



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, February 10, 2015 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

Steve Harrison	Mayor
Weldon Smith	Ward One
John Tittsworth	Ward Two
Travis Read, Vice Mayor	Ward Three
Robert Karr	Ward Four
Buddy Garvin	Ward Five
Jason Barnett	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

Linda Lowber, First Baptist Church

ROLL CALL

CEREMONY AND AWARDS

Employee of the Month for January 2015 is James Klembara, Meter Reader for the City of McAlester. (Steve Harrison, Mayor)

Oklahoma Municipal League, Inc. – Honor Roll of Service. *(Mayor Steve Harrison)*

Recognition of a Quarter Century of Service to the City of McAlester

Shawn Smith

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 January 27, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for January 20, 2015 through February 3, 2015. *(Toni Ervin, Chief Financial Officer)*
- C. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-03, in the amount of \$13,058.50 for Construction Management and Resident Project Representative Services related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- D. Consider and act upon, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #3, in the amount of \$153,686.53, for the construction of road and infrastructure improvements related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- E. Discussion and possible action, on approval of an agreement for mutual aid fire protection between Coalgate Fire Department/EMS, Cairo Fire Department and the McAlester Fire Department. *(Brett Brewer, Fire Chief)*
- F. Consider and place on file the Pride in McAlester 2nd Quarter Performance Report. *(Regina Peoples, Executive Director)*
- G. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 141611-KW. *(Cora Middleton, City Clerk)*

- H. Consider and act upon, authorizing the Mayor to sign Memorandum of Understanding (MOU) with the Choctaw Nation of Oklahoma. *(Peter Stasiak, City Manager)*

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. 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2014-15; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

AN ORDINANCE AMENDING CHAPTER 62, LAND DEVELOPMENT CODE, OF THE McALESTER CITY CODE BY CREATING SECTION 62-214, DOWNTOWN AND OLD TOWN LOFT APARTMENT OVERLAY DISTRICT; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.

AN ORDINANCE AMENDING CHAPTER 62, LAND DEVELOPMENT CODE, OF THE McALESTER CITY CODE BY AMENDING SECTIONS 62-203, 62-204 AND 62-205 PERTAINING TO AUTOMOBILE SALES AND SERVICE AS A PERMITTED USE IN THE C-3 GENERAL COMMERCIAL DISTRICT, C-4 RESTRICTED COMMERCIAL DISTRICT, AND C-5 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

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

Executive Summary

Annual Mayor State of the City Address.

2. Consider and act upon, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; 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.

3. Consider and act upon, an Ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by creating Section 62-214, Downtown and Old Town Loft

Apartment Overlay District; repealing all conflicting ordinances and declaring an emergency. *(Leroy Alsup, Community and Economic Development Director)*

Executive Summary

Motion to act upon and approve the above ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by creating Section 62-214, Downtown and Old Town Loft Apartment Overlay District; repealing all conflicting ordinances and declaring an emergency and authorizing the Mayor to sign the ordinance.

4. Consider and act upon, an Ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by amending Sections 62-203, 62-204 and 62-205 pertaining to automobile sales and service as a permitted use in the C-3 general commercial district, C-4 restricted commercial district, and C-5 highway commercial and commercial recreation district; repealing all conflicting ordinances and declaring an emergency. *(Leroy Alsup, Community and Economic Development Director)*

Executive Summary

Motion to act upon and approve the above ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by amending Sections 62-203, 62-204 and 62-205 pertaining automobile sales and service as a permitted use in the C-3 general commercial district, C-4 restricted commercial district, and C-5 highway commercial and commercial recreation district; repealing all conflicting ordinances and declaring an emergency and authorizing the Mayor to sign the ordinance.

5. Consider and act upon, a Memorandum of Understanding waiving or suspending the Zoning Ordinance provisions of the Sec. 62-197 single-family residential district due to peculiar or exceptional extenuating circumstances where a literal enforcement of the existing Zoning Ordinance provisions of Sec. 62-197 single-family residential district would create an unnecessary and undue hardship on the applicant and allowing the existing residential structure at 804 E Monroe to be used specifically for the Genesis Health and Beauty Salon in pursuant the provision of the terms set forth in the Memorandum of Understanding. *(Leroy Alsup, Community and Economic Development Director)*

Executive Summary

Motion to act upon and based on no affirmative recommendation from the Planning Commission, not approving the Memorandum of Understanding waiving or suspending the Zoning Ordinance provisions of the Sec. 62-197 single-family residential district allowing the existing residential structure at 804 E Monroe to be used specifically for the Genesis Health and Beauty Salon in pursuant the provision of the terms set forth in the Memorandum of Understanding.

6. Consider and act upon, accepting the bid from Vermeer Equipment in the amount of \$60,600.00 for one new and unused commercial brush chipper. *(Mel Priddy, Community Services Director)*

Executive Summary

Motion to approve request to accept the bid from Vermeer Equipment.

7. Consider and act upon, authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, PLC for the design of drainage improvements on Illinois

Avenue between Ninth Street and Tenth Street. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, Inc. for the design of drainage improvements on Illinois Avenue between Ninth Street and Tenth Street for a fee not to exceed \$31,000.

8. Consider and act upon, Change Order No. 1 to the contract with T. McDonald Construction, Inc for the construction of Second Street Improvements and authorize the Mayor to sign Change Order No. 1 resulting in the addition of five (5) days and a subtraction of \$8,950.00 to the contract amount. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve Change Order No. 1 to the contract with T. McDonald Construction, Inc. and authorizing the Mayor to sign the Change Order changing the Contract Substantial Completion to October 15, 2015 and the Contract amount to \$2,722,037.50.

9. Discussion on CDBG process, eligible projects, Public Hearing process and related CDBG rules and regulations. *(Millie Vance, Certified CDBG Grant Writer)*

Executive Summary

Discussion only.

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 January 27, 2015, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending February 3, 2015. *(Toni Ervin, Chief Financial Officer)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the January 27, 2015, Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending February 3, 2015. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item C, *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item D, *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 2, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; 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 3, an Ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by creating Section 62-214, Downtown and Old Town Loft Apartment Overlay District; repealing all conflicting ordinances and declaring an emergency. *(Leroy Alsup, Community and Economic Development Director)*
- Confirm action taken on City Council Agenda Item 4, an Ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by amending Sections 62-203, 62-204 and 62-205 pertaining to automobile sales and service as a permitted use in the C-3 general commercial district, C-4 restricted commercial district, and C-5 highway commercial and commercial recreation district; repealing all conflicting ordinances and declaring an emergency. *(Leroy Alsup, Community and Economic Development Director)*
- Confirm action taken on City Council Agenda Item 5, a Memorandum of Understanding waiving or suspending the Zoning Ordinance provisions of the Sec. 62-197 single-family residential district due to peculiar or exceptional extenuating circumstances where a literal enforcement of the existing Zoning Ordinance provisions of Sec. 62-197 single-

family residential district would create an unnecessary and undue hardship on the applicant and allowing the existing residential structure at 804 E Monroe to be used specifically for the Genesis Health and Beauty Salon in pursuant the provision of the terms set forth in the Memorandum of Understanding. *(Leroy Alsup, Community and Economic Development Director)*

- Confirm action taken on City Council Agenda Item 7, authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, PLC for the design of drainage improvements on Illinois Avenue between Ninth Street and Tenth Street. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 8, Change Order No. 1 to the contract with T. McDonald Construction, Inc for the construction of Second Street Improvements and authorize the Mayor to sign Change Order No. 1 resulting in a subtraction of \$8,950.00 to the contract amount. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

ADJOURN MPWA

RECONVENE COUNCIL MEETING

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 B.2 et seq. Oklahoma Statutes, to wit:

- Proposed executive session pursuant to 25 O.S. § 307(B)(3) for the purpose of discussing the purchase or appraisal of real property, more specifically the City's possible purchase of certain real property with an existing structure to be held for economic development purposes.

RECONVENE INTO OPEN SESSION

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this _____ day of _____ 2015 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

The McAlester City Council met in a Regular session on Tuesday January 27, 2015, at 6:00 P.M. after proper notice and agenda was posted, January 22, 2015 at 2:34 P.M.

Call to Order

Mayor Harrison called the meeting to order.

William J. Ervin, City Attorney, 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, Jason Barnett & Steve Harrison

Absent: None

Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Toni Ervin, Chief Financial Officer; Gary Wansick, Police Chief; Brett Brewer, Fire Chief; Leroy Alsup, Community & Economic Development Director; Mel Priddy, Community Services Director; William J. Ervin, Sr., City Attorney and Cora Middleton, City Clerk

Consent Agenda

- A. Approval of the Minutes from the January 13, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for January 7, 2015 through January 20, 2015. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General fund - \$112,043.42; Parking Authority - \$166.626; Nutrition - \$1,215.75; Landfill Res./Sub-Title D - \$6,760.50; Tourism Fund - \$4,652.62; SE Expo Center - \$21,200.83; E-911 - \$6,736.06; Economic Development - \$410.09; Grants & Contributions - \$1,807.00; Fleet Maintenance - \$10,611.04; Worker's Compensation - \$941.68 and CIP Fund - \$328,344.30.
- C. Concur with the Mayor's reappointment of Mr. Bill McMahan to serve on the McAlester Library Advisory Board for a term ending December, 2019. *(Steve Harrison, Mayor)*
- D. Consider and accept, the third and fourth quarter reports for Oklahomans for Independent Living. *(Pam Pulchny, Executive Director)*

- E. Discussion and possible action, on motion to approve the mutual aid agreement between Haywood-Arpelar Volunteer Fire Department and the McAlester Fire Department and authorizing the mayor to sign the agreement. *(Brett Brewer, Fire Chief)*
- F. Consider and act upon, authorization of payment to Carstensen Contracting, Inc. "Contractor's Application for Payment #1", in the amount of \$107,902.90 for the construction of road and infrastructure improvements related to CIP#2 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- G. Consider and act upon, authorization of payment to Lot Maintenance of Oklahoma, Inc., Invoice # 033396, in the amount of \$17,900.00, for video of sewer mains in Sixth Street and South Avenue, related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- H. Consider and act upon, a request by Eastern Oklahoma State College – GEAR UP Program to partner with them for the rental fee in the amount of \$945.00 for the use of the Expo Center on March 10-12, 2015. *(Jerry Lynn Wilson, Expo Center Manager)*

Vice-Mayor Read requested that item "E" be removed for individual consideration.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve Consent Agenda items "A through D and F through H". There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Items Removed from Consent Agenda

- E. Discussion and possible action, on motion to approve the mutual aid agreement between Haywood-Arpelar Volunteer Fire Department and the McAlester Fire Department and authorizing the mayor to sign the agreement. *(Brett Brewer, Fire Chief)*

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve Consent Agenda item "E".

Before the vote, Vice-Mayor Read inquired about the agreement not having an expiration date and if the Council could approve an agreement like that.

Attorney Ervin commented that without an expiration date it was limited to one (1) year.

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

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to open a Public Hearing to address an Ordinance amending the FY 2014-2015 Operating Budget. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:05 P.M.

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. 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2014-15; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

There were no comments from the Council or citizens present. A motion was made by Vice-Mayor Read and seconded by Councilman Smith to close the Public Hearing. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:06 P.M.

Scheduled Business

1. Discussion and possible action, with respect to a refunding opportunity pertaining to the Authority's Utility System Revenue Bonds, Series 2002 and calling an election for such purpose and other provisions related thereto. *(Peter Stasiak, City Manager)*

Executive Summary

Discussion and possible action to call an election for refunding purposes for the Revenue Bonds, Series 2002.

Manager Stasiak addressed the Council reminding them that the City had success with previous refinancing of some of the City's bonds. He commented that Jon Wolff and Allan Brooks were in attendance to review possibilities of the City refinancing another of its bonds.

Jon Wolff, Municipal Finance Services, Inc. addressed the Council and distributed a small packet of information. During his review Mr. Wolff reminded the Council that the over the last three (3) to four (4) years the City had been successful in its' refinancing of the 2003 and 1999A Bonds with lower interest rates and providing the City with tremendous savings with out extending any of the terms for the refinanced bonds.

During Mr. Wolff's review there was discussion concerning the bonds that were callable, the interest rates that had been obtained in the past, the savings that the City had been able to acquire for the previous refinancing, the amount that the City would have to refinance, the cost of the refinancing, the potential savings for the City if a lower interest rate could be found, not extending any terms, some financial institutions offering a locked interest quote, if other communities were faced with financial issues similar to McAlester's issues and scheduling a special meeting to address this issue as soon as possible.

Mayor Harrison thanked Mr. Wolff for his information and then called a special meeting for Tuesday, February 3, 2015 at 5:30 P.M.

There was no vote on this item.

2. Consider and act upon, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; 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.

ORDINANCE NO. 2527

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2014-15; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve **ORDINANCE NO. 2527**, amending fiscal year 2014-2015 operating Budget.

Before the vote, CFO Ervin addressed the Council to review the Budget amendment. CFO Ervin explained that this was the mid-year budget amendment and that it would appropriate funds for three (3) new Police Department vehicles, a slide for Jeff Lee pool, a Fire Department Support vehicle, the 9th and Illinois Drainage project, new Police Department service weapons, a PSO Economic Development Grant, an ISO compliant generator for E-911, donations that had been received, and final payroll and severance for the former Water Treatment Plant employees that had transitioned to Severn Trent employment.

After a brief discussion among the Council concerning where the new generator would go, the size of the new generator and what powered the new generator, the vote was taken as follows:

AYE: Councilman Smith, Read, Garvin, Barnett, Titsworth, Karr & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried.

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

AYE: Councilman Read, Karr, Barnett, Smith, Titsworth, Garvin & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried

3. Discussion and presentation of the Mid-Year Review of Fiscal year 2014-2015. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Mid-Year Review of Fiscal year 2014-2015.

Manager Stasiak addressed the Council explaining that the Mid-Year Budget Review would be presented tonight. He stated that they had heard during the audit presentation that the City's financials were in good condition. He commented on the projects that had been completed during the last six (6) to seven (7) months. He then reviewed some of the projects that were planned for the future.

CFO Ervin addressed the Council stating that the City was in a positive financial position and that this was due to the constant management of the budget. She explained the various fund balances and the appropriations that were made from those balances. She added that the State of Oklahoma was the only state that was financed almost entirely by sales tax. She compared current numbers to last year's numbers. She stressed that with proper monitoring of both the General Fund and the MPWA Fund the budget should carry through to the end of the year without any major problems. She reviewed some of the Capital purchases that the City had been able to complete or budget for during this fiscal year.

Manager Stasiak commented that the beginning Fund balances were a result of the Directors being very careful and watchful of their budgets.

There was no action on this item.

4. Accept and place on file, the Status Report for the McAlester Public Works Authority's "Water System Operation and Maintenance Agreement" with Severn Trent Environmental Services., Inc. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Accept the Status Report on the McAlester Public Works Authority's "Water System Operation and Maintenance Agreement" with Severn Trent Environmental Services., Inc.

Director Modzelewski addressed the Council informing them that part of the agreement with Severn Trent was that they furnish the City with quarterly status reports. He added that they now could measure the amount of water that was coming into the water plant. He commented on the Consent Orders they were working with the City to resolve those issues. He then introduced Jake Walton Severn Trent's Project Manager.

Mr. Walton addressed the Council introducing several members of the Severn Trent management. He then reviewed some of the issues addressed in the status report. Among those issues Mr. Walton informed the Council that the Motor Control Center that controls the High Service Pumps continued to be problematic and he reviewed a few possible fixes for this issue. He informed the Council that the TTHM samples for this quarter had all been in compliance but it would take several good quarters to get the average into compliance.

During Mr. Walton's review there was discussion with the Council concerning the number of pumps that were in use at the water treatment plant, a possible study of the City's water source to see if that could be a contributing factor, addressing the sludge issue at the Water Treatment Plant, the age of the Plant, looking at when it becomes more feasible to consider building a new plant versus the continued repair of the current plant, the water levels in the storage tanks contributing to the continued water quality issues, the water line relocation around the lake and still having room for improvement.

Councilman Smith moved to accept and place on file, the Status Report for the McAlester Public Works Authority's "Water System Operation and Maintenance Agreement" with Severn Trent Environmental Services., Inc. The motion was seconded by Vice-Mayor Read. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider and act upon, authorizing the Mayor to sign an Agreement for Engineering Services with Tetra Tech for the preparation of an engineering computer model of the City's water distribution system. This computer model will be used in conjunction with the Corrective Action Plan being proposed to meet the requirements of a Consent Order issued by the Oklahoma Department of Environmental Quality. (*John Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign an Agreement for Engineering Services with Tetra Tech for the preparation of an engineering computer model for the fee of \$35,000.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to authorize the Mayor to sign an Agreement for Engineering Services with Tetra Tech for the preparation of an engineering computer model of the City's water distribution system. This computer model will be used in conjunction with the Corrective Action Plan being proposed to meet the requirements of a Consent Order issued by the Oklahoma Department of Environmental Quality.

