE THE SAME AS THE PROVISIONS OF THE SMOKING IN PUBLIC PLACES AND INDOOR WORKPLACES ACT.

The Smoking in Public Places and Indoor Workplaces Act ("Smoking in Public Places Act"), 63 O.S.2011 & Supp.2012, §§ 1-1521 - 1-1527, generally regulates and prohibits smoking in specified public places and outdoor areas. Enacted by the Oklahoma Legislature in 1987, the Smoking in Public Places Act initially prohibited smoking only in designated non-smoking areas of public places and meeting places of public bodies. See 1987 Okla. Sess. Laws ch. 151, §§ 1-7. The term "public places" was initially defined to include certain indoor areas. See 1987 Okla. Sess. Laws ch. 151, § 2 (codified at 63 O.S.Supp.1987, § 1-1522).

Since the adoption of the Smoking in Public Places Act in 1987, the definition of "public places" has been amended and now means "any enclosed indoor area where individuals other than employees are invited or permitted." 63 O.S.2011, § 1-1522(6). Numerous amendments have been made to Section 1-1523 of the Smoking in Public Places

Act since it was initially enacted, resulting in broader regulation and additional prohibitions on public smoking, subject to specifically identified exceptions. In addition to public places, smoking is now also prohibited in any indoor workplace, in any vehicle providing public transportation, at any public meeting, in any licensed nursing facility, in any licensed child care facility, in any educational facility offering early childhood education or in which grades kindergarten through twelve are educated, and in any state vehicle. 63 O.S.Supp.2012, § 1-1523(A)-(B), (E).

Amendments to Section 1-1523 also include provisions prohibiting smoking in specified public outdoor facilities and areas, including any part of a zoo to which the public may be admitted, outdoor areas of specified educational facilities, and certain outdoor areas within specified distances of the entrances or exits of certain types of buildings or facilities. Id. § 1-1523(A)-(B), (G)(10). Career and technology centers are specifically authorized to designate outdoor smoking areas, so long as the areas are away from any general traffic areas and out of sight of any children under 18 years of age. Id. § 1-1523(B)(2). Section 1-1523(C) specifically authorizes public educational facilities to adopt more restrictive policies regarding smoking and tobacco use on the grounds of their facilities. The amendments further authorize commercial airport operators to prohibit outdoor smoking in public areas within 175 feet of any entrance. Id. § 1-1523(A). As a result of the amendments to Section 1-1523, the Smoking in Public Places Act now regulates or prohibits smoking in indoor and specifically identified outdoor public places and areas.

***2** Section 1-1527 of Title 63 contains a statement of legislative intent for the Smoking in Public Places Act:

The State Legislature by adopting this act *intends to preempt any other regulation promulgated to control smoking* in public places and to *standardize laws that governmental subdivisions may adopt to control smoking*. Cities and towns may enact and enforce laws prohibiting and penalizing conduct under provisions of this act, but the provisions of such *laws shall be the same as provided in this act* and the enforcement provisions under such *laws shall not be more stringent* than those of this act.

Id. (emphasis added).

The cardinal rule for construction of a statute or ordinance, to which all other rules are subordinate, is to ascertain the intention of the legislative body, which should ordinarily be done by consideration of the language of the statute or ordinance as a whole in light of its general purpose and object.

Okla. Journal Publ'g Co. v. City of Okla. City, 620 P.2d 452, 454 (Okla. Civ. App. 1979). The clear language in 63 O.S.2011, § 1-1527 identifies three objectives for the Smoking in Public Places Act, including to (1) preempt any other regulations to control smoking in public places (defined as enclosed, indoor areas); (2) “standardize laws that governmental subdivisions may adopt to control smoking”; and (3) prohibit cities and towns from enacting laws to control public smoking that are different from or more stringent than the provisions of the Smoking in Public Places Act. *Id.*

The terms “standardize” and “same” are not defined in the Smoking in Public Places Act. To better understand the limited authority granted by the Legislature to municipalities in Section 1-1527 it is necessary to define these terms. “In the absence of a contrary definition of the common words used in the act, we [the Supreme Court] must assume that the lawmaking authority intended for them to have the same meaning as that attributed to them in ordinary and usual parlance.” Riffe Petroleum Co v. Great Nat'l Corp., 614 P.2d 576, 579 (Okla. 1980). The ordinary meaning of the term “standardize” is “1: to compare with a standard 2: to bring into conformity with a standard.” WEBSTER'S NEW COLLEGIATE DICTIONARY 1125 (1981). The ordinary meaning of the term “same” is “something identical with or similar to another.” *Id.* at 1014.