Before the vote, Director Modzelewski addressed the Council commenting that on September 11, 2007, the Oklahoma Department of Environmental Quality had issued Consent Order, Case No. 07-233, to the McAlester Public Works Authority. He explained that paragraph eighteen (18) of the Consent Order included four (4) Tasks that had to be completed by the City. He informed the Council that three (3) of the four (4) tasks had been completed and the last task remained unresolved. Director Modzelewski explained that this agreement with Tetra Tech would allow them to prepare an engineering computer model of the City's water distribution system. He added that this was the first of three (3) phases needed to prepare the model, calibrate it, analyze the system and install supporting software.

There was discussion among the Council and Srini Sundaramoorthy, Senior Project Coordinator concerning the average age of the water in the distribution system, if the City had too much storage, how the City could address the problem, and if the model would have to be completed before it could be used.

Mayor Harrison commented that the contract had three (3) phases with separate costs. He asked if there was anything that restricted this agreement to Phase A only and he wanted to verify what he was being authorized to sign.

There was a brief discussion among the Council and Attorney Ervin concerning the language in the agreement, the scope of services restricting the agreement to phase A, and how to clarify that only phase A would be authorized.

Attorney Ervin suggested adding the restriction to this agreement in the Scope of services by restricting it to Phase A. Mayor Harrison asked if the Council would to with the recommended changes rather than seeing the changed version. Both Councilman Smith and Vice-Mayor Read indicated that they were fine with an amendment to the motion.

Mayor Harrison restated the motion to say "authorize the Mayor to sign an Agreement for Engineering Services with Tetra Tech for the preparation of an engineering computer model of the City's water distribution system, after striking Phase B and C from exhibit B". There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

New Business

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that there would be a continued Board of Adjustment meeting this Thursday at 4:00 P.M. concerning the variance for the Cinema 69 parking, the City was working with the Choctaw Nation to develop a trail system at lakes Talawanda 1 and 2, Thursday at 6:00 P.M. was the Mercy Clinic Celebration at the Grand Event Center honoring Dr. Lewis and lastly Jennifer Santino had received her Certified Flood Plane Managers certification.

Remarks and Inquiries by City Council

Councilman Barnett, Garvin, Titsworth and Smith did not have any comments for the evening.

Councilman Karr informed the Council that the Choctaw Nation District 11 Stick Ball team would be practicing on Sunday at 2:00P.M. in the Hutchison Park field.

Vice-Mayor Read expressed his appreciation for the work that the Finance Department had been doing.

Mayor's Comments and Committee Appointments

Mayor Harrison thanked Vice-Mayor Read for chairing the last Council meeting during his absence.

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 Vice-Mayor Read. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Barnett, Titsworth, & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:45 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:47 P.M.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to recess the Regular Meeting for an Executive Session pursuant to Title 25, Sec. 307 (B) (4) for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly:

- a. City of McAlester vs Randy Green (suit)
- b. City of McAlester vs Austin Paving (claim)
- c. Katcon, Inc. vs City of McAlester (suit)
- d. Fender vs Munholland (suit)

- e. Wagner vs City of McAlester (suit)
- f. Davis vs City of McAlester (claim)
- g. Two Way Properties vs City of McAlester (suit)

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

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:48 P.M.

Executive Session

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

- Proposed executive session pursuant to Title 25, Sec. 307 (B) (4) for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly:
 - h. City of McAlester vs Randy Green (suit)
 - i. City of McAlester vs Austin Paving (claim)
 - j. Katcon, Inc. vs City of McAlester (suit)
 - k. Fender vs Munholland (suit)
 - l. Wagner vs City of McAlester (suit)
 - m. Davis vs City of McAlester (claim)
 - n. Two Way Properties vs City of McAlester (suit)

Reconvene into Open Session

The Regular Meeting was reconvened at 8:21 P.M. Mayor Harrison reported that the Council had recessed the Regular Meeting for an Executive Session for an Executive Session pursuant to Title 25, Sec. 307 (B) (4) for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly:

- o. City of McAlester vs Randy Green (suit)
- p. City of McAlester vs Austin Paving (claim)
- q. Katcon, Inc. vs City of McAlester (suit)
- r. Fender vs Munholland (suit)
- s. Wagner vs City of McAlester (suit)
- t. Davis vs City of McAlester (claim)
- u. Two Way Properties vs City of McAlester (suit)

Only that matter was discussed, no action was taken and the Council returned to open session at 8:21 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. The motion was seconded by Vice-Mayor Read.

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

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 8:21 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk

CLAIMS FROM

January 20, 2015

Thru

February 3, 2015

PACKET: 12458 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 01 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-1	MISC VENDOR					
	LARRY SUTTON	I-201501247010	01 -5548207	CLOTHING ALLO LARRY SUTTON: REIMB BOOT ALLOW	072479	100.00
	JEREMY LEWIS	I-201501247011	01 -5865207	CLOTHING ALLO JEREMY LEWIS: REIMB BOOT ALLOW	072480	100.00
	TIMMY ADAMS	I-201501267013	01 -5865207	CLOTHING ALLO TIMMY ADAMS: REIMB BOOT ALLOW	072481	100.00
	BJ BOATRIGHT	I-201502027035	01 -5542331	EMPLOYEE TRAV BJ BOATRIGHT: TRAVEL EXP	072482	154.10
	ALBERT SMITH	I-201502037045	01 -5548207	CLOTHING ALLO ALBERT SMITH: BOOT ALLOWANCE	072485	100.00
01-A00026	AT & T LONG DISTANCE					
		I-201501207001	01 -5215315	TELEPHONE UTI PHONE EXP-LONG DISTANCE	072390	51.55
01-A00267	AIRGAS, INC					
		I-9035584287	01 -5432202	OPERATING SUP EMS SUPPLIES & OXYGEN	072487	301.44
01-A00362	VYVE BROADBAND					
		I-201501207000	01 -5431328	INTERNET SERV INTERNET SVS-FIRE STATION #2	072391	62.95
		I-201501277019	01 -5547328	INTERNET SERV INTERNET SVS-OAK HILL CEMETERY	072469	59.95
		I-201501277019	01 -5431328	INTERNET SERV INTERNET SVS-FIRE EMER RESP	072469	62.95
		I-201501277019	01 -5865328	INTERNET SERV INTERNET SVS-CENTRAL GARAGE	072469	83.05
01-A00500	AMERICAN MUNICIPAL SERV					
		I-23296	01 -2105	COLLECTION AG COURT COLLECTION FEES-DEC 2014	072490	7,022.00
01-A00720	ART'S CUSTOM FRAMING					
		I-4472	01 -5210202	OPERATING SUP PROCAMATION EXPENSE	072491	80.75
01-A00751	ATWOODS					
		I-2401/9	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072492	84.89
		I-2411/9	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072492	12.60
		I-2419/9	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072492	22.97
		I-2429/9	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072492	20.20
		I-2435/9	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072492	33.97
		I-2441/9	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072492	102.90
		I-2443/9	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072492	8.33
		I-2444/9	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072492	7.17
		I-2447/9	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072492	124.75
01-B00089	BANK OF OKLAHOMA					
		I-5084693	01 -5547308	CONTRACTED SE CEM CARE FUND ADMIN FEE	072494	368.02
01-B00180	UNION IRON WORKS, INC.					
		I-51838036.001	01 -5548203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072496	74.31
		I-51839110.001	01 -5548203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072496	12.05
01-B00380	BOARD OF TEST FOR ALCOH					
		I-3327	01 -5321331	EMPLOYEE TRAV INTOXILYZER RE-CERT	072498	12.00
01-B00490	BRIGGS PRINTING					
		I-53833-2	01 -5652202	OPERATING SUP LICENSE & REG. CARDS	072499	32.50
		I-54378-3	01 -5652202	OPERATING SUP LICENSE & REG. CARDS	072499	32.50

PACKET: 12450 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 01 GENERAL FUND

VENDOR	NAME	ITEM #	G/I. ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-B00490	BRIGGS PRINTING		continued			
		I-54772-2	01 -5652202	OPERATING SUP LICENSE & REG. CARDS	072499	32.50
		I-63007	01 -5215202	OPERATING SUP BUSINESS CARDS-SAFETY OFF	072499	54.00
01-B00640	SPORT SUPPLY GROUP, INC					
		I-96641193	01 -5542203	REPAIRS & MAI STRAPS FOR TENNIS NETS	072500	62.94
01-C00149	CANON FINANCIAL SERVICE					
		I-14555686	01 -5215312	EQUIPMENT REN MONTHLY COPIER LEASE	072501	856.37
01-C00167	CARL MARSHALL					
		I-201502027041	01 -5544308	CONTRACT LABO BASKETBALL REFEREE FEE-6 GAMES	072502	150.00
01-C00496	CLAYTON PINSON					
		I-201502027039	01 -5544308	CONTRACT LABO BASKETBALL REFEREE FEE-6 GAMES	072504	150.00
01-C00662	CONSOLIDATED PLASTICS C					
		I-7499534	01 -5542203	REPAIRS & MAI FLOOR MATS FOR KITCHEN	072506	380.05
01-C00664	CONSTRUCTION INDUSTRIES					
		I-14-01504	01 -5652330	DUES & SUBSCR APPRENTICE LIC. FEE-ELECT	072507	25.00
01-C00669	CONTINENTAL RESEARCH CO					
		I-415196-CRC-1	01 -5548203	REPAIRS & MAI DEGREASER & TUBE OIL	072508	406.00
01-C00840	CRAWFORD & ASSOCIATES P					
		I-8738	01 -5215302	CONSULTANTS CONSULTANT FEES	072510	4,064.74
01-D00097	DASH MEDICAL GLOVES, IN					
		I-INV0905558	01 -5432202	OPERATING SUP EMS MEDICAL SUPPLIES	072511	287.60
01-D00231	DELANE ARRINGTON					
		I-201502037047	01 -5548207	CLOTHING ALLO REIMB BOOT ALLOWANCE	072597	100.00
01-E00260	ERIC BOLDING					
		I-201502027040	01 -5544308	CONTRACT LABO BASKETBALL REFEREE FEE-3 GAMES	072513	75.00
01-E00266	ERVIN & ERVIN ATTORNEYS					
		I-201502027025	01 -5214302	CONSULTANTS CONTRACT LEGAL SVS-FEB 2015	072476	3,125.00
01-F00020	FAITH MARKETING SOLUTION					
		I-0014007233	01 -5321332	COMMUNITY SER POLICE PROMOTION SUPPLIES	072514	149.74
		I-0014007234	01 -5321332	COMMUNITY SER POLICE PROMOTION SUPPLIES	072514	86.96
01-F00112	FINLEY & COOK, PLLC					
		I-S10007141	01 -5215301	ADDDITING ANNUAL AUDIT FEE	072516	500.00
01-F00141	FIRE STORE					
		I-R1255357	01 -5431207	CLOTHING ALLO CLOTHING ALLOWANCE	072517	58.98

PACKET: 12458 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 01 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-F00141	FIRE STORE					
				continued		
		I-E127011-001	01 -5431207	CLOTHING ALLO CLOTHING ALLOWANCE	072517	207.50
		I-E1270111	01 -5431207	CLOTHING ALLO CLOTHING ALLOWANCE	072517	372.99
		I-E1270111.002	01 -5431207	CLOTHING ALLO CLOTHING ALLOW-BADGES	072517	69.00
		I-E1270155.001	01 -5431207	CLOTHING ALLO CLOTHING ALLOW-BADGES	072517	356.50
		I-E1270155.002	01 -5431207	CLOTHING ALLO CLOTHING ALLOW-BADGES	072517	345.00
		I-E1300751	01 -5431204	SMALL TOOLS FIREFIGHTING GEAR & EQUIP	072517	560.90
		I-E1303422	01 -5431204	SMALL TOOLS FIREFIGHTING GEAR & EQUIP	072517	69.96
01-G00010	G & C RENTAL CENTER, IN					
		I-32092	01 -5547203	REPAIRS & MAI EQUIPMENT RENTAL FEE	072519	271.49
01-G00089	GEOA-GOVT FINANCE OFFIC					
		I-14-01450	01 -5211330	DUES & SUBSCR MEMBERSHIP FEES	072520	150.00
01-G00130	GALL'S, AN ARAMARK CO.,					
		I-002922613	01 -5324207	CLOTHING ALLO CLOTHING ALLOWANCE	072521	37.62
		I-RC0126079	01 -5431203	REPAIRS & MAI SIREN & LIGHT CONTROLS	072521	292.98
01-G00494	GT DISTRIBUTORS, INC					
		I-INV0521494	01 -5321207	CLOTHING ALLO (4) GLOCK PISTOLS	072524	483.20
01-100049	IDEAL CLEANING					
		I-201502037043	01 -5548308	CONTRACTED SE MONTHLY CLEANING SERVICE	072526	1,515.00
01-100061	RICOH USA, INC.					
		I-5034339740	01 -5321308	CONTRACTED SE POLICE COPIER MAINT FEE	072527	329.10
01-100110	IMPRESS OFFICE SUPPLY					
		I-037237	01 -5215202	OPERATING SUP OFFICE SUPPLIES	072528	3.14
		I-037255	01 -5215202	OPERATING SUP OFFICE SUPPLIES	072528	6.82
01-100120	TYLER TECHNOLOGIES					
		I-025-114929	01 -5213336	FEES MONTHLY SUPPORT FEES-COURT	072529	200.00
		I-025-114929	01 -5225349	SOFTWARE MAIN MONTHLY SUPPORT FEES-IT	072529	220.50
01-100200	INTERNAL REVENUE SERVIC					
		I-14-01442	01 -5215302	CONSULTANTS 2012 1099 ASSESSMENT	072530	3,250.00
01-J00121	JAMESCO ENTERPRISES, LL					
		I-9470	01 -5431202	OPERATING SUP JANITORIAL SUPPLIES	072532	35.97
		I-9936	01 -5540203	REPAIRS & MAI JANITORIAL SUPPLIES	072532	606.00
01-J00500	JUSTIN SHANE-MICHAEL KL					
		I-201502027038	01 -5544308	CONTRACT LABO BASKETBALL REFEREE FEE-6 GAMES	072534	150.00
01-K00290	KUSTOM SIGNALS, INC.					
		I-507472	01 -5321120	GRANT - OT W WIRELESS REMOTE	072536	365.50
		I-507472	01 -5321202	OPERATING SUP WIRED REMOTE	072536	102.50

PACKET: 12456 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 01 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-100380	LOCKE SUPPLY CO.					
		I-24985452-00	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072538	21.15
		I-25030314-00	01 -5542203	REPAIRS & MAI MISC MAINT & REPAIR ITEMS	072538	192.08
		I-25033132-00	01 -5542203	REPAIRS & MAI MISC MAINT & REPAIR ITEMS	072538	19.01
01-100428	LOWE'S CREDIT SERVICES					
		I-01297	01 -5548203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072540	59.14
		I-02151	01 -5548203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072540	30.53
		I-02915	01 -5865203	REPAIR & MAINT MISC MAINT & REPAIR ITEMS	072540	66.40
		I-06096	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072540	30.19
		I-902405	01 -5542203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072540	22.76
		I-906459	01 -5431203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072540	94.99
01-M00470	MILLER BROTHERS ENTERPR					
		I-36174-06	01 -5548203	REPAIRS & MAI MISC REPAIRS	072542	125.00
01-M00480	MILLER GLASS					
		I-16543A	01 -5548316	REPAIRS & MAI DOOR REPAIRS @ WEST WWTP	072543	73.00
01-M00487	MILLER OFFICE EQUIPMENT					
		I-MCA364252	01 -5215312	EQUIPMENT REN MONTHLY COPIER SVS	072544	395.00
01-MC0098	MCAFEY & TAFT					
		I-146812	01 -5214302	CONSULTANTS LEGAL FEES	072546	732.50
		I-147465	01 -5214302	CONSULTANTS LEGAL FEES	072546	157.50
01-M00060	NAT'L FIRE PROTECTION					
		I-6314205X	01 -5431330	DUES & SUBSCR YEARLY MEMBERSHIP FEE	072548	165.00
01-M00343	NORTHERN SAFETY CO INC					
		I-901256181	01 -5653213	SAFETY EXPENS SAFETY SUPPLIES	072551	234.19
01-000075	O'REILLY AUTO PARTS					
		I-0230-259859	01 -5431203	REPAIRS & MAI MISC AUTO PARTS FOR FIRE	072555	94.86
		I-0230-260058	01 -5431203	REPAIRS & MAI MISC AUTO PARTS FOR FIRE	072555	4.99
01-000082	OAKLEY					
		I-733350865	01 -5431207	CLOTHING ALLO CLOTHING ALLOWANCE	072556	72.00
		I-733369866	01 -5431207	CLOTHING ALLO CLOTHING ALLOWANCE	072556	119.56
		I-733384248	01 -5431207	CLOTHING ALLO CLOTHING ALLOWANCE	072556	10.65
01-000414	OKLA TAX COMMISSION-AUT					
		I-14-01414	01 -5431202	OPERATING SUP TITLE FOR NEW AMBULANCE	072560	51.00
01-000520	OIL-OK INDEPENDENT LIVI					
		I-012015-2010/2011	01 -5101355	OIL-OK FOR IN CONTRACT WITH OIL	072562	2,000.00
01-P00310	PITNEY BOWES INC					
		I-7215429-JA15	01 -5215312	EQUIPMENT REN LEASE ON POSTAGE MACHINE	072569	2,114.97

PACKET: 12458 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 01 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-P00560	PUBLIC SERVICE/REP					
		I-201501206999	01 -5215313	ELECTRIC UTIL ELECTRIC EXP-302 E FILLMORE	072394	40.81
		I-201501277021	01 -5215313	ELECTRIC UTIL ELECTRIC EXP-FIRE EMER RESP	072471	635.95
		I-201501277021	01 -5215313	ELECTRIC UTIL ELECTRIC EXP-PAVILLION@KOMAR	072471	40.87
		I-201501277021	01 -5215313	ELECTRIC UTIL ELECTRIC EXP-KOMAR PARK	072471	165.11
01-000017	JOSHUA HASS dba QUALITY					
		I-004217	01 -5542203	REPAIRS & MAJ JANITORIAL SUPPLIES	072571	318.00
01-R00300	RICHARD RUSHING					
		I-201502027034	01 -5544308	CONTRACT LABO BASKETBALL REFEREE FEE-3 GAMES	072574	75.00
01-S00190	SECURITY SYS. & ENG. IN					
		I-29927	01 -5548316	REPAIRS & MAJ ALARM MONITORING SVS	072577	141.00
		I-29942	01 -5321309	CONTRACTED SE QTLY ALARM MONITORING	072577	45.00
		I-29943	01 -5320309	CONTRACTED SE QTLY ALARM MONITORING	072577	45.00
		I-29944	01 -5321325	FIRING RANGE QTLY ALARM MONITORING	072577	45.00
01-S00726	STAPLES ADVANTAGE					
		C-3253743829 CR	01 -5215202	OPERATING SUP INK FOR ALL CITY PRINTERS	072578	224.99
		I-10025	01 -5215202	OPERATING SUP OFFICE SUPPLIES	072578	84.96
		I-12833	01 -5210202	OPERATING SUP OFFICE SUPPLIES	072578	254.34
		I-25539	01 -5215202	OPERATING SUP OFFICE SUPPLIES	072578	9.49
		I-3253067643	01 -5225401	COMPUTER TECH COMPUTER SUPPLIES	072578	249.99
		I-3253743025	01 -5225401	COMPUTER TECH COMPUTER SUPPLIES	072578	88.63
		I-3253743078	01 -5225401	COMPUTER TECH COMPUTER SUPPLIES	072578	129.99
		I-3253743030	01 -5215202	OPERATING SUP COPY PAPER FOR CITY HALL	072578	299.90
		I-3253743831	01 -5215202	OPERATING SUP OFFICE SUPPLIES	072578	77.76
		I-3253743833	01 -5215202	OPERATING SUP OFFICE SUPPLIES	072578	181.01
		I-3253743834	01 -5215202	OPERATING SUP OFFICE SUPPLIES	072578	70.68
		I-3253743835	01 -5215202	OPERATING SUP INK FOR ALL CITY PRINTERS	072578	314.65
		I-3254399846	01 -5215202	OPERATING SUP OFFICE SUPPLIES	072578	163.02
		I-3254399847	01 -5215202	OPERATING SUP OFFICE SUPPLIES	072578	199.84
		I-3254399848	01 -5215202	OPERATING SUP INK FOR ALL CITY PRINTERS	072579	208.95
01-T00010	T. H. ROGERS LUMBER CO.					
		I-498737	01 -5542203	REPAIRS & MAJ MISC REPAIR & MAINT ITEMS	072580	8.06
		I-499118	01 -5542203	REPAIRS & MAJ MISC REPAIR & MAINT ITEMS	072580	83.22
		I-499210	01 -5865218	STREET REPAIR FORMING MATERIALS	072580	19.36
01-T00058	BIZTEL COMMUNICATIONS					
		I-6055	01 -5213202	OPERATING SUP NEW FAX LINE-DISPATCH	072581	40.00
01-T00345	THE HR SPECIALIST					
		I-14-01436	01 -5653330	DUES & SUBSCR SUBSCRIPTION RENEWAL	072582	97.00
01-T00458	TONYA M BARNES					
		I-201502027037	01 -5544308	CONTRACT LABO SCOREKEEPER FEE-12 GAMES	072583	180.00

PACKET: 12458 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 01 GENERAL FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-T00589	TOTAL RADIO					
		I-105496	01 -5321316	REPAIRS & MAI RADIO REPAIR-OFFICER 55	072565	400.00
		I-105753	01 -5321202	OPERATING SUP POLICE WALKIE CHARGERS	072585	145.00
01-U00149	URETEK FOR OKLAHOMA					
		I-2538	01 -5865218	STREET REPAIR REPAIRS TO STORM DRAIN	072589	8,520.00
01-W00040	WALMART COMMUNITY BRC					
		I-005494	01 -5542203	REPAIRS & MAI MISC MAJNT ITEMS	072590	61.42
		I-01179	01 -5542203	REPAIRS & MAI MISC MAJNT ITEMS	072590	42.54
		I-01575	01 -5210202	OPERATING SUP BREAKROOM SUPPLIES	072590	18.48
		I-01993	01 -5215202	OPERATING SUP SUPPLIES FOR TECH FAIR	072590	49.90
		I-02274	01 -5431202	OPERATING SUP MISC OPERATING SUPPLIES	072590	135.76
		I-03116	01 -5431202	OPERATING SUP MISC OPERATING SUPPLIES	072590	42.79
01-W00270	WHITE ELECTRICAL SUPPLY					
		I-S1851901.001	01 -5548203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072594	42.60
		I-S1852213.001	01 -5548203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072594	195.49
		I-S1855430.001	01 -5548203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072594	59.28
		I-S1855832.001	01 -5548203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072594	36.09
		I-S1856101.001	01 -5548203	REPAIRS & MAI MISC REPAIR & MAINT ITEMS	072594	290.00
01-W00424	WOLTERS KLUMER LAW & BU					
		I-9797191X	01 -5653330	DUES & SUBSCR 2015 BENEFITS GUIDE	072595	451.00
01-W00480	WYLIE SPRAYERS OF OKLA.					
		I-O-250060	01 -5542339	VEHICLE/EQUIP PARTS FOR SPRAYER	072596	1,012.61
			FUND 01 GENERAL FUND	TOTAL:		52,432.35

PACKET: 12458 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 02 MPWA

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-1	MISC VENDOR					
	WESLEY SENNETT	I-201502037046	02 -5664207	CLOTHING ALLO WESLEY SENNETT: BOOT ALLOW	072486	100.00
01-A00267	AIRGAS, INC					
		I-9035244954	02 -5975209	UTILITY MAINT SUPPLIES FOR FREEZE KITS	072487	39.69
01-A00423	ALLIED WASTE SERVICES O					
		I-375-000355204	02 -5666306	CONTRACTED RE WASTE SVS FEE-JAN 2015	072489	157,362.30
		I-375-000355284	02 -5666306	CONTRACTED RE BAD DEBT WRITE OFF	072489	539.99-
01-A00582	AT&T					
		I-201501277018	02 -5267315	TELEPHONE UTI INTERNET SVS-CITY HALL	072470	1,414.50
01-A00751	ATWOODS					
		I-2437/9	02 -5973207	CLOTHING ALLO CLOTHING ALLOWANCE	072492	25.98
01-B00160	UNION IRON WORKS, INC.					
		I-S1837744.001	02 -5975209	UTILITY MAINT MISC REPAIR & MAINT ITEMS	072496	55.66
		I-S1838006.001	02 -5975209	UTILITY MAINT MISC REPAIR & MAINT ITEMS	072496	8.51
		I-S1838309.001	02 -5975209	UTILITY MAINT MISC REPAIR & MAINT ITEMS	072496	9.96
		I-S1839158.001	02 -5975209	UTILITY MAINT MISC REPAIR & MAINT ITEMS	072496	93.91
		I-S1839813.001	02 -5975209	UTILITY MAINT MISC REPAIR & MAINT ITEMS	072496	17.25
		I-S1840246.001	02 -5975209	UTILITY MAINT MISC REPAIR & MAINT ITEMS	072496	33.73
		I-S1840586.001	02 -5975209	UTILITY MAINT MISC REPAIR & MAINT ITEMS	072496	24.10
01-C00649	COMPUTER SUPPLIES & SER					
		I-23449	02 -5216202	OPERATING SUP UB&C PAPER & RETURN ENV	072505	689.00
		I-23466	02 -5216202	OPERATING SUP UB&C PAPER & RETURN ENV	072505	1,235.48
01-C00840	CRAWFORD & ASSOCIATES P					
		I-8738	02 -5267302	CONSULTANTS CONSULTANT FEES	072510	4,064.73
01-F00037	EASTENAL					
		I-OKMCA130739	02 -5975218	STREET REPAIR MISC SUPPLIES FOR UTM	072515	278.57
		I-OKMCA130873	02 -5975218	STREET REPAIR MISC SUPPLIES FOR UTM	072515	83.01
01-F00112	FINLEY & COOK, PLLC					
		I-S10007141	02 -5267301	AUDITING ANNUAL AUDIT FEE	072516	1,000.00
01-100120	TYLER TECHNOLOGIES					
		I-025-114929	02 -5216336	FEES MONTHLY SUPPORT FEES-UB&C	072529	293.16
01-100200	INTERNAL REVENUE SERVIC					
		I-14-01442	02 -5267302	CONSULTANTS 2012 1099 ASSESSMENT	072530	3,250.00
01-K00210	KIAMTCHI ELECTRIC COOP.					
		I-201501207002	02 -5267313	ELECTRIC UTIL ELECTRIC EXP-HEREFORD LN	072393	439.68
01-K00225	K1 BOIS COMMUNITY ACTIO					

FUND : 02 MPWA

VENDOR	NAME	ITEM #	G/I.	ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-K00225	KI BOIS COMMUNITY ACTIO	continued					
	I-10/1/2014	02 -5866307		CONTRACTED RE RECYCLING CENTER LABOR		072535	2,070.00
	I-11/30/2014	02 -5866307		CONTRACTED RE RECYCLING CENTER LABOR		072535	1,620.00
	I-12/31/2014	02 -5866307		CONTRACTED RE RECYCLING CENTER LABOR		072535	1,090.00
01-L00421	LOT MAINTENANCE, INC.						
	I-033397	02 -5975230		SEWER MAIN RE VIDEO INSPECTION FEE		072539	450.00
01-L00428	LOWE'S CREDIT SERVICES						
	I-06736	02 -5975209		UTILITY MAINT MISC REPAIR & MAINT ITEMS		072540	193.46
	I-07473	02 -5975209		UTILITY MAINT MISC REPAIR & MAINT ITEMS		072540	188.01
01-N00250	MCALESTER NEWS CAPITAL						
	I-05617415	02 -5871330		DUES & SUBSCR PUBLICATION FEES		072549	66.37
01-O00075	O'REILLY AUTO PARTS						
	I-0230-253615	02 -5973203		REPAIRS & MAI BOLTS FOR REPAIRS-WWM		072553	157.80
01-O00275	OKLA DEPT OF COMMERCE						
	I-022015-#8908	02 -5267521		CDBG LOAN #89 CDBG - EDIF #8908		072559	1,145.83
01-O00519	OKLA INDIAN NATIONS CHA						
	I-WEP15-016	02 -5864331		EMPLOYEE TRAV ODEQ TRAINING FEE		072561	120.00
01-P00040	PACE ANALYTICAL SERVICE						
	I-157516394	02 -5973304		LAB TESTING MONTHLY TESTING FEES		072565	191.47
	I-157516495	02 -5973304		LAB TESTING MONTHLY TESTING FEES		072565	56.47
01-P00560	PUBLIC SERVICE/AEP						
	I-201501277021	02 -5267313		ELECTRIC UTIL ELECTRIC EXP-5200 WATERWORKS R		072471	267.15
01-U00051	UTILITY SUPPLY CO., INC						
	I-081563	02 -5975209		UTILITY MAINT REPAIR & MAINT SUPPLIES		072587	67.78
	I-081564	02 -5975209		UTILITY MAINT REPAIR & MAINT SUPPLIES		072587	137.60
	I-081565	02 -5975209		UTILITY MAINT REPAIR & MAINT SUPPLIES		072587	157.52
	I-081566	02 -5975209		UTILITY MAINT REPAIR & MAINT SUPPLIES		072587	14.50
	I-081567	02 -5975209		UTILITY MAINT REPAIR & MAINT SUPPLIES		072587	173.40
01-U00128	UNITED PACKAGING & SHIP						
	I-155323	02 -5973203		REPAIRS & MAT SHIPPING FEES		072588	32.82
01-W00270	WHITE ELECTRICAL SUPPLY						
	I-S1854425.003	02 -5973203		REPAIRS & MAI ELECTRICAL SUPPLIES		072594	318.82
	FUND	02	MPWA	TOTAL:			179,037.44

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PACKET: 12458 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 03 AIRPORT AUTHORITY

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-F00170	FIRST NATIONAL BANK	I-022015-#119817	03 -5076511	FNB LOAN #119 LOAN #119017 - AIRPORT AUTH	072518	5,020.00
			FUND	03 AIRPORT AUTHORITY	TOTAL:	5,020.00

PACKET: 12458 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 08 NUTRITION

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-J	MISC VENDOR					
	SHELIA YOUNG	I-201501247009	08 -5549207	CLOTHING ALLO SHELIA YOUNG; REIMB BOOT ALLOW	072478	87.80
	DONNA SHEIW	I-201502027036	08 -5549207	CLOTHING ALLO DONNA SHEIW; REIMB BOOT ALLOW	072483	87.20
	ANNA HELLERUD	I-201502037044	08 -5549207	CLOTHING ALLO ANNA HELLERUD; BOOT ALLOW	072484	92.72
01-A00324	ALISHA RAE HOWELL					
		I-201502027028	08 -5549308	CONTRACT SERV CONTRACT MEAL DELIVERY	072488	150.00
		I-201502027029	08 -5549308	CONTRACT SERV REIMB MILEAGE FOR MEAL DEL	072488	94.88
01-G00288	GERALDINE E MALKOWSKI					
		I-201502027030	08 -5549308	CONTRACT SERV CONTRACT MEAL DELIVERY	072522	150.00
		I-201502027031	08 -5549308	CONTRACT SERV REIMB MILEAGE FOR MEAL DEL	072522	87.98
01-R00304	RICHELLE CHEYENNE					
		I-201502027033	08 -5549308	CONTRACT SERV REIMB MILEAGE FOR MEAL DEL	072575	89.70
01-S00580	AT & T					
		I-201501277017	08 -5549315	TELEPHONE UTI PHONE EXP-NUTRITION	072472	215.16
			FUND 08 NUTRITION	TOTAL:		1,055.44

PACKET: 12450 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 27 TOURISM FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-MC0134	MCALESTER MAIN STREET					
		1-012015-2010/2011	27 -5655353	MAIN STREET P CONTRACT WITH MCALESTER MAIN S	072547	1,141.59
01-P00450	PRIDE IN MCALESTER					
		1-012015-2010-2011	27 -5655352	MISC PRIDE IN CONTRACT WITH PRIDE IN McALEST	072570	2,250.00
01-W00040	WALMART COMMUNITY BRC					
		1-002080	27 -5655202	OPERATING SUP SUPPLIES FOR TOURISM	072590	27.11
			FUND	27 TOURISM FUND	TOTAL:	3,418.70

PACKET: 12458 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 20 SE EXPO CENTER