Based upon the ordinary meanings of the terms “standardization” and “same” as used in Section 1-1527, municipal ordinances enacted to control smoking must be comparable and in conformity with the standards established by the Legislature in the Smoking in Public Places Act. The authority of municipalities is further limited to enacting ordinances that are identical with or similar to, and no more stringent than the provisions of the Smoking in Public Places Act. Accordingly, any municipal ordinance enacted to control public smoking that does not contain the same [FN2] provisions or standards as specified in the Smoking in Public Places Act, or contains additional requirements, conditions or prohibitions on public smoking, would be in direct conflict with the express provisions of the Smoking

in Public Places Act.

II.

STATUTORY MUNICIPALITIES ARE ONLY AUTHORIZED TO ENACT ORDINANCES THAT ARE THE SAME AS THE PROVISIONS OF THE SMOKING IN PUBLIC PLACES ACT.

***3** The term “municipality” is defined to include “any incorporated city or town.” 11 O.S.2011, § 1-102(5). There are two types of municipalities: statutory (or “non-charter”) and charter municipalities. Statutory municipalities are authorized and established by state statute. Authority for statutory municipalities to enact regulations and ordinances is granted by the Legislature:

The municipal governing body may enact ordinances, rules and regulations *not inconsistent* with the Constitution and laws of Oklahoma for any purpose mentioned in Title 11 of the Oklahoma Statutes or for carrying out their municipal functions.

11 O.S.2011, § 14-101 (emphasis added). “The power of non-charter municipalities are such as are expressly granted or necessarily implied from a statute.” Morehead v. Dyer, 518 P.2d 1105, 1107 (Okla. 1973). Under this authority a municipality may not enact ordinances inconsistent with the Smoking in Public Places Act.

According to Section 1-1527, a municipality may only enact ordinances that are the same as the provisions of the Smoking in Public Places Act. Statutory municipalities do not have the authority to enact ordinances to control smoking that are different or more stringent than the provisions of the Smoking in Public Places Act. An ordinance to ban smoking in all public outdoor areas of municipally owned or operated parks would not be the same as the provisions contained in Section 1-1523 of the Smoking in Public Places Act, and therefore, a statutory municipality would lack the authority to enact such an ordinance.

III.

ORDINANCES ENACTED BY CHARTER MUNICIPALITIES THAT CONTAIN PROVISIONS TO CONTROL SMOKING THAT ARE NOT THE SAME AS THE PROVISIONS OF THE SMOKING IN PUBLIC PLACES ACT ARE SUPERSEDED BY THE SMOKING IN PUBLIC PLACES ACT.

Charter municipalities are created by the Oklahoma Constitution and include any city with a population exceeding two thousand inhabitants that has adopted a charter “for its own government, consistent with and subject to the Constitution and laws of this State.” OKLA. CONST, art. XVIII, § 3(a). Charter municipalities are also defined in Oklahoma statutes, as “any municipality which has adopted a charter in accordance with the provisions of the Constitution and laws of Oklahoma and at the time of adoption of the charter had a population of two thousand (2,000) or more.” 11 O.S.2011, § 1-102(1).

Charter provisions serve as the organic law of the municipality and may supersede conflicting state statutes involving matters of purely local concern, but charter provisions cannot contradict state constitutional provisions and will not prevail over conflicting state statutes which concern matters of statewide public interest. See City of Tulsa v. Pub. Employees Relations Bd., 845 P.2d 872, 875 (Okla. 1990); Moore v. City of Tulsa, 561 P.2d 961, 963 (Okla. 1977); State ex rel v. Linn, 153 P. 826, 828 (Okla. 1915). “Legislative dominion over the scope of *general public concern* is by the State denied to *all* municipal governments.” Morehead, 518 P.2d at 1107 (emphasis added). Accordingly, the Legislature has reserved for itself the authority to regulate matters of general public concern or interest, and municipal ordinances conflicting with state laws governing matters of general public concern or interest will be superseded by the state laws.

***4** If an ordinance adopted by the charter municipality conflicts with state law, we must first determine whether the ordinance relates to a matter of purely local (or municipal) concern, or a matter of general public concern or interest.

“When both the Legislature and a home rule municipality have passed regulations in the same area, the test the municipal ordinance must survive in order to supersede the statute depends upon whether the power being exercised is purely municipal, or whether there is a wider public interest involved.” Hampton v. Hammons, 743 P.2d 1053, 1060 (Okla. 1987).

An ordinance adopted by a charter municipality involving a matter of purely municipal (or local) concern will supersede any conflicting state statutes. State v. City of Moore, 818 P.2d 889, 898 (Okla. 1991). “Matters found to be of local concern in Oklahoma include: removal of a municipal judge, off-street parking, recall elections of municipal officers, widening of a state highway within city limits, and the form of city government a municipality adopts.” Hampton, 743 P.2d at 1060 (footnotes omitted). Compensation paid to a mayor and council members has also been determined to be a matter of municipal concern in which the charter provisions would prevail over the statutory law. City of Moore, 818 P.2d at 898.

Ordinances enacted by charter municipalities will not prevail over conflicting state statutes regulating matters of general, public concern. Pub. Employees Relations Bd., 845 P.2d at 875. State laws intended to operate throughout the State, such as laws relating to gambling and prostitution, have been determined to relate to matters of general, public concern in which every citizen of the State has an interest. Linn, 153 P. at 829. State laws relating to arbitration and collective bargaining rights have been determined to relate to matters of general, public concern. See Pub. Employees Relations Bd., 845 P.2d at 875.

One of the objectives expressed by the Legislature in adopting the Smoking in Public Places Act was to standardize all laws that governmental subdivisions may adopt to control smoking. 63 O.S.2011, § 1-1527. The standardization of laws that governmental subdivisions of the State may adopt to control smoking addresses a wider public concern rather than a purely municipal concern. Accordingly, since the Smoking in Public Places Act regulates a matter of general, public concern, any ordinances enacted by charter municipalities to control smoking within their jurisdictions must be the same as the provisions of Section 1-1523, and may not contain provisions prohibiting or penalizing smoking that conflict with, or are different from the provisions of the Smoking in Public Places Act.

Ordinances enacted by charter municipalities that contain provisions that conflict with the Smoking in Public Places Act are superseded by the state statutes. Pub. Employees Relations Bd., 845 P.2d at 875. An ordinance and state statute will only be characterized as conflicting with each other if they contain express or implied conditions that are inconsistent and irreconcilable with one another. Hampton, 743 P.2d at 1059-60; City of Moore, 818 P.2d at 898. “There is no conflict if one is silent on the issue and the other speaks to it.” City of Moore, 818 P.2d at 898. Since Section 1-1527 mandates that all municipal laws enacted to prohibit public smoking be the same as, and no more stringent than the provisions of the Smoking in Public Places Act, ordinances enacted by charter municipalities that contain additional, or different prohibitions, restrictions, conditions or penalties on public smoking than adopted by the Legislature in Section 1-1523 would conflict with the provisions of the Smoking in Public Places Act.

*5 The Legislature was not silent on the issue of the locations within the State of Oklahoma where smoking is prohibited, and specifically addressed public indoor and outdoor areas where smoking is prohibited in Section 1-1523. The places and areas where smoking is prohibited include some specific indoor and outdoor public areas that are owned or operated by municipalities. However, Section 1-1523 does not prohibit smoking in *all* outdoor areas of municipally owned or operated properties and does not prohibit smoking in outdoor areas of public parks. See *id.*

Because the Legislature specified the indoor and outdoor places and areas where it intended to control or prohibit public smoking, including municipally owned and operated places and areas, an ordinance adopted by a charter municipality that broadens the scope of Section 1-1523 by prohibiting smoking in additional or different places and areas would represent an irreconcilable conflict with the Smoking in Public Places Act. Therefore, a municipal ordinance, enacted by a charter municipality banning smoking in all outdoor areas of municipally owned or operated properties including public parks would conflict with and be superseded by the provisions of the Smoking in Public Places Act.