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-B00192	BEN E. KEITH					
		I-62615053	28 -5654210	CONCESSION SU CONCESSION SUPPLIES	072497	3,499.79
01-C00195	CARROT-TOP INDUSTRIES, I					
		I-24766100	28 -5654203	REPAIR & MAIN FLAG POLE PARTS	072503	217.12
01-C00823	COUNTRY MART					
		I-4290 1 59 114	28 -5654210	CONCESSION SU CONCESSION SUPPLIES	072509	32.22
		I-4290425135	28 -5654210	CONCESSION SU CONCESSION SUPPLIES	072509	106.50
01-H00247	HYDRO PRODUCTS INC. dba					
		I-1721	28 -5654203	REPAIR & MAIN TAPE ADHESIVE REMOVER	072525	129.42
01-M00337	MIKE DAVIS MUSTC					
		I-803145	28 -5654202	OPERATING SUP MICROPHONES FOR EVENTS	072541	999.90
01-M00470	MILLER BROTHERS ENTERPR					
		I-C 38184	28 -5654316	REPAIRS & MAI REPAIRS TO DOOR @ EXPO	072542	125.00
01-O00556	OMAG-OK MUNICIPAL ASSUR					
		I-36393	28 -5654322	LIABILITY INS INSURANCE PREM-EXPO	072564	3,656.97
01-P00082	PARADISE DONUTS					
		I-6911	28 -5654224	CATERING CATERING SUPPLIES	072566	62.10
01-P00210	PEPSI COLA					
		I-1760300	28 -5654210	CONCESSION SU CONCESSION SUPPLIES	072567	146.00
01-T00580	R. D. FORD dba TRIPLE					
		I-132423	28 -5654316	REPAIRS & MAI EMER PLBG REPAIRS-EXPO	072584	242.50
		I-63594	28 -5654316	REPAIRS & MAI EMER PLBG REPAIRS-EXPO	072584	610.00
01-W00040	WALMART COMMUNITY BRC					
		I-003955	28 -5654210	CONCESSION SU CONCESSION SUPPLIES	072590	433.66
		I-005830	28 -5654210	CONCESSION SU CONCESSION SUPPLIES	072590	304.02
		I-03442	28 -5654224	CATERING CATERING SUPPLIES	072590	41.40
			FUND 20 SE EXPO CENTER	TOTAL:		10,605.60

PACKET: 12458 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 29 E-911

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-C00146	CANADIAN VALLEY TELEPHO					
		I-201501207003	29 -5324315	TELEPHONE UT1 PHONE EXP-E-911 CTY TRUNK LN	072392	113.36
01-T00203	INTERACT					
		I-PA007255	29 -5324308	CONTRACTED SE 911 MAPING FEE	072531	3,575.00
01-T00058	BIZTEL COMMUNICATIONS					
		I-6055	29 -5324315	TELEPHONE UT1 NEW FAX LINE-DISPATCH	072581	45.00
01-W00392	WINDSTREAM CORPORATION					
		I-201501277020	29 -5324315	TELEPHONE UT1 PHONE EXP-E-911 CTY TRUNK LN	072473	451.44
			FUND	29 E-911	TOTAL:	4,164.80

FUND : 30 ECONOMIC DEVELOPMENT

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-MC0134	MCLESTER MAIN STREET					
		I-012015-2010/2011	30 -5211353	MAIN STREET P CONTRACT WITH MCLESTER MAIN S	072547	1,141.58
01-M00250	MCLESTER NEWS CAPITAL					
		I-327	30 -5652317	ADVERTISING & PUBLICATION FEE	072549	300.00
01-000275	OKLA DEPT OF COMMERCE					
		I-022015-#12248	30 -5211510	CDBG / EDIF D CDBG - EDIF CONT #12248	072558	282.50
01-000552	OKLAHOMA UNIVERSITY					
		I-83458	30 -5652331	EMPLOYEE TRAV TRAVEL EXP-ECON DEV	072563	1,600.00
01-P00242	PETER STASIAK					
		I-201501247012	30 -5652331	EMPLOYEE TRAV TRAVEL EXP-ECON DEV UPDATE	072568	70.54
		I-201502027032	30 -5652331	EMPLOYEE TRAV TRAVEL EXP-ECON DEV MTG	072568	80.00
01-P00450	PRIDE IN MCLESTER					
		I-012015-2010-2011	30 -5211352	MISC PRIDE IN CONTRACT WITH PRIDE IN McALEST	072570	2,250.00
01-R00260	RETAIL ATTRACTIONS LLC					
		I-0622	30 -5652302	CONSULTANTS CONSULTANT FEES	072573	1,000.00
01-R00464	ROBISON INTERNATIONAL,					
		I-012015-2012-13	30 -5211361	LOBBYING SERV LOBBYING SERVICES-MDSA	072576	2,000.00
			FUND 30	ECONOMIC DEVELOPMENT	TOTAL:	8,724.62

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PACKET: 12458 CLAIMS FOR 7/10/2015

VENDOR SRT: 01

FUND : 32 GRANTS & CONTRIBUTIONS

VENDOR	NAME	ITEM #	G/T, ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-100630	TWIN CITIES READY MIX,					
		1-103905	32 -5215214	EXPENSES-DOG CONCRETE FOR WALKWAY	077586	1,058.75
			FUND	32 GRANTS & CONTRIBUTIONS	TOTAL:	1,058.75

PACKET: 12458 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 35 FLEET MAINTENANCE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-A00770	BOLTE ENTERPRISES, INC					
	C-953817 CR	35 -5862203	REPAIRS	MAI SMALL REPAIR PARTS	072493	8.16-
	I-953444	35 -5862203	REPAIRS	MAI SMALL REPAIR PARTS	072493	90.80
	I-953625	35 -5862203	REPAIRS	MAI SMALL REPAIR PARTS	072493	9.12
	I-953654	35 -5862203	REPAIRS	MAI MISC SMALL PARTS FOR REPA	072493	52.38
	I-953681	35 -5862203	REPAIRS	MAI SMALL REPAIR PARTS	072493	14.40
	I-953759	35 -5862203	REPAIRS	MAI SMALL REPAIR PARTS	072493	34.55
	I-953808	35 -5862203	REPAIRS	MAI SMALL REPAIR PARTS	072493	52.86
	I-953812	35 -5862203	REPAIRS	MAI SMALL REPAIR PARTS	072493	52.38
	I-953893	35 -5862203	REPAIRS	MAI SMALL REPAIR PARTS	072493	38.05
01-B00150	BEALES GOODYEAR TIRES					
	I-1-12460	35 -5862203	REPAIRS	MAI MISC TIRE REPAIRS	072495	92.50
	I-1-GS12388	35 -5862203	REPAIRS	MAI MISC TIRE REPAIRS	072495	298.96
01-G00490	GRISCOM IMPLEMENT INC					
	I-458192	35 -5862203	REPAIRS	MAI SMALL REPAIR PARTS	072523	120.00
01-J00310	JET TIRE SERVICE					
	I-112641	35 -5862203	REPAIRS	MAI MISC TIRE REPAIRS	072533	48.95
	I-112664	35 -5862203	REPAIRS	MAI MISC TIRE REPAIRS	072533	48.95
	I-112676	35 -5862203	REPAIRS	MAI MISC TIRE REPAIRS	072533	73.95
01-M00769	MYDER FIRE SUPPORT SERV					
	I-ML01855	35 -5862317	EMERGENCY VEH REPAIRS/INSP-LADDER TRUCK		072545	19,598.33
01-N00271	FREEDOM FORD INC					
	I-160314	35 -5862203	REPAIRS	MAI MISC VEHICLE REPAIRS	072550	52.50
	I-160373	35 -5862203	REPAIRS	MAI MISC VEHICLE REPAIRS	072550	42.95
	I-160529	35 -5862203	REPAIRS	MAI MISC VEHICLE REPAIRS	072550	45.95
01-O00075	O'REILLY AUTO PARTS					
	C-0230-256941 CR	35 -5862203	REPAIRS	MAI MISC AUTO PARTS	072553	84.79-
	C-0230-258222 CR	35 -5862203	REPAIRS	MAI MISC AUTO PARTS	072553	456.10-
	C-0230-258617 CR	35 -5862203	REPAIRS	MAI SMALL REPAIR PARTS	072553	18.12-
	C-0230-259206 CR	35 -5862203	REPAIRS	MAI MISC AUTO PARTS	072553	10.00-
	C-0230-259244 CR	35 -5862203	REPAIRS	MAI SMALL REPAIR PARTS	072553	10.00-
	I-0230-256623	35 -5862203	REPAIRS	MAI MISC AUTO PARTS	072553	84.79
	I-0230-256915	35 -5862203	REPAIRS	MAI MISC AUTO PARTS	072553	456.18
	I-0230-256944	35 -5862203	REPAIRS	MAI MISC AUTO PARTS	072553	94.39
	I-0230-257975	35 -5862203	REPAIRS	MAI MISC AUTO PARTS	072553	7.49
	I-0230-258118	35 -5862203	REPAIRS	MAI MISC AUTO PARTS	072553	5.99
	I-0230-258212	35 -5862203	REPAIRS	MAI SMALL REPAIR PARTS	072553	259.26
	I-0230-258292	35 -5862203	REPAIRS	MAI SMALL REPAIR PARTS	072553	10.44
	I-0230-258372	35 -5862203	REPAIRS	MAI MISC AUTO PARTS	072553	118.16
	I-0230-258407	35 -5862203	REPAIRS	MAI MISC AUTO PARTS	072554	130.33
	I-0230-258526	35 -5862203	REPAIRS	MAI MISC AUTO PARTS	072554	4.48
	I-0230-258528	35 -5862203	REPAIRS	MAI MISC AUTO PARTS	072554	169.79
	I-0230-258614	35 -5862203	REPAIRS	MAI MISC AUTO PARTS	072554	100.46

FUND : 35 FLEET MAINTENANCE

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-000075	O'REILLY AUTO PARTS		continued			
	I-0230-258615	35	-5862203	REPAIRS & MAI MISC AUTO PARTS	072554	166.56
	I-0230-258616	35	-5862203	REPAIRS & MAI SMALL REPAIR PARTS	072554	33.25
	I-0230-258771	35	-5862203	REPAIRS & MAI MISC AUTO PARTS	072554	517.88
	I-0230-259209	35	-5862203	REPAIRS & MAI MISC AUTO PARTS	072554	305.76
	I-0230-259216	35	-5862203	REPAIRS & MAI MISC AUTO PARTS	072554	94.38
	I-0230-259230	35	-5862203	REPAIRS & MAI MISC AUTO PARTS	072554	246.99
	I-0230-259390	35	-5862203	REPAIRS & MAI MTSC AUTO PARTS	072554	456.18
	I-0230-259486	35	-5862203	REPAIRS & MAI SMALL REPAIR PARTS	072554	49.08
	I-0230-259724	35	-5862203	REPAIRS & MAI SMALL REPAIR PARTS	072554	105.99
	I-0230-259764	35	-5862203	REPAIRS & MAI SMALL REPAIR PARTS	072555	79.98
	I-0230-259767	35	-5862203	REPAIRS & MAI SMALL REPAIR PARTS	072555	5.98
01-000122	OK TIRE					
	I-17294	35	-5862203	REPAIRS & MAI VEHICLE ALIGNMENTS	072557	59.95
01-000022	KEITH COFFEE DBA QUALIT					
	I-1989	35	-5862203	REPAIRS & MAI REPAIRS TO S-2	072572	806.00
01-W00072	WARREN CAT					
	C-CS100049836	35	-5862203	REPAIRS & MAI REAR BROOM PIN KIT- S-10	072591	247.08-
	C-CS100049874	35	-5862203	REPAIRS & MAI REAR BROOM PIN KIT- S-10	072591	70.78-
	I-PS100536249	35	-5862203	REPAIRS & MAI REAR BROOM PIN KIT- S-10	072591	423.07
	I-PS100536565	35	-5862203	REPAIRS & MAI REAR BROOM PIN KIT- S-10	072591	175.02
	I-PS100536734	35	-5862203	REPAIRS & MAI REAR BROOM PIN KIT- S-10	072591	125.98
01-W00195	WELDON PARTS INC.					
	I-1404039-00	35	-5862203	REPAIRS & MAI MISC REPAIR PARTS	072592	12.93
	I-1406391-00	35	-5862203	REPAIRS & MAI MISC REPAIR PARTS	072592	17.10
	I-1407798-00	35	-5862203	REPAIRS & MAI MTSC REPAIR PARTS	072592	13.90
	I-1408344-00	35	-5862203	REPAIRS & MAI MISC REPAIR PARTS	072592	92.09
01-W00269	WHITES TRACTORS					
	I-508558	35	-5862203	REPAIRS & MAI MISC REPAIR PARTS	072593	75.00
	FUND	35	FLEET MAINTENANCE	TOTAL:	25,167.29	

PACKET: 12458 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 41 CIP FUND

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-D00217	DEERE CREDIT, INC.					
	I-022015-#0063527	41 -5865510	LEASE PAYMENT LEASE PMT #0063527-EXCAVATOR	072512	1,140.15	
	I-022015-0063527-0	41 -5865510	LEASE PAYMENT LEASE PMT-JD 624K LOADER	072512	1,921.57	
01-F00170	FIRST NATIONAL BANK					
	I-022015-#137	41 -5865510	LEASE PAYMENT LEASE PAYMENT ON DURAPATCHER	072518	3,378.84	
01-L00079	LANDPLAN CONSULTANTS, I					
	I-INVOICE 8	41 -5652402	TRAILS GRANT CONSULTANT FEE-BELMONT TR	072537	3,705.00	
01-N00347	MEHLBURGER BRAWLEY, INC					
	I-MC-13-02-04	41 -5974403	20 INCH WATER CONSULTANT FEE-WTR LINE	072552	4,070.00	
01-T00630	TWIN CITIES READY MIX,					
	I-103904	41 -5865406	CIP#1 - 17TH CONCRETE FOR CIP#1	072586	510.00	
	I-104156	41 -5865406	CIP#1 - 17TH CONCRETE FOR CIP#1	072586	467.50	
	I-104223	41 -5865406	CIP#1 - 17TH CONCRETE FOR CIP#1	072586	255.00	
			FUND 41 CIP FUND	TOTAL:	15,348.06	

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PACKET: 12458 CLAIMS FOR 2/10/2015

VENDOR SET: 01

FUND : 44 TECHNOLOGY FUND

VENDOR	NAME	ITEM #	G/I. ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-100120	TYLER TECHNOLOGIES					
		I-025-115176	44 -5225401	TECHNOLOGY UP POLICE CITATION SYSTEMS	072529	18,785.00
			FUND	44 TECHNOLOGY FUND	TOTAL:	18,785.00
				REPORT GRAND TOTAL:		324,838.04

** G/L ACCOUNT TOTALS **

YEAR	ACCOUNT	NAME	AMOUNT	===== LINE ITEM=====		-- -- --GROUP BUDGET--	
				ANNUAL BUDGET	BUDGET OVER AVAILABLE BUDG	ANNUAL BUDGET	BUDGET OVER AVAILABLE BUDG
2014-2015	01 -2105	COLLECTION AGENCY 25% (COU	7,022.00				
	01 -5101355	OIL-OK FOR INDEPENDENT LIV	2,000.00	21,600	7,600.00		
	01 -5210202	OPERATING SUPPLIES	353.57	2,500	563.75		
	01 -5211330	DUES & SUBSCRIPTIONS	150.00	850	440.00		
	01 -5213202	OPERATING SUPPLIES	40.00	600	560.00		
	01 -5213336	FFRS	200.00	2,400	690.00		
	01 -5214302	CONSULTANTS	4,015.00	95,000	10,051.70		
	01 -5215202	OPERATING SUPPLIES	1,579.13	31,500	3,846.67		
	01 -5215301	AUDITING	500.00	14,750	0.00		
	01 -5215302	CONSULTANTS	7,314.74	35,000	1,195.94		
	01 -5215312	EQUIPMENT RENTALS	3,366.34	21,000	0.00		
	01 -5215313	ELECTRIC UTILITY	892.74	294,500	121,476.54		
	01 -5215315	TELEPHONE UTILITY	51.55	35,000	13,036.00		
	01 -5225349	SOFTWARE MAINTENANCE	220.50	75,000	15,920.28		
	01 -5225401	COMPUTER TECHNOLOGY	468.61	15,000	7,889.25		
	01 -5320308	CONTRACTED SERVICES	45.00	1,500	1,020.00		
	01 -5321120	GRANT - OT HIGHWAY SAFETY	365.50	25,000	6,739.22		
	01 -5321202	OPERATING SUPPLIES	247.50	15,000	10,910.04		
	01 -5321207	CLOTHING ALLOWANCE	483.20	52,320	13,249.23		
	01 -5321300	CONTRACTED SERVICES	374.10	11,000	4,923.17		
	01 -5321316	REPAIRS & MAINTENANCE	400.00	3,000	1,466.82		
	01 -5321325	FIRING RANGE	45.00	7,500	3,710.00		
	01 -5321331	EMPLOYEE TRAVEL & TRAININ	12.00	10,000	8,001.86		
	01 -5321332	COMMUNITY SERVICES PROGRAM	236.70	7,500	4,002.63		
	01 -5324207	CLOTHING ALLOWANCE	37.62	1,000	444.69		
	01 -5431202	OPERATING SUPPLIES	265.52	12,900	1,197.83		
	01 -5431203	REPAIRS & MAINT SUPPLIES	487.81	9,900	4,723.06		
	01 -5431204	SMALL TOOLS	630.86	4,100	889.21		
	01 -5431207	CLOTHING ALLOWANCE	1,692.18	26,600	2,872.26		
	01 -5431328	INTERNET SERVICE	125.90	3,829	886.70		
	01 -5431330	DUES & SUBSCRIPTIONS	165.00	8,000	3,486.00		
	01 -5432202	OPERATING SUPPLIES	589.04	24,000	7,388.23		
	01 -5542203	REPAIRS & MAINT SUPPLIES	1,659.28	47,500	14,472.50		
	01 -5542331	EMPLOYEE TRAVEL & TRAININ	154.10	3,000	1,159.12		
	01 -5542339	VEHICLE/EQUIP. MAINTENANCE	1,012.61	40,000	13,322.59		
	01 -5544300	CONTRACT LABOR	780.00	18,000	10,029.00		
	01 -5547203	REPAIRS & MAINT SUPPLIES	271.49	11,000	2,903.26		
	01 -5547308	CONTRACTED SERVICES	368.02	4,660	220.00		
	01 -5547328	INTERNET SERVICE	59.95	720	300.35		
	01 -5548203	REPAIRS & MAINTENANCE SUPP	1,936.49	42,000	3,196.50		
	01 -5548207	CLOTHING ALLOWANCE	300.00	750	1.03		
	01 -5548308	CONTRACTED SERVICES-CLEANI	1,515.00	16,000	1,625.00		
	01 -5548316	REPAIRS & MAINTENANCE	214.00	17,500	5,252.63		
	01 -5652202	OPERATING SUPPLIES	97.50	2,400	1,928.44		
	01 -5652330	DUES & SUBSCRIPTIONS	25.00	3,500	2,350.42		

** 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	-5653213	SAFETY EXPENSE	234.19	24,000	9,786.57		
01	-5653330	DUES & SUBSCRIPTIONS	548.00	1,000	396.40		
01	-5865203	REPAIR & MAINT-TRAFFIC CON	66.40	60,500	34,858.13		
01	-5865207	CLOTHING ALLOWANCE	200.00	3,188	646.49		
01	-5865218	STREET REPAIRS & MAINTENAN	8,539.36	261,000	52,668.47		
01	-5865328	INTERNET SERVICE	83.85	1,920	717.28		
02	-5216202	OPERATING SUPPLIES	1,924.48	7,000	1,037.99-	Y	
02	-5216336	FEES	293.16	4,100	1,754.72		
02	-5267301	AUDITING	1,000.00	14,750	1,000.00-	Y	
02	-5267302	CONSULTANTS	7,314.73	27,000	1,644.05-	Y	
02	-5267313	ELECTRIC UTILITY	706.83	392,448	169,177.73		
02	-5267315	TELEPHONE UTILITY	1,414.50	59,827	8,965.86		
02	-5267521	CDBG LOAN #8908	1,145.83	13,750	4,583.36		
02	-5864207	CLOTHING ALLOWANCE	100.00	563	152.75		
02	-5864331	EMPLOYEE TRAVEL & TRAINING	120.00	200	80.00		
02	-5866306	CONTRACTED REFUSE SERVICES	156,822.31	1,810,540	717,739.77		
02	-5866307	CONTRACTED RECYCLE SERVICE	5,580.00	22,800	6,240.00		
02	-5871330	DUES & SUBSCRIPTIONS	66.37	1,300	1,005.75		
02	-5973203	REPAIRS & MAINT SUPPLIES	509.44	25,000	927.49		
02	-5973207	CLOTHING ALLOWANCE	25.98	3,000	1,090.86		
02	-5973304	LAB TESTING	247.94	32,100	14,356.18		
02	-5975209	UTILITY MAINTENANCE SUPP.	1,205.28	92,500	40,763.85		
02	-5975218	STREET REPAIRS & MAINTENAN	110.58	115,000	36,585.95		
02	-5975230	SEWER MAIN REPAIR	450.00	20,000	7,700.00		
03	-5876511	FNB LOAN #119817 PAYMENTS	5,020.00	60,240	20,080.00		
08	-5549207	CLOTHING ALLOWANCE	267.72	750	28.28		
08	-5549308	CONTRACT SERVICES	572.56	15,500	6,677.71		
09	-5549315	TELEPHONE UTILITY	215.16	3,386	1,400.75		
27	-5655202	OPERATING SUPPLIES	27.11	4,000	2,824.00		
27	-5655352	MISC PRIDE IN MCALESTER	2,250.00	27,000	11,250.00		
27	-5655353	MAIN STREET PROGRAM	1,141.59	13,700	5,708.87		
28	-5654202	OPERATING SUPPLIES	999.90	2,155	1,012.91		
28	-5654203	REPAIR & MAINT SUPPLIES	346.54	16,646	12,460.38		
28	-5654210	CONCESSION SUPPLIES	4,521.19	16,721	686.22		
28	-5654224	CATERING	103.50	1,000	285.85		
28	-5654316	REPAIRS & MAINTENANCE	977.50	31,100	3,355.69		
28	-5654322	LIABILITY INSURANCE/BONDS	3,656.97	26,700	189.05		
29	-5324308	CONTRACTED SERVICES	3,575.00	65,500	13,384.49		
29	-5324315	TELEPHONE UTILITY	609.80	59,499	28,969.97		
30	-5211352	MTSC PRIDE IN MCALESTER	2,250.00	26,100	12,350.00		
30	-5211353	MAIN STREET PROGRAM	1,141.58	12,600	4,608.94		
30	-5211361	LOBBYING SERVICES	2,000.00	24,000	10,000.00		
30	-5211510	CDBG / EDIF DURALINE LOAN	282.50	3,390	1,130.00		
30	-5652302	CONSULTANTS	1,000.00	130,000	107,030.00		
30	-5652317	ADVERTISING & PRINTING	300.00	17,000	16,700.00		

** G/L ACCOUNT TOTALS **

YEAR	ACCOUNT	NAME	AMOUNT	LINE ITEM=====		GROUP BUDGET=====	
				ANNUAL BUDGET	BUDGET OVER AVAILABLE BUDG	ANNUAL BUDGET	BUDGET OVER AVAILABLE BUDG
	30 -5652331	EMPLOYEE TRAVEL & TRAINING	1,750.54	17,500	7,937.78		
	32 -5215214	EXPENSES-DOG PARK	1,058.75	4,792	927.81		
	35 -5862203	REPAIRS & MAINTENANCE SUPP	5,568.96	240,000	79,957.19		
	35 -5862317	EMERGENCY VEHICLES	19,598.33	100,000	16,344.39		
	41 -5652402	TRAILS GRANT PROJECT	3,705.00	236,798	176,893.25		
	41 -5865406	CIP#1 - 17TH STREET	1,232.50	119,020	80,686.26		
	41 -5865510	LEASE PAYMENTS	6,340.56	60,599	25,364.54		
	41 -5974403	20 INCH WATER LINE RELOCAT	4,070.00	577,834	545,834.00		
	44 -5225401	TECHNOLOGY UPGRADES	18,785.00	156,800	29,429.53		
** 2014-2015 YEAR TOTALS **			324,838.04				

NO ERRORS

** END OF REPORT **

PACKET: 12450 CLAIMS FOR 2/10/2015
 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	1/2015	1,203.99CR
01	2/2015	51,229.36CR
02	1/2015	2,121.33CR
02	2/2015	176,916.10CR
03	2/2015	5,020.00CR
08	1/2015	215.16CR
08	2/2015	840.28CR
27	2/2015	3,418.70CR
28	2/2015	10,605.60CR
29	1/2015	564.80CR
29	2/2015	3,620.00CR
30	2/2015	8,724.62CR
32	2/2015	1,058.75CR
35	2/2015	25,167.29CR
41	2/2015	15,348.06CR
44	2/2015	18,785.00CR
ALL		324,838.04CR

ACH PAYMENT
FOR
FEBRUARY 10, 2015
CLAIMS

PAGE: 1

VENDOR SET: 01

VENDOR	ITEM NO#	DESCRIPTION	RANK	CHECK	STAT	DUE DT	DISC DT	GROSS BALANCE	PAYMENT DISCOUNT	OUTSTANDING

01-T00500 PARROTT COMPANY, LLC										
1	201501247008	TOURISM OFFICE RENT-FEB 201 FNB			E	2/02/2015		558.20	558.20CR	
		G/L ACCOUNT						558.20		
	27	5655340	OFFICE RENT				558.20	TOURISM OFFICE RENT-FEB 2015		
		VENDOR TOTALS		EIT				558.20	558.20CR	0.00
								558.20	0.00	

REPORT TOTALS

FUND DISTRIBUTION

FUND NO#	FUND NAME	AMOUNT
27	TOURISM FUND	558.20CR
** TOTALS **		558.20CR

---- TYPE OF CHECK TOTALS ----

	NUMBER	GROSS BALANCE	PAYMENT DISCOUNT	OUTSTANDING
HAND CHECKS		0.00 0.00	0.00 0.00	0.00
DRAFTS		0.00 0.00	0.00 0.00	0.00
REG-CHECKS		0.00 0.00	0.00 0.00	0.00
EFT		558.20 558.20	558.20CR 0.00	0.00
NON-CHECKS		0.00 0.00	0.00 0.00	0.00
ALL CHECKS		558.20 558.20	558.20CR 0.00	0.00

TOTAL CHECKS TO PRINT: 0

ERRORS: 0 WARNINGS: 0

SCHEDULE "D"

FORM OF PAYMENT REQUISITION

PAYMENT REQUISITION
SERIES 2013 PROJECT ACCOUNT
THE MCALESTER PUBLIC WORKS AUTHORITY CONSTRUCTION FUND

FROM: Trustees of The McAlester Public Works Authority

TO: BancFirst

DATE: February 2, 2015

Pursuant to the provisions the Series 1999 Revenue Bond Indenture dated as of May 1, 1999, as heretofore supplemented and amended by a Series 2002 Revenue Bond Indenture dated as of July 1, 2002, as supplemented and amended by a Series 2012 Supplemental Note Indenture dated as of December 1, 2012, and as further supplemented and amended by a Series 2013 Supplemental Note Indenture dated as of June 1, 2013 (collectively, the "Indenture"), all by and between The McAlester Public Works Authority and BancFirst, as Trustee, you are directed to pay Creditor from the Series 2013 Project Account within the Construction Fund of said Authority as indicated below, the amounts shown for the purposes set forth in this Requisition.

Infrastructure Solutions Group, LLC; dba Mehlburger Brawley	874081029
CREDITOR	TRUST NO.

719 S. George Nigh Expressway McAlester, OK 74501
MAILING ADDRESS

Professional Services	Invoice: MC-14-06-03
ITEM	ITEM NO.

January 30, 2015	CIP #3	\$13,058.50
DATE	PURPOSE	AMOUNT

AUTHORIZATION AND CERTIFICATE OF CITY MANAGER/CHAIRMAN

With reference to the above requisition, the undersigned certifies:

1. The above requisition is approved.

2. Each obligation therein has been properly incurred and is now due and unpaid and that insofar as such obligation was incurred for work, materials, equipment or supplies, such work was actually performed, and such materials, equipment or supplies were actually installed or delivered to or for the Project as evidenced by the certificate of the supervising architect or engineer or other appropriate certification.

3. That obligations in the stated amounts have been incurred by the Authority and that each item is a proper charge against the Construction Fund and has not been paid.

4. That there has not been filed with or served upon the Authority, notice of any lien, right to lien, or attachment upon, or claim affecting the right of any such persons, firms or corporations to receive payment of, the respective amounts stated in this requisition which has not been released or will not be released simultaneously with this payment.

5. That such requisition contains no item representing payment on account of any retained percentages which the Authority is at the date of such certificate entitled to retain.

THE MCALESTER PUBLIC WORKS AUTHORITY



City Manager or Chairman

Date: February 2, 2015

Date Approved: _____

Date Paid: _____

Authorized Officer

Submit in triplicate:

1 to Trustee Bank

1 to Authority

1 to City



**INFRASTRUCTURE
SOLUTIONS GROUP, LLC**
Consulting Engineers

INVOICE SUBMITTED TO:

January 30, 2015

City of McAlester
PO Box 578
McAlester, OK 74502-0578

Invoice # MC-14-06-03

In Reference To: CIP #3, Second Street from Comanche Ave to Modoc Avenue
Construction Management and Resident Project Representative

Construction Start Date: November 14, 2014
Calendar Days in Contract: 330 days
Percentage Complete to Date: $77/330 = 23.3\%$

CONSTRUCTION MANAGEMENT – \$40,000.00 23.3% of \$40,000.00	\$ 9,320.00
RESIDENT PROJECT REPRESENTATIVE - \$103,500.00 23.3% of \$103,500.00	<u>\$ 24,115.50</u>
TOTAL SERVICES BILLED TO DATE	\$ 33,435.50
LESS PREVIOUSLY INVOICED	- <u>\$ 20,377.00</u>
<u>TOTAL DUE THIS INVOICE</u>	<u>\$ 13,058.50</u>

All invoices are payable within 15 days of receipt. Please send payments to

Infrastructure Solutions Group, LLC
719 S. George Nigh Expressway
McAlester, OK 74501

SCHEDULE "D"

FORM OF PAYMENT REQUISITION

PAYMENT REQUISITION
SERIES 2013 PROJECT ACCOUNT
THE MCALESTER PUBLIC WORKS AUTHORITY CONSTRUCTION FUND

FROM: Trustees of The McAlester Public Works Authority

TO: BancFirst

DATE: February 2, 2015

Pursuant to the provisions the Series 1999 Revenue Bond Indenture dated as of May 1, 1999, as heretofore supplemented and amended by a Series 2002 Revenue Bond Indenture dated as of July 1, 2002, as supplemented and amended by a Series 2012 Supplemental Note Indenture dated as of December 1, 2012, and as further supplemented and amended by a Series 2013 Supplemental Note Indenture dated as of June 1, 2013 (collectively, the "Indenture"), all by and between The McAlester Public Works Authority and BancFirst, as Trustee, you are directed to pay Creditor from the Series 2013 Project Account within the Construction Fund of said Authority as indicated below, the amounts shown for the purposes set forth in this Requisition.

T. McDonald Construction	874081029
CREDITOR	TRUST NO.

P.O. Box 1043 Eufaula, OK 74432
MAILING ADDRESS

Construction Services	Invoice: Payment # 3
ITEM	ITEM NO.

January 21, 2015	CIP #3	\$153,686.53
DATE	PURPOSE	AMOUNT

AUTHORIZATION AND CERTIFICATE OF CITY MANAGER/CHAIRMAN

With reference to the above requisition, the undersigned certifies:

1. The above requisition is approved.

2. Each obligation therein has been properly incurred and is now due and unpaid and that insofar as such obligation was incurred for work, materials, equipment or supplies, such work was actually performed, and such materials, equipment or supplies were actually installed or delivered to or for the Project as evidenced by the certificate of the supervising architect or engineer or other appropriate certification.

3. That obligations in the stated amounts have been incurred by the Authority and that each item is a proper charge against the Construction Fund and has not been paid.

4. That there has not been filed with or served upon the Authority, notice of any lien, right to lien, or attachment upon, or claim affecting the right of any such persons, firms or corporations to receive payment of, the respective amounts stated in this requisition which has not been released or will not be released simultaneously with this payment.

5. That such requisition contains no item representing payment on account of any retained percentages which the Authority is at the date of such certificate entitled to retain.

THE MCALESTER PUBLIC WORKS AUTHORITY



City Manager or Chairman

Date: February 2, 2015

Date Approved: _____

Date Paid: _____

Authorized Officer

Submit in triplicate:

1 to Trustee Bank

1 to Authority

1 to City

Contractor's Application for Payment No.

3

Application Period: 12/16/2014-1/21/2015		Application Date: 1/21/2015
To (Owner): CITY OF MCALESTER	From (Contractor): T. MCDONALD CONST. INC.	Via (Engineer): Mehlburger Brawley
Project: SECOND STREET IMPROVEMENTS CIP #3	Contract:	
Owner's Contract No.: N/A	Contractor's Project No.: 2099	Engineer's Project No.: MC-14-01

Application For Payment

Change Order Summary

Approved Change Orders			
Number	Additions	Deductions	
TOTALS			
NET CHANGE BY			
CHANGE ORDERS			

1. ORIGINAL CONTRACT PRICE.....	\$	\$2,730,987.50
2. Net change by Change Orders.....	\$	
3. Current Contract Price (Line 1 + 2).....	\$	\$2,730,987.50
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate).....	\$	\$353,789.91
5. RETAINAGE:		
a. 10% X \$230,190.50 Work Completed....	\$	\$23,019.05
b. 10% X \$123,599.41 Stored Material.....	\$	\$12,359.94
c. Total Retainage (Line 5a + Line 5b).....	\$	\$35,378.99
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	\$	\$318,410.92
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)...	\$	\$164,724.39
8. AMOUNT DUE THIS APPLICATION.....	\$	\$153,686.53
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 8 above).....	\$	\$2,412,576.58

Contractor's Certification

The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By: T. McDonald VP Date: 1/28/15

Payment of: \$ \$153,686.53

(Line 8 or other - attach explanation of the other amount)

is recommended by:

[Signature] 4/30/15
(Engineer) (Date)

Payment of:

\$ \$153,686.53

(Line 8 or other - attach explanation of the other amount)

is approved by:

(Owner) (Date)

Approved by:

Funding Agency (if applicable) (Date)

Endorsed by the Construction Specifications Institute.