IV.

OKLAHOMA'S PUBLIC NUISANCE STATUTE

You also ask whether municipalities are prohibited by the provisions of Oklahoma's public nuisance statute, 21 O.S.Supp.2012, § 1247, from enacting and enforcing ordinances banning public smoking in all outdoor areas of the municipally owned or operated properties, including but not limited to, all outdoor areas of municipal public parks. However, since we have determined in this Opinion that the provisions of the Smoking in Public Places Act supersede municipal ordinances enacted to control public smoking in outdoor areas of municipally owned and operated properties, it is unnecessary to address the impact of the public nuisance statute on municipal ordinances enacted to control smoking.

It is, therefore, the official Opinion of the Attorney General that:

1. The Oklahoma Legislature has acted to establish and standardize regulations to control public smoking by establishing the Smoking in Public Places and Indoor Workplaces Act, 63 O.S.2011 & Supp.2012, §§ 1-1521 through 1-1527.
2. The Smoking in Public Places and Indoor Workplaces Act prohibits smoking in enclosed indoor public places subject to specific exceptions, and in specifically identified outdoor public areas. 63 O.S.Supp.2012, § 1-1523.
3. The regulations established by the Legislature to control public smoking relate to a matter of general, statewide, public concern, and neither statutory municipalities nor charter municipalities have the authority or power to enact or enforce ordinances that conflict with the provisions of the Smoking in Public Places and Indoor Workplaces Act. See 63 O.S.2011, § 1-1527.
4. A municipal ordinance, whether enacted by a statutory municipality or a charter municipality, banning smoking in all outdoor areas of municipally owned or operated property, including outdoor areas of public parks, would conflict with the regulations to control smoking adopted by the Legislature, since the Smoking in Public Places and Indoor Workplaces Act does not prohibit smoking in all outdoor areas of municipally owned or operated property, including public parks. See 63 O.S.2011, § 1-1527.
- *6 5. Municipal ordinances adopted by statutory municipalities or charter municipalities banning smoking in all outdoor areas of municipally owned or operated property, including public parks, would be superseded by the provisions of the Smoking in Public Places and Indoor Workplaces Act. See 63 O.S.2011, § 1-1527.

E. Scott Pruitt
Attorney General of Oklahoma

Kimberly Heaton
Assistant Attorney General

[FN1]. Your original Opinion request includes four questions; however, the questions have been consolidated into one as the answer to the consolidated question resolves all issues. *See* letter from Al McAffrey, Oklahoma State Senator, to E. Scott Pruitt, Attorney General of Oklahoma (Oct. 10, 2012) (on file with author).

[FN2]. A previous Attorney General Opinion, A.G. Opin. 87-121, addressed the language in Section 1-1527, concluding that municipal regulations relating to public smoking, must "mirror" the provisions of the Smoking in Public Places Act and the properly adopted rules of the State Board of Health. *Id.* at 237. The Smoking in Public Places Act does not contain the word "mirror," but for purposes of this Opinion, we consider the term "mirror" as used in A.G. Opin. 87-121 and the word "same" as used in the Smoking in Public Places Act to have identical meaning.

2013 WL 486478 (Okla.G.)

END OF DOCUMENT

Pamela Kirby

From: Lott, Karlita I. [KarlitaL@health.ok.gov]
Sent: Thursday, February 07, 2013 3:22 PM
To: Pamela Kirby
Subject: FW: AG Opinion on Tobacco-Free City Property (and Parks)
Importance: High
Attachments: AAG Letter on Tobacco Free Parks.PDF; 2013-2.pdf

Dear Grantees, Colleagues, and Partners,

On Tuesday, the Attorney General's office issued a legal opinion on whether cities are prohibited by state statute from enacting and enforcing ordinances banning public smoking in all outdoor areas of municipally owned or operated properties, including but not limited to municipal public parks.

In the opinion (attached file 2013-2) written by Assistant Attorney General Kimberly Heaton and approved by Attorney General Scott Pruitt, the opinion stated that municipal ordinances banning smoking in all outdoor areas of municipally owned or operated property, including outdoor areas of public parks would "conflict with the regulations to control smoking adopted by the Legislature."