EJCDC C-620 Contractor's Application for Payment

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Progress Estimate

Contractor's Application

For (contract):							Application Numl			
MC-14-01							3			
Application Peri							Application Date:			
12/16/2014-1/21/2015							1/21/2015			
A				B	C	D	E	F		G
Item		Bid Quantity	Unit Price	Bid Value	Estimated Quantity Installed	Value	Materials Presently Stored (not in C)	Total Completed and Stored to Date (D + E)	% (F) B	Balance to Finish (B - F)
Bid Item No.	Description									
1	EARTHWORK	1	\$65,000.00	\$65,000.00						\$65,000.00
2	SOLID SLAB SOD	5355	\$3.00	\$16,065.00						\$16,065.00
3	AGGREGATE TYPE A	2135	\$47.50	\$101,412.50						\$101,412.50
4	BASE REPAIR-AGG BASE TYPE A	220	\$85.00	\$18,700.00						\$18,700.00
5	LIME	68	\$200.00	\$13,600.00						\$13,600.00
6	LIME STABILIZED SUBGRADE	12800	\$12.00	\$153,600.00						\$153,600.00
7	TACK COAT	3000	\$1.00	\$3,000.00						\$3,000.00
8	PRIME COAT	135	\$10.00	\$1,350.00						\$1,350.00
9	DRIVING SURFACE (OVERLAY) SUPERPAVE S5 (PG64-22)-3"	600	\$140.00	\$84,000.00						\$84,000.00
10	BASE REPAIR PATCH (OVERLAY) SUPERPAVE S5 (PG64-22)-3"	75	\$150.00	\$11,250.00						\$11,250.00
11	RCP BASE REPAIR PATCH (SUPERPAVE S5 (PG64-22)-3")	70	\$150.00	\$10,500.00						\$10,500.00
12	WATER LINE BASE REPAIR PATCH (SUPERPAVE S5 (PG64-22)-3")	25	\$150.00	\$3,750.00						\$3,750.00
13	COLD MILLING PAVEMENT (OVERLAY)	3700	\$8.00	\$29,600.00						\$29,600.00
14	PC CONCRETE FOR PAVEMENT (PLACEMENT)	11520	\$24.50	\$282,240.00						\$282,240.00
15	PC CONCRETE FOR PAVEMENT (PLACEMENT)	2600	\$132.00	\$343,200.00						\$343,200.00
16	CONCRETE JOINT SEALING	23625	\$1.20	\$28,350.00						\$28,350.00
17	CONCRETE CURB (6" BARRIER-INTEGRAL)	4400	\$9.00	\$39,600.00						\$39,600.00
18	4" CONCRETE SIDEWALK	1800	\$44.00	\$79,200.00						\$79,200.00
19	6" CONCRETE DRIVEWAY	2000	\$66.00	\$132,000.00						\$132,000.00
20	TACTILE WARNING DEVICE	420	\$22.00	\$9,240.00						\$9,240.00
21	INTEL CI DES. 2 (STD)	2	\$6,600.00	\$13,200.00	1	\$6,600.00		\$6,600.00	50.0%	\$6,600.00
22	INTEL CI DES. 3 (STD)	1	\$7,150.00	\$7,150.00						\$7,150.00
23	6" PERFORATED UNDERDRAIN ROUND	6000	\$10.00	\$60,000.00						\$60,000.00
24	6" NON-PERFORATED UNDERDRAIN ROUND	200	\$20.00	\$4,000.00						\$4,000.00
25	REMOVAL OF CONCRETE PAVEMENT W/ASPHALT OVERLAY	12000	\$7.00	\$84,000.00	805.5	\$5,638.50		\$5,638.50	6.7%	\$78,361.50
26	REMOVAL OF SIDEWALK	1300	\$4.00	\$5,200.00	43	\$172.00		\$172.00	3.3%	\$5,028.00
27	MOBILIZATION	1	\$80,000.00	\$80,000.00	0.5	\$40,000.00		\$40,000.00	50.0%	\$40,000.00
28	TENSAR ROADRAIN	12800	\$10.95	\$140,160.00						\$140,160.00
29	CONCRETE JUNCTION BOXES	4	\$4,500.00	\$18,000.00	2	\$9,000.00	\$6,765.64	\$15,765.64	87.6%	\$2,234.36
30	19"X30" RC PIPE CLASS III	23	\$200.00	\$4,600.00			\$1,504.20	\$1,504.20	32.7%	\$3,095.80
31	30" RC PIPE CLASS III	890	\$110.00	\$97,900.00	806	\$88,660.00		\$88,660.00	90.6%	\$9,240.00
32	24"X38" RC PIPE ARCH CLASS III	5	\$500.00	\$2,500.00	5	\$2,500.00		\$2,500.00	100.0%	\$0.00
33	44"X27" RC PIPE ARCH CLASS III	33	\$350.00	\$11,550.00	30	\$10,500.00		\$10,500.00	90.9%	\$1,050.00
34	SEWER LINE CONNECTIONS (UNDER RCP WEST SIDE FROM CONNAMACHE TO CANAL)	11	\$1,500.00	\$16,500.00	1	\$1,500.00		\$1,500.00	9.1%	\$15,000.00

35	3" SDR 35 PVC MAIN SEWER LINE	2910	\$65.00	\$189,150.00			\$12,444.90	\$12,444.90	6.6%	\$176,705.10
36	4" ID CONCRETE PRE-CAST MANHOLE	10	\$5,500.00	\$55,000.00						\$55,000.00
37	SEWER SERVICE CONNECTION	75	\$950.00	\$71,250.00			\$5,000.50	\$5,000.50	7.0%	\$66,249.50
38	SEWER LINE AGGREGATE BASE FOR SURFACE REPAIR	2910	\$10.00	\$29,100.00						\$29,100.00
39	16" PVC C-900 DR 14 WATER MAIN	115	\$90.00	\$10,350.00			\$3,580.65	\$3,580.65	34.6%	\$6,769.35
40	10" PVC C-900 WATER MAIN	1365	\$40.00	\$54,600.00	1028	\$41,120.00	\$10,447.46	\$51,567.46	94.4%	\$3,032.54
41	6" PVC C-900 WATER MAIN	2830	\$24.00	\$67,920.00			\$19,831.10	\$19,831.10	29.2%	\$48,088.90
42	16" WATER MAIN CONNECTION	2	\$3,000.00	\$6,000.00			\$2,559.54	\$2,559.54	42.7%	\$3,440.46
43	10" WATER MAIN CONNECTION	6	\$2,000.00	\$12,000.00						\$12,000.00
44	6" WATER MAIN CONNECTION	4	\$1,000.00	\$4,000.00						\$4,000.00
45	16" TO 10" WATER MAIN CONNECTION	1	\$3,000.00	\$3,000.00						\$3,000.00
46	16" GATE VALVE	2	\$4,500.00	\$9,000.00						\$9,000.00
47	10" GATE VALVE	4	\$2,000.00	\$8,000.00	1	\$2,000.00	\$2,606.10	\$4,606.10	57.6%	\$3,393.90
48	6" GATE VALVE	11	\$800.00	\$8,800.00			\$5,575.35	\$5,575.35	63.4%	\$3,224.65
49	NEW FIRE HYDRANT ASSEMBLY	10	\$5,500.00	\$55,000.00			\$18,067.50	\$18,067.50	32.9%	\$36,932.50
50	1" AIR RELEASE VALVE	1	\$1,500.00	\$1,500.00						\$1,500.00
51	2" METER CONNECTION	4	\$1,600.00	\$6,400.00			\$5,701.87	\$5,701.87	89.1%	\$698.13
52	WATER SERVICE RECONNECTION (SHORT)	55	\$900.00	\$49,500.00			\$17,087.40	\$17,087.40	34.5%	\$32,412.60
53	WATER SERVICE RECONNECTION (LONG)	40	\$900.00	\$36,000.00			\$12,427.20	\$12,427.20	34.5%	\$23,572.80
54	WATER AGGREGATE BASE FOR SURFACE REPAIR	600	\$10.00	\$6,000.00						\$6,000.00
55	TRAFFIC CONTROL	1	\$45,000.00	\$45,000.00	0.5	\$22,500.00		\$22,500.00	50.0%	\$22,500.00
56	2 YEAR MAINTENANCE BOND	1	\$10,000.00	\$10,000.00						\$10,000.00
57	SWPPP	1	\$15,000.00	\$15,000.00						\$15,000.00
58	AS-BUILTS SURVEY	1	\$5,000.00	\$5,000.00						\$5,000.00
59	4" DWV SCH 40 SEWER SERVICE LINE (REQUIRED FOR SERVICE SEPERATION)	120	\$25.00	\$3,000.00						\$3,000.00
Totals				\$2,730,987.50		\$230,190.50	\$123,599.41	\$353,789.91	13.0%	\$2,377,197.59

Stored Material Summary

Contractor's Application

For (contract): CITY OF MCALESTER SECOND STREETG IMPROVEMENTS						Application Number: 3			
Application Period: 12/16/2014-1/21/2015						Application Date: 1/21/2015			
A	B	C	D		E		F		G
Invoice No.	Shop Drawing Transmittal No.	Materials Description	Stored Previously		Stored this Month		Incorporated in Work		Materials Remaining in Storage (\$) (D + E - F)
			Date (Month/Y)	Amount (\$)	Amount (\$)	Subtotal	Date (Month/Year)	Amount (\$)	
80309		WATER SERVICE CONNECTION FITTINGS	11/2014	\$18,166.27					\$18,166.27
80306		WATER AND SEWER LINE PIPE/ GATE VALVES	11/2014	\$29,141.54			1/2015	\$11,018.87	\$18,122.67
11170142		ARCH PIPE 18"X 29" RCP	12/2014	\$1,504.20					\$1,504.20
62486		30" RCP PIPE	12/2014	\$2,877.60			1/2015	\$2,877.60	
62579		STORM DRAIN FRAME AND GRATE AND HARDWARE	12/2014	\$9,029.00			1/2015	\$2,263.36	\$6,765.64
80533		18" METER CANS	11/2014	\$5,177.50					\$5,177.50
80532		2" VH77-15B-11-77-NL SETTER	11/2014	\$3,952.74					\$3,952.74
80532		6' DR-14C900 PVC PIPE	11/2014	\$3,082.52					\$3,082.52
80532		6' MJ GATE VALVE	11/2014	\$5,575.35					\$5,575.35
80532		8"X4" SDR-26 WYE W/SCH40 OUTLET	11/2014	\$2,577.58					\$2,577.58
80530		5/8" X 3/4" ZENNER WATER METER	11/2014	\$5,693.18					\$5,693.18
80530		10"X1" CC 315 TAPPING SADDLE	11/2014	\$6,636.52					\$6,636.52
80933		16" PVC STARGRIP W/ACC			\$2,559.54				\$2,559.54
80933		10" PVC STARGRIP W/ACC			\$6,546.50				\$6,546.50
80933		6" PVC STARGRIP X/ACC			\$3,698.37				\$3,698.37
80933		4" 2-WAY CLEAN OUT TEE			\$2,422.92				\$2,422.92
80941		LF 6" DR-14 C900 PVC PIPE			\$13,050.21				\$13,050.21
81118		5-1/4 B84B 3-WAY 3/6 BURY FIRE HYDT L/ACC			\$18,067.50				\$18,067.50
Totals				\$93,414.00	\$46,345.04			\$16,159.83	\$123,599.21

Pay App 3
2019



Phone: (918) 266-0209 Fax: (918) 266-0235

19711 EAST 6TH STREET
TULSA, OK 74108
F.EIN 73-0706102

INVOICE

Invoice No. 080933
Date 12/17/2014
Order No. 147898
Customer ID TMC DONALD
Salesperson JERRY JEWETT

BILL TO:	SHIP TO:
T. MCDONALD CONSTRUCTION P.O. BOX 1043 EUFAULA, OK 74432	T. MCDONALD CONSTRUCTION 2ND STREET IMPROVEMENTS

F.O.B. POINT		SHIP VIA		TERMS	CUSTOMER P.O. NO.	ORDERED BY	DATE SHIPPED	
		CALL		Net 10th Prox			12/8/2014	
LINE NBR	QTY ORDERED	QTY SHIPPED	QTY BO	ALL MATERIALS SUBJECT TO MANUFACTURE'S WARRANTIES		UNITS	PRICE	EXT. PRICE
01	4.00	4.00	0.00	6" MJ SOLID SLEEVE L/ACC		EA	84.70	338.80
02	3.00	3.00	0.00	10" MJ TEE L/ACC		EA	364.70	1,094.10
03	3.00	3.00	0.00	10" X 6" MJ TEE L/ACC		EA	273.00	819.00
04	6.00	6.00	0.00	10" MJ 45 L/ACC		EA	163.10	978.60
05	1.00	1.00	0.00	10" 11-1/4 MJ L/ACC		EA	165.20	165.20
06	1.00	1.00	0.00	10" MJ CAP L/ACC		EA	88.90	88.90
07	10.00	10.00	0.00	6" X 13" HYDRANT SWIVEL ADPT		EA	113.40	1,134.00
08	10.00	10.00	0.00	16" PVC STARGRIP W/ACC		EA	234.82	2,348.20
09	53.00	53.00	0.00	10" PVC STARGRIP W/ACC		EA	113.32	6,006.96
10	65.00	65.00	0.00	6" PVC STARGRIP W/ACC		EA	52.20	3,393.00
11	3.00	3.00	0.00	4" X 3" MJ X FLG RED. L/ACC		EA	159.62	478.86
12	132.00	132.00	0.00	4" 2-WAY CLEAN OUT TEE		EA	16.84	2,222.88

Tax Description	Tax Rate	Sales Total	19,067.50
KREBS, PITTS, OK	9.500	Freight	0.00
		Tax Total	1,811.41

TOTAL 20,878.91

TERMS NET 10th
PAY FROM THIS INVOICE, STATEMENTS FAXED UPON REQUEST
A FINANCE CHARGE OF 1-1/2 % PER MONTH, EQUAL TO 18% PER YEAR WILL BE ADDED TO ALL PAST DUE ACCOUNTS

Pay APP
3



Phone: (918) 266-0209 Fax: (918) 266-0235

19711 EAST 6TH STREET
TULSA, OK 74108
F.EIN 73-0706102

INVOICE

Invoice No. 080941
Date 12/17/2014
Order No. 147921
Customer ID TMC DONALD
Salesperson JERRY JEWETT

BILL TO:	SHIP TO:
T. MCDONALD CONSTRUCTION P.O. BOX 1043 EUFAULA, OK 74432	T. MCDONALD CONSTRUCTION 2ND STREET IMPROVEMENTS

F.O.B. POINT	SHIP VIA	TERMS	CUSTOMER P.O. NO.	ORDERED BY	DATE SHIPPED
	CALL	Net 10th Prox			12/11/2014

LINE NBR	QTY ORDERED	QTY SHIPPED	QTY BO	ALL MATERIALS SUBJECT TO MANUFACTURE'S WARRANTIES	UNITS	PRICE	EXT. PRICE
01	2,360.00	2,360.00	0.00	LF 6" DR-14 C900 PVC PIPE	EA	5.05	11,918.00



Tax Description	Tax Rate	Sales Total	11,918.00
KREBS, PITTS, OK	9.500	Freight	0.00
		Tax Total	1,132.21

TOTAL 13,050.21

TERMS NET 10th
PAY FROM THIS INVOICE , STATEMENTS FAXED UPON REQUEST
A FINANCE CHARGE OF 1-1/2 % PER MONTH, EQUAL TO 18% PER YEAR WILL BE ADDED TO ALL PAST DUE ACCOUNTS



Phone: (918) 266-0209 Fax: (918) 266-0235

19711 EAST 6TH STREET
TULSA, OK 74108
F.EIN 73-0706102

INVOICE

Invoice No. 081118
Date 12/22/2014
Order No. 147952
Customer ID TMCDONALD
Salesperson JERRY JEWETT

BILL TO:	SHIP TO:
T. MCDONALD CONSTRUCTION P.O. BOX 1043 EUFAULA, OK 74432	T. MCDONALD CONSTRUCTION 2ND STREET IMPROVEMENT KREBS, OK

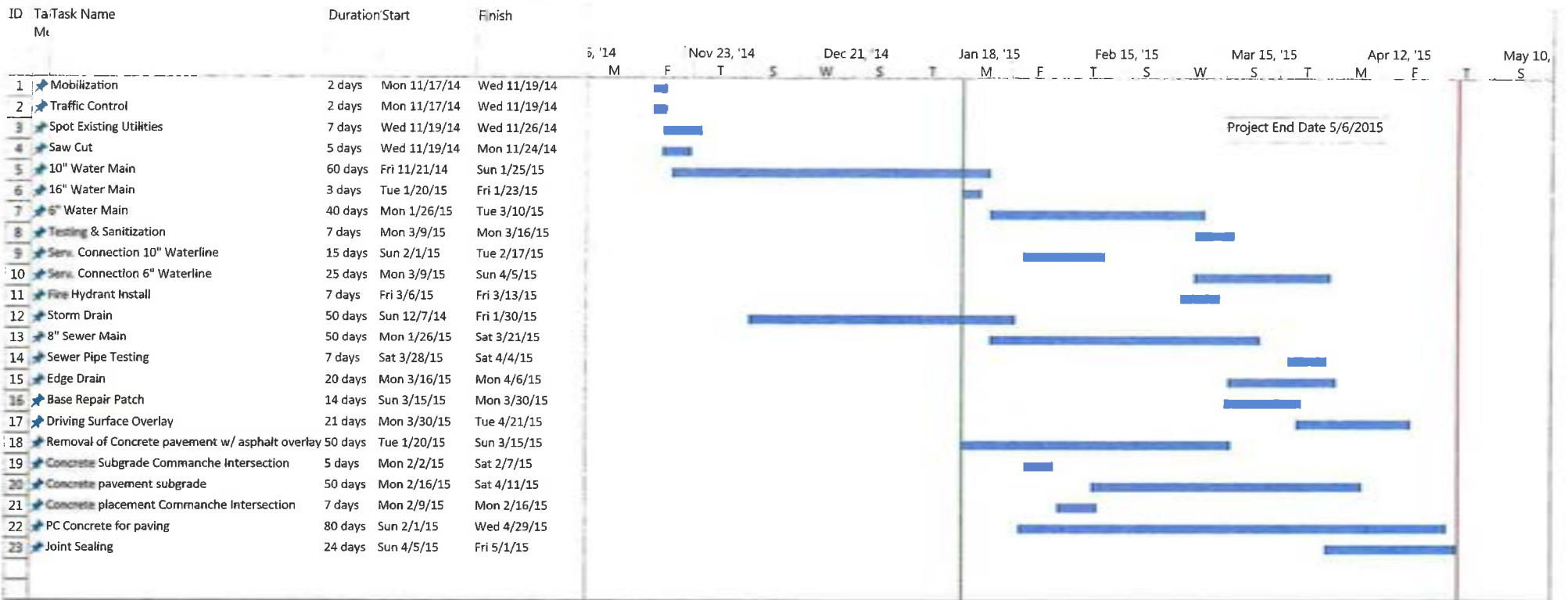
F.O.B. POINT		SHIP VIA		TERMS		CUSTOMER P.O. NO.		ORDERED BY		DATE SHIPPED	
		OUR TRUCK		Net 10th Prox						12/20/2014	
LINE NBR	QTY ORDERED	QTY SHIPPED	QTY BO	ALL MATERIALS SUBJECT TO MANUFACTURE'S WARRANTIES			UNITS	PRICE	EXT. PRICE		
01	10.00	10.00	0.00	5-1/4 B84B 3-WAY 3" BURY FIRE HYDT L/ACC			EA	1,650.00	16,500.00		



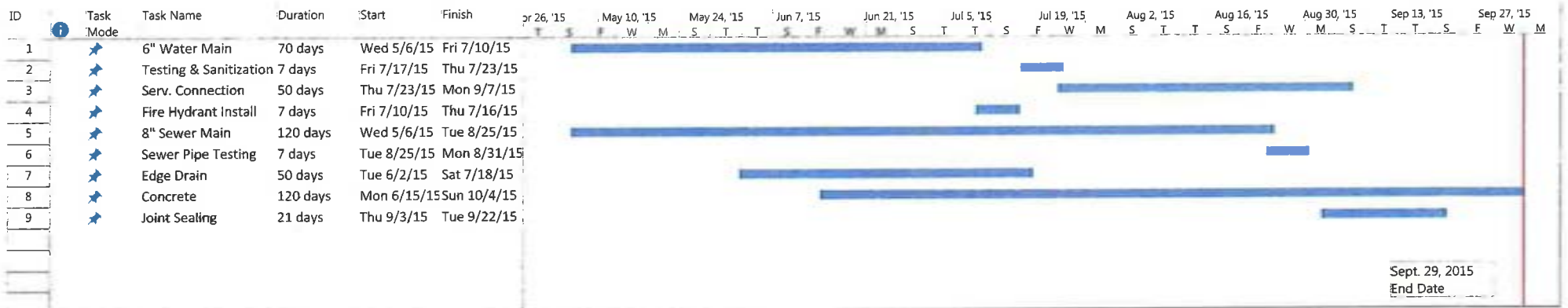
on pay App 3

Tax Description	Tax Rate	Sales Total	16,500.00
KREBS, PITTS, OK	9.500	Freight	0.00
		Tax Total	1,567.50
TOTAL			18,067.50

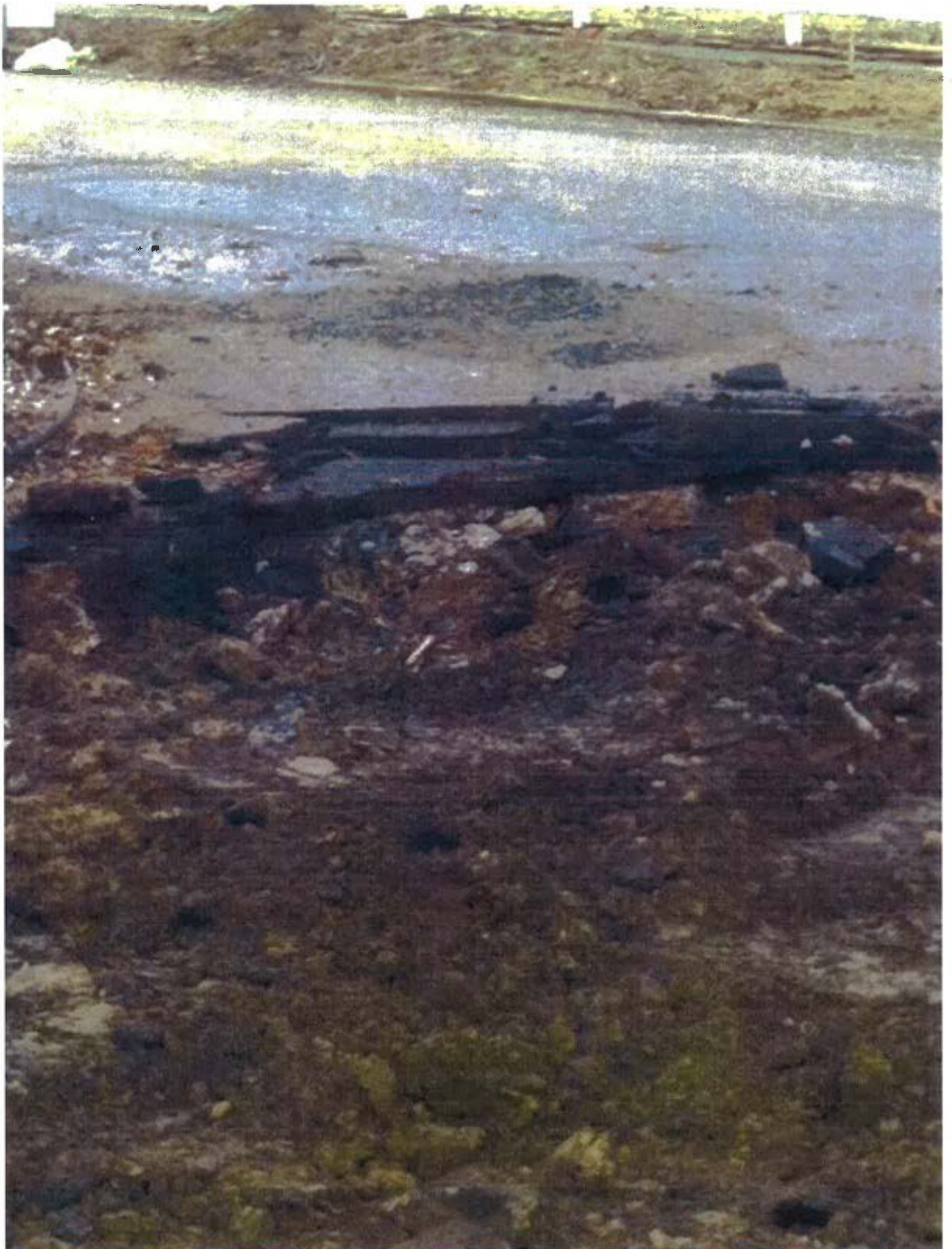
TERMS NET 10th
PAY FROM THIS INVOICE , STATEMENTS FAXED UPON REQUEST
A FINANCE CHARGE OF 1-1/2 % PER MONTH, EQUAL TO 18% PER YEAR WILL BE ADDED TO ALL PAST DUE ACCOUNTS



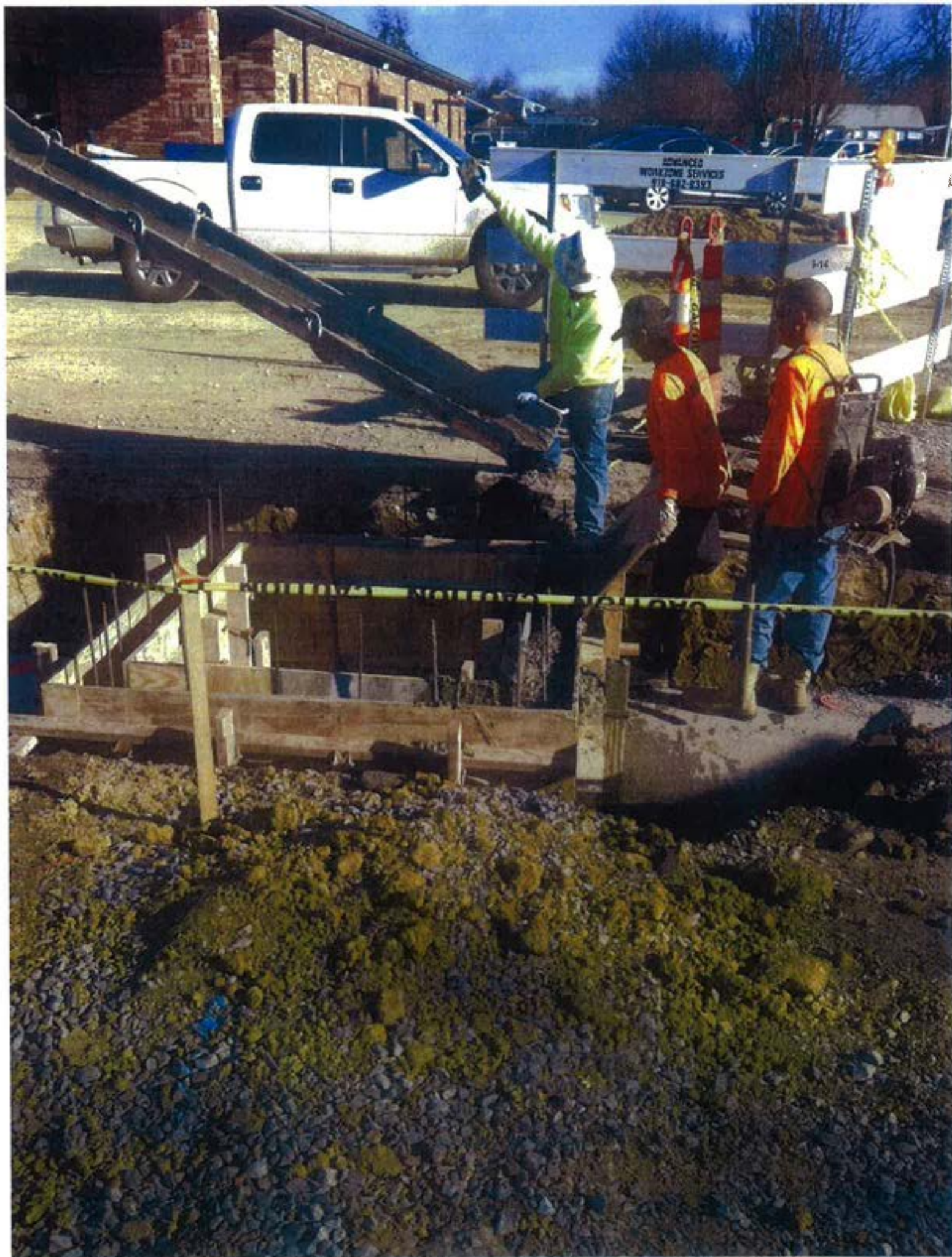
Project: 2nd Street Improvements Date: Tue 1/20/15	Task		Project Summary		Manual Task		Start-only		Deadline	
	Split		Inactive Task		Duration-only		Finish-only		Progress	
	Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
	Summary		Inactive Summary		Manual Summary		External Milestone			



Project: Phase 2 - 2nd Street Im Date: Tue 1/20/15	Task		Project Summary		Manual Task		Start-only		Deadline	
	Split		Inactive Task		Duration-only		Finish-only		Progress	
	Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
	Summary		Inactive Summary		Manual Summary		External Milestone			



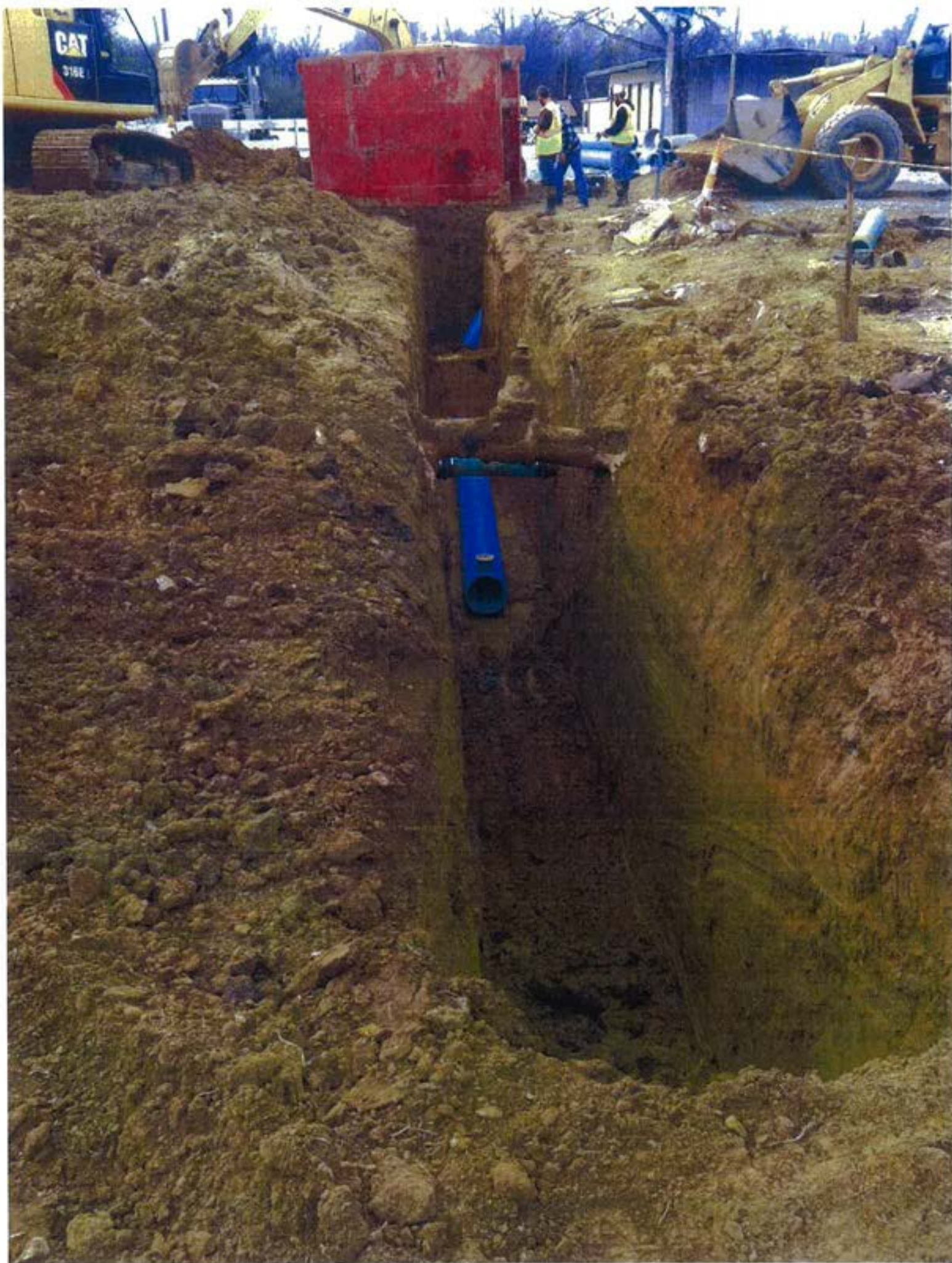














COALGATE FIRE DEPARTMENT/EMS

3 S. MAIN COALGATE, OK 74538

580-927-3913

2015 MUTUAL AID AGREEMENT

This agreement is entered into this 1st day of January 2015, by and between **Coalgate Fire Department/EMS and Cairo Fire Department.**

Both above named agencies hereby agree to provide Mutual Aid Assistance to each other upon request. This Mutual Aid Assistance will be provided at all times for emergency situations except in the event that in responding to assist, the agency's own primary coverage area would be placed in jeopardy.