In the past we were operating on the information provided in a letter from Assistant Attorney General Jan Preslar to Representative Ortega on August 16, 2010 (also attached) which stated that the Smoking in Public Places and Indoor Workplaces Act did not pertain to outdoor spaces. This week's official opinion provides a different interpretation.

Since the state law does not specifically limit smoking in "municipal parks or city-owned property" the measures already in place to protect children and families from exposure to secondhand smoke in community parks and other public places could be eroded. However, there is pending legislation this session that may clarify this section of law and support the protections in place.

We understand the opinion may have an impact on pending applications for Healthy Communities Incentive Grants and other tobacco control work in your communities. We're exploring solutions and will stay in close communication as we learn more.

At this time, we are not actively seeking media attention on the Attorney General's opinion. We're contacting you to make you aware of the new Attorney General's opinion so you can help keep your city leaders abreast of the opinion, particularly those that might have ordinances planned in the near future and the champions you've worked with on this issue in the past.

Program Consultant will be contacting grantees today to discuss any questions or concerns or feedback you may have.

To be clear, the opinion states that the law does not prohibit the mirroring ordinances passed by communities on Clean Indoor Air; it only impacts the ordinances related to outdoor areas or others not specifically addressed in the Smoking Public Places and Indoor Workplaces Act.

Your hard work was accomplished in good faith and communities have stepped up to protect the health of their citizens. In the process, your communities have had a deliberate discussion of the issues and the

02/21/2013

residents and community leaders have been educated about the harms of secondhand smoke, and what it will take to reduce tobacco use in our state. I have no doubt your work is changing the social norms around tobacco use.

We'll continue to work together to help communities take action to improve health and keep the lines of communication open about possible solutions.

All the best,
Tracey

Tracey Strader, MSW
Executive Director

Oklahoma Tobacco Settlement Endowment Trust

3800 N. Classen Blvd., Suite 200

Oklahoma City, OK 73118

Phone: 405-521-3876

Mobile: 405-850-9220

Fax: 405-525-6104

www.tset.ok.gov





City Manager Report to the Council

February 26, 2013

Business

- The Council was alerted to the anticipated shortfall in revenues at the last City Council meeting. Based on our most recent information available we are projecting a \$1.17M shortfall in revenues at the end of the fiscal year, June 30, 2013. All major revenue accounts (sales tax, oil/gas leases, water sales, water district sales) are significantly below budget. I have attached the latest revenue projections for your review. These numbers are based on information through January 31, 2013 and projected to the end of the fiscal year. To date, staff has identified approximately \$900K in budget reductions for expenditures. The goal is to reduce our expenditures to meet our reduced revenues and maintain minimal disruption to the community and citizens of McAlester. Because we are late in the fiscal year, we are moving quickly to solve this problem and balance the budget.
- The City **had** scheduled the pre-construction meeting on the Residual Handling Project at the Water Treatment Plant for February 20, 2013. The contractor was involved in an accident on his way to McAlester and the meeting has been postponed. We will advise the Council of the re-scheduled meeting date in the future.
- Jerry Lynn Wilson and Kathy Wall teamed up with the McAlester Chamber of Commerce to bring GamePlan Oklahoma to our community. GamePlan Oklahoma is an organization that focuses on bringing sporting events to communities. The following events have been scheduled for the EXPO in the upcoming months:
 1. April 6th. & 7th. – AAU Youth Basketball Tournament hosting 45 teams registered.
 2. April 13th. & 14th. – AAU Youth Basketball Tournament hosting 45 teams registered.
 3. May 4th. & 5th. – NBA Training Camp featuring the trainer for Koby Bryant, L.A. Lakers.
 4. May 11th. & 12th. – AAU Youth Basketball Tournament hosting 40 teams registered.
 5. June 1st. & 2nd. – AAU Youth Basketball Tournament hosting 40 teams registered.

Labor Issues:

- Fraternal Order of Police (FOP)
 - The arbitration hearing on Officer Munholland's reprimand was heard on January 9, 2013. A decision will be rendered in the near future.
 - Grievance 11-15-12: New Evaluation System. This relates to measuring the activity or work of our Police Officers.
 - The FOP has requested negotiations for the 2013-2014 fiscal year. The initial meeting has been re-scheduled for March 8, 2013.
 - **No new grievances received since the last report.**
- International Association of Fire Fighters (IAFF)

The following grievances were mediated on February 12, 2013:

1. Mandatory Respirator Evaluation & Fit Test for SCBA mask.
The IAFF and the City will be working on verbage to the CBA for implementation.
2. Stopping Payment of Training Incentives
Settled
3. Lt. Guthrie Station Assignment
Settled
4. Minimum Complement
IAFF and the City will move this to grievance arbitration.
5. Colt Sanders Curfew
Settled
6. Colt Sanders Training Class
Settled

The remaining grievances will be mediated at the next scheduled meeting on March 30, 2013.

7. Code of Conduct
8. Incentive Pay
9. Incentive Pay Retro
10. Holiday Pay

- Grievance with Arbitration Requested 11-26-12: Facial Hair. This relates to the SCBA face mask being tightly sealed to the face. **The IAFF and the City will be working on verbage to the Rules and Regulations for implementation.**
- Grievance with Arbitration Requested 11-26-12: Hours Worked per Pay Period. This relates to the 27 day work cycle for Firefighters.
- Grievance with Arbitration Requested 11-26-12: Duty Exchange. This relates to Fire Recruits being allowed Duty Exchange during the probationary period.
- **No new grievances received since the last report.**
- The IAFF has requested negotiations for the 2013 – 2014 fiscal year. **The IAFF has been given a list of dates that Staff is available to meet. A date has not been determined for negotiations at this time.**

Miscellaneous:

- Attended the Eagle Med ribbon cutting ceremony at the McAlester Regional Airport on February 15, 2013.

Waiver of Fees:

- N/A

Water Break Adjustments:

- 3003 N. Main, repairs verified, billing adjustment \$91.81.

Monthly Reports:

- Grant application update.

Upcoming Events:

- February 21st, 22nd, & 23rd. – OSSAA Class A Basketball Tournament.
- March 8th, 9th, & 10th. – Fishing and Hunting Expo at the EXPO Center.

**CITY OF MCALESTER
REVENUE PROJECTIONS
PERIOD ENDING 06/30/13**

GENERAL FUND	<u>BUDGET</u> <u>2012/2013</u>	<u>YTD</u> <u>01/31/2013</u>	<u>PROJECTED</u> <u>06/30/2013</u>	<u>(UNDER) OVER</u> <u>06/30/2013</u>
Sales Tax Receipts	\$ 8,185,300	\$ 4,627,555	7,932,951	\$ (444,257)
Use Tax	590,600	423,081	725,281.71	134,682
Gas Tax	52,400	20,152	34,546.29	(17,854)
Auto Tax	124,100	77,062	132,106.29	8,006
Franchise Tax	602,394	332,776	570,473.14	(31,921)
Alcohol Tax	122,300	76,414	130,995.43	8,695
Tobacco Tax	214,200	109,044	186,932.57	(27,267)
Licenses & Permits	86,000	69,538	119,208	33,208
Court Costs	251,200	171,564	294,109.71	42,910
Ambulances	457,900	235,631	403,938.86	(53,961)
Oil/Gas Leases	1,113,200	568,194	974,046.86	(139,153)
Chgs for Services	144,900	89,916	154,141.71	9,242
Police Fines	661,200	339,459	581,929.71	(79,270)
Miscellaneous	173,500	134,644	230,818.29	57,318
TOTAL GENERAL FUND	\$ 12,779,194	\$ 7,275,030	\$ 12,471,480	\$ (499,622)
MPWA				
Water Sales	\$ 3,868,000	\$ 2,070,827	\$ 3,549,989.14	\$ (318,011)
Water Districts	1,284,000	624,010	1,069,731.43	(214,269)
Sewer	1,755,000	992,224	1,700,955.43	(54,045)
Garbage	2,739,000	1,527,639	2,618,809.71	(120,190)
Raw Water	-	90,000	-	90,000
Other Charges	408,910	226,301	387,944.57	(20,965)
Miscellaneous	28,600	18,229	31,249.71	2,650
TOTAL MPWA	\$ 10,083,510	\$ 5,549,230	\$ 9,358,680	\$ (634,830)
HOTEL/MOTEL REVENUE	\$ 520,000	\$ 281,695	\$ 482,905.71	\$ (37,094)
TOTAL DEPARTMENTS	\$ 23,382,704	\$ 13,105,955	\$ 22,313,066	\$ (1,171,547)

Notes:

1. Sales Tax updated thru 02/13

CURRENT

City of McAlester Grant Applications Submitted and/or In Progress - February 11, 2012

GRANT TITLE	FUNDER PROJECT	SUBMITTED	DEPT	\$REQUESTED	OUTCOME	STATUS
Bulletproof Vest Partnership	DOJ - BJA		Police	\$8,500		2012 AWARD --- OK MCALESTER CITY \$ 937.50 3 VESTS
CDBG - Small Cities 2010	HUD - Water & Sewer	-	Utilities	\$74,000	Awarded	IN PROCESS - READY TO DRAW DOWN FUNDS
CDBG - EDIF 2012	HUD - Hampel Oil	August 2012	Utilities	\$85,000	Awarded	
CDBG - Small Cities 2013						REQUESTING COUNCIL TO APPROVE APPLICATION FEBRUARY 12, 2013 MEETING
Community Wildfire Protection Plan Grant	Oklahoma Forestry Services			\$8,000	Awarded	AWARDED
Cooperative Fire Equipment Agreement Program	Dept of Agriculture USDA Forest Service Property	September 2012			Awarded	ability to receive fire equipment surplus from federal government
District Attorneys Council	2013 JAG - Law Enforcement Program	March 6, 2013	Police	\$250,000		working with Lance Sumpter, North Texas HIDTA and Rick Salter, Oklahoma representative on HIDTA Designation - funding targets HIDTA areas
2013 COMMUNITY-POLICE PARTNERSHIP AWARDS	METLIFE FOUNDATION & LOCAL INITIATIVES SUPPORT CORPORATION	March 17, 2013	Police	\$20-30,000		Excellence in Neighborhood Revitalization & Economic Vitality Five monetary awards of \$20,000 - \$30,000 will recognize exemplary collaboration between community groups and police that yields crime reduction as well as economic development outcomes, such as real estate development, business attraction and job growth.
Fire Prevention Grant	FEMA	2011	Fire	\$75,000		
Healthy Communities Incentive Grant	OK Tobacco Settlement Endowment Trust			\$25,000	Awarded	AWARDED
Highway Safety Project	Oklahoma Highway Safety	2013				
Dog Park	Petco Foundation					
Union Pacific Railroad	UPRF - SafeTrails	August 2012	Community	\$15,000	Awarded	AWARDED
Oklahoma Recreational Trails Program	Oklahoma State Parks		Trails/Parks	80% eligible costs		submitted January 31, 2013

Council Chambers
Municipal Building
February 12, 2013

The McAlester Airport Authority met in a Regular session on Tuesday, February 12, 2013, at 6:00 P.M. after proper notice and agenda was posted February 8, 2013.

Present: Weldon Smith, John Titsworth, Travis Read, Robert Karr, Buddy Garvin,
& Steve Harrison
Absent: Sam Mason
Presiding: Steve Harrison, Chairman

A motion was made by Mr. Smith and seconded by Mr. Titsworth to approve the following:

- Approval of the Minutes from the January 22, 2013 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item D, regarding claims ending February 5, 2013. *(Toni Ervin, Chief Financial Officer)* In the amount of \$2,711.31.
- Confirm action taken on City Council Agenda Item 2, approve Amendment to LBR's contract with the City of McAlester, to provide services on preliminary plans for grant from the Oklahoma Strategic Military Planning Commission. *(Mel Priddy, Community Services Director)*
- Confirm action taken on City Council Agenda Item 3, authorizing the Mayor to sign the lease agreement between the City of McAlester and the United States of America-Federal Aviation Administration Lease No. DTFACN-13-L-00151, term beginning February 1, 2013 and ending on September 30, 2022. *(Mel Priddy, Community Services Director)*
- Confirm action taken on City Council Agenda Item 4, Update, discussion and possible action to resolve status of contract FAA AIP 3-40-0057-011-012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport awarded June 26, 2012 by City of McAlester Airport Authority to Total Investment Company, Guthrie, Oklahoma. Seven months, as of January 26, 2013 have elapsed since said award. Bids on this project were received on September 2, 2011. *(Peter Stasiak, City Manager)*

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

AYE: Trustees Karr, Garvin, Smith, Titsworth, Read, & Chairman Harrison
NAY: None

Chairman Harrison declared the motion carried.

There being no further business to come before the Authority, Mr. Smith moved for the meeting to be adjourned, seconded by Mr. Titsworth.

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

AYE: Trustees Karr, Garvin, Smith, Titsworth, Read, & Chairman Harrison
NAY: None

Chairman Harrison declared the motion carried.

ATTEST:

Steve Harrison, Chairman

Cora Middleton, Secretary

Council Chambers
Municipal Building
February 12, 2013

The McAlester Public Works Authority met in a Regular session on Tuesday, February 12, 2013, at 6:00 P.M. after proper notice and agenda was posted February 8, 2013.

Present: Weldon Smith, John Titsworth, Travis Read, Robert Karr, Buddy Garvin, & Steve Harrison
Absent: Sam Mason
Presiding: Steve Harrison, Chairman

A motion was made by Mr. Smith and seconded by Mr. Karr to approve the following:

- Approval of the Minutes from the January 22, 2013 Regular Meeting of the McAlester Public Works Authority (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item D, regarding claims ending February 5, 2013. (*Toni Ervin, Chief Financial Officer*) In the amount of \$111,019.38.
- Confirm action taken on City Council Agenda Item E, Ratifying a One (1) year Lease Number 134 between City of McAlester and First National Bank for a 2006 Caterpillar D7R11WDA S/N#AEC00983 and a 2000 Al-Jon Trash Compactor S/N#13652 with all accessions and accessories. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item F, Authorizing the Mayor to sign XTO Energy, Inc. Division Order for Property No. 131528, OSP 01-25H Pittsburg County, Oklahoma. The DO is confirmation that the well has reached producing status, provides a legal description of the property and confirms the City's decimal interest in revenues. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item J, Authorizing Mayor to sign Letter of Intent to Participate in the FY 2013 Small Cities CDBG Grant Program. (*Millie Vance, Contract Grant Administrator/Peter Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item 5, authorizing the Mayor to sign a Profession Services Agreement with Aquaterra Environmental Solutions, Inc. (Aquaterra) to prepare a Gas Remediation Plan required to address gas migration issues related to GP-4 at the City of McAlester landfill. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

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

AYE: Trustees Smith, Titsworth, Read, Karr, Garvin, & Chairman Harrison

NAY: None

Chairman Harrison declared the motion carried.

There being no further business to come before the Authority, Mr. Smith moved for the meeting to be adjourned, seconded by Mr. Karr. There was no discussion and the vote was taken as follows:

AYE: Trustees Smith, Titsworth, Read, Karr, Garvin, & Chairman Harrison

NAY: None

Chairman Harrison declared the motion carried.

ATTEST:

Steve Harrison, Chairman

Cora Middleton, Secretary

The McAlester Retirement Trust Authority met in a Regular session on Tuesday, January 22, 2013 at 6:00 P.M. after proper notice and agenda was posted January 18, 2013.

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

A motion was made by Mr. Smith and seconded by Mr. Titsworth to approve the following:

- Approval of the Minutes from the December 27, 2012, Regular Meeting of the McAlester Retirement Trust Authority. (*Cora Middleton, City Clerk*)
- Approval of Retirement Benefit Payments for the Period of January, 2013. (*Toni Ervin, Chief Financial Officer*) In the amount of \$65,340.38.

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

AYE: Trustees Titsworth, Read, Karr, Garvin, Mason, Smith & Chairman Harrison
NAY: None

Chairman Harrison declared the motion carried.

There being no further business to come before the Authority, Mr. Smith moved for the meeting to be adjourned, seconded by Mr. Titsworth. The vote was taken as follows:

AYE: Trustees Titsworth, Read, Karr, Garvin, Mason, Smith & Chairman Harrison
NAY: None

Chairman Harrison declared the motion carried.

Steve Harrison, Chairman

ATTEST:

Cora Middleton, Secretary