Both agencies agree that in providing Mutual Aid, fees charged if any, for ambulance services and rendering patient care will be the responsibility of the party (parties) receiving the service, and the responsibility of the other agency.

Both agencies agree that in requesting or providing Mutual Aid to the other agency, that no liability or expense whatsoever are assumed for the direct or indirect actions of the other agency or the agency's employees, volunteers, or agents. This includes but is not limited to actions or omissions in patient care rendered and/or injuries, illness, loss or damage caused or alleged to be caused, by the other agency or the other agency's employees, volunteers, or agents.

This agreement will be effective until December 31, 2015, unless otherwise revoked in writing.

Coalgate Fire Department/EMS

McAlester Fire Department/EMS

City Mgr Roger Casper

Printed Name

Title

Roger Casper 1/20/15

Signature

Date

Printed Name

Title

Signature

Date



McAlester City Council

AGENDA REPORT

Meeting Date: 02/10/2015
Department: Fire Department
Prepared By: Brett Brewer
Date Prepared: 02/02/2015

Item Number: _____
Account Code: _____
Budgeted Amount: _____
Exhibits: 0

Subject

Discussion and possible action, on approval of an agreement for mutual aid fire protection between Coalgate Fire Department/EMS, Cairo Fire Department and the McAlester Fire Department.

Recommendation

Motion to approve the mutual aid agreement.

Discussion

The purpose of this agreement is to secure to each the benefits of mutual aid for the purpose to prevent fires, loss of life and property from any and all structure fire or any other disaster within each department's response area.

Approved By

Department Head
City Manager

P. Stasiak

Initial
BB

Date
01/13/2015

Pride In McAlester

Second Quarter Report

FY 2014-2015



Board of Directors:

Justin Few, President

Mel Priddy, Vice President

Carol Bishop, Treasurer

Cara Dorrell, Secretary

David Beall

Vickie Cherry

Tabetha Howell

Stephanie Giacomo

Staff:

Regina Peoples, Executive Director

Krystal Baker, Project Assistant

Membership:

24 Individual Members

15 Family Memberships

11 Lifetime Memberships

4 Non-Profit Members

11 Business Members

PIM Board Meetings

Pride In McAlester Board of Director Meetings are held on the first Thursday of every month at 12:00 pm at the PIM Office located at 119 E. Choctaw Ave., Suite 102 in McAlester. Regular meetings were held on October 5th, November 12th with no regular meeting in December. Special meetings were held November

PIM Membership Meetings

Pride In McAlester Membership Meetings are held on the second Thursday of every month at 6:00 pm in Room 110 of the McAlester campus of Eastern Oklahoma State College. Meetings were held on October 9th, November 13th, and December 11th. An average of ten people attended PIM Meetings during the second quarter of 2014-2015.

Volunteerism

PIM held five volunteer events during the second quarter of 2014-2015: October

Fifty-four volunteers spent 186 hours working in the community from October to December 2014.

Pride In McAlester 2014-2015 Budget	First Quarter	Yearly Budget
Revenue		
Donations & Miscellaneous Fundraisers	\$ 2536.34	\$ 10,200.00
Fundraiser	\$ 12,583.37	\$ 44,700.00
Grants & Sponsorships	\$ 2,500	\$ 2,700.00
McAlester City Contract	\$ 13,500.00	\$ 54,000.00
Membership	\$ 2036.90	\$ 2,400.00
Total Revenue	\$ 33126.66	\$ 114,000.00
Operating Expenses		
Advertising	\$ 686.68	\$ 1,000.00
Fundraiser Expenses	\$ 10085.28	\$ 21,000.00
Facilities, Equipment, & Misc.	\$ 2,475.96	\$ 10,000.00
Office Supplies	\$ 1,211.92	\$ 3,500.00
Payroll and Expenses	\$ 13,149.91	\$ 50,000.00
Travel Expenses	\$ 662.36	\$ 2,500.00
Project Expenses	\$ 3859.02	\$ 30,000.00
Total Expenses	\$ 32,131.13	\$ 118,000.00
Net Income	\$ 1,025	\$ (4,000.00)

Social Media

Pride In McAlester continued to manage the Pride In McAlester, OKLA Theater, and McAlester Recycling Center Facebook pages for social media outreach. Number of "Likes" as of December 31, 2014:

Pride In McAlester	854
McAlester Recycling Center	273
OKLA Theater	2,537

The Facebook logo, consisting of the word "facebook" in white lowercase letters on a dark blue rectangular background.

Print Media

Regular advertising, articles, and press releases were sent to local newspapers, including the *McAlester News-Capital* and the *Oklahoma Bargain Journal*. From October 2014 to December 2014, approximately seven articles in the *McAlester News-Capital* contained information concerning Pride In McAlester.

McAlester Radio

Executive Director Regina Peoples continued radio shows as the guest of Megan Waters on KNED AM 1150.



Websites

Online web pages were maintained and updated for Pride In McAlester and the OKLA Theater.

www.prideinmcalester.com *www.oklatheater.com*

Monthly PIM Newsletters

Pride In McAlester publishes a monthly e-mail newsletter to keep members and supporters up-to-date on activities within the organization. Newsletters were sent on October 31st, November 28th, and December 23rd. The newsletter mailing list as of December 31st consisted of 320 e-mail addresses.



Fall Cleanup

October 4th, 5th, 11th, 12th

(Prescription drug disposal on Sunday, October 12th.)



Recycling
tires helps
fight
mosquitoes!



Sundays — 12 PM to 3 PM
Saturdays — 9 AM to 3 PM



{ Anything powered by electricity/batteries
can be recycled! }

Accepting Bulk Trash, Metal, Electronics, and Tires

Please remove tires from rim.



{ Bulk trash is anything that is too big to be picked up with curbside trash— Couches, fridges, water heaters, ovens, barbecue grills are some of the many items that residents can bring to the Cleanup. }

PLEASE TAKE BRUSH DIRECTLY TO MUNICIPAL LANDFILL.
OPEN SAME HOURS AS CLEANUP.

All events are FREE to McAlester residents and will be held at the
Former National Guard Armory Parking Lot located at 3rd and Taylor.

No commercial business please.

For information about joining our efforts, please call 918-426-4444
or visit our website at www.prideinmcalester.com.



Fall Cleanup

The 2014 Pride In McAlester Fall Cleanup started on October 4th and ran every Saturday and Sunday through October 12th. Fifty three onsite volunteers and in-kind employees contributed 198 hours to the cleanup, assisting more than 315 vehicles disposing of bulk trash, metal, tires, electronics, brush, and prescription drugs. 499 citizens spent more than 1,000 hours cleaning and delivering items to the cleanup.

Material	Weight Collected
Prescription Drugs	7 pounds
Electronics	14,125 pounds
Metal	12921 pounds
Tires	125 tires (2,500 pounds)
Bulk Waste	166,880 pounds
Total	196433 pounds



Donation Match by Modern Woodmen

The local chapter of Modern Woodmen of America selected Pride In McAlester for their matching funds project. Modern Woodmen matched \$2,500 of the donation raised during Fall Cleanup.



Modern Woodmen
FRATERNAL FINANCIAL

PRIDE IN MCALESTER



Staff photo by KEVIN HARVISON

Members of the McAlester Modern Woodmen of America chapter recently helped raise money for Pride In McAlester by having scrap metal recycling and Flea Market fund raiser events. The events held during October raised \$5,119. This includes \$2,500 matched by Modern Woodmen's home office through the organization's Matching Fund program. The money will be used for re-cycling, clean-up, painting and other projects to beautify McAlester. Pictured from left are, Krystal Baker, PIM project assistant; Cara Dorrell, PIM board member; Regina Peoples, PIM executive director; Betty Balkman, Modern Woodmen of America; Stephanie Giacomo, PIM board member and David Beall, PIM board member.

December Community Volunteer Days

On December 13th, 5 volunteers collected 6 bags of litter from Pride In McAlester's Adopt-A-Block.



COMMUNITY VOLUNTEER DAY
Saturday, December 13



LITTER PICKUP
9:00 AM

BE A PART OF IMPROVING YOUR COMMUNITY!

VOLUNTEERS WILL MEET AT 9:00 AM IN THE
PARKING LOT OF MASCATO CHIROPRACTIC.



Festival of Trees

Six volunteers worked to construct a tree for the Rainbow Temple's annual Festival of Trees. The tree was made entirely of second hand materials with an outdated textbook serving as the leaves and broken strings of garland and ornaments used to decorate the tree. The tree won "Most Original" during the Festival of Trees and raised \$30 for the America Red Cross.



New Bins for Community Recycling

Thanks to a generous donation from Republic Waste, Pride In McAlester has 18 new bins for use during community events. The bins are larger and sturdier than the bins Pride In McAlester already had and will be a welcome addition to community events.





McAlester Recycling Center



Pride In McAlester continued to educate the McAlester citizens about the various recycling options in the community. Support was also given to the City of McAlester and Ki Bois Community Action in operating the McAlester Recycling Center and participating in talks about the future of recycling in McAlester.

Community Recycling

Pride In McAlester offers community recycling during both private and public events in McAlester.



Complementary Cardboard Recycling

For new residents of McAlester, or citizens who have recently moved, Pride In McAlester offers a cardboard pickup at no cost. The cardboard collected is recycled through the McAlester Recycling Center.

Cooking Oil Recycling

PIM continued to offer free cooking oil recycling at the Pride In McAlester Flea Market located at 319 E. Choctaw Avenue.

 **Recycle**
Cooking Oil
Here

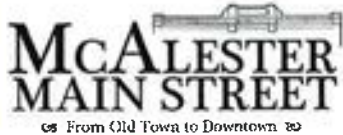


Eyeglasses Recycling

Thanks to a program through the local Lions Club, Pride In McAlester also offers eyeglasses recycling at the PIM Flea Market at 319 E. Choctaw Avenue.

Community Events and Partnerships

During the second quarter of 2014-2015, PIM staff and members continued to attend and participate in McAlester Chamber of Commerce and McAlester Young Professionals events and programs. PIM representatives also attended the 8th Grade Career and College Expo, McAlester Main Street's Trick or Treat Party in the Street, and Old Town



**MAKE A
DIFFERENCE DAY**
NATIONAL DAY OF DOING GOOD



Community Presentations

October 11th Mayor Proclaimed October Keep McAlester Beautiful month

October 13th Presented to the Administrators of McAlester Public Schools at their monthly meeting on the Keep America Beautiful Recycle Bowl initiative for K-12 recycling.

October 13th Presented to the local Philanthropic Educational Organization.

October 15th Met with Kiamichi Technology Center on recycling opportunities for the school

October 16th Presented an award to the Parks and Recreation department at the Non-Uniformed Employee Council

Professional Development and Conferences

The Executive Director attended the following professional development workshops, conference calls, and webinars:

October 8th—Oklahoma Recyclers Association conference in Edmond

October 21st Placemaking Conference with the Oklahoma Arts Council

October 28th Small Business Marketing Workshop with the OSU Extension Office



- The lead and asbestos abatement at the OKLA Theater concluded in October of 2014.
- Final paper work and close out documents for the Brownsfield Grant are expected to be completed in early 2015



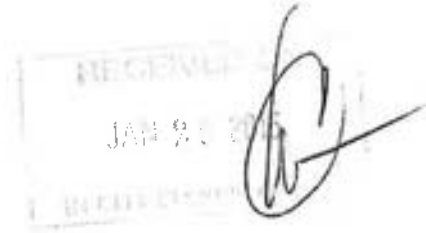
From October 1, 2014 to December 31, 2014 three messages were displayed on the OKLA Marquee.



Oklahoma Municipal Assurance Group

3650 S. Boulevard • Edmond, OK 73013-5581 • 405/657-1400 • 800/234-9461 • fax: 405/657-1401 • www.omag.org

January 26, 2015



Ms. Cora Middleton
P.O. Box 578
McAlester, OK 74502

Re:	Member	:	City of McAlester
	Claimant	:	Kevin Martin
	Date of Loss	:	1/5/15
	Claim No.	:	141611-KW

Dear Ms. Middleton:

We have completed our investigation regarding the above referenced claim. It is our recommendation to the City of McAlester that this claim be denied. We find no liability on the City's part, regarding this incident.

Under the Governmental Tort Claims Act, 51 Okla. Sec 157(A), this claim will be deemed denied ninety (90) days after it was received by City of McAlester or on 4/6/15. 51 Okla. Stat. Sec 157 (B) requires any lawsuit under the Act to be commenced within one hundred eighty (180) days after denial of the claim.

Thus to begin the 180-day statute of limitations prior to 4/6/15 we suggest you docket this claim for denial at the next meeting of your municipal governing body. **For the 180-day period to start running, the claimant must be notified in writing at the address on the claim within five (5) days of the denial.** To document compliance with the Act, we recommend that you send notice of denial of the claim by certified mail.

Please advise us as soon as possible of any official action taken by the municipal governing body on denial of this claim.

Sincerely,

Kyle Waid
Claims Examiner

Enclosure



Oklahoma Municipal Assurance Group

3650 S. Boulevard • Edmond, OK 73013-5581 • 405/657-1400 • 800/234-9461 • fax: 405/657-1401 • www.omag.org

January 26, 2015

Mr. Kevin Martin
P.O. Box 1333
Krebs, OK 74554

RE: Member	:	City of McAlester
Claimant	:	Kevin Martin
Date of Loss	:	1/5/15
Claim No.	:	141611-KW

Dear Mr. Martin:

As the adjuster for the Oklahoma Municipal Assurance Group, the general liability insurer for the City of McAlester, I am recommending denial of this claim and find no liability on the City's part for this claim.

Our investigation shows that the City had no knowledge of the pothole prior to your incident. Based on this information we are taking no further action regarding the claim.

Sincerely,

Kyle Waid
Claims Adjuster

cc: City of McAlester



Oklahoma Municipal Assurance Group

3650 S. Boulevard • Edmond, OK 73013-5581 • 405/657-1400 • 800/234-9461 • fax: 405/657-1401 • www.omag.org

January 8, 2015

Kevin Martin
P.O. Box 1333
Krebs, OK 74554

Re: Member	:	City of McAlester
Claimant	:	Kevin Martin
Date of Loss	:	January 5, 2015
Claim Number	:	141611-KW

Dear Mr. Martin,

This will acknowledge receipt of the above captioned claim. The undersigned will be directing the handling of this matter and will be in touch in the near future.

Sincerely,

Kyle Waid
Claims Examiner

KW/as

cc: City of McAlester

Right front Tire

City of McAlester
Safety Office

Date: 1-7-2015

Reference: Property Damage Report

Location: 1400 block of Wade Watts

Damaged Property: 2009 White Ford Focus Tag # 044-FIV

Comments: On 1-6-2015, Kevin Martin 918-470-2531 reported that he had ruined a tire after hitting a pothole. He said the pothole was in the 1400-1500 block of Wade Watts Avenue in McAlester, OK. On 1-7-15, I checked the area and found a pothole that had been repaired the day before. James Roberts from the Streets Department said he was notified on 1-6-15 that someone had reported they hit the pothole and he repaired the hole that afternoon. James Roberts took several pictures of the pothole and they are attached to this report. The depth of the pothole appears to be between 3-4 inches deep.

Mr. Martin bought a new tire at Jim's Tire located at 1700 S. George Nigh in McAlester, Ok. The cost of the tire was \$168.00. I took a picture of the tire and it is attached to this report. The City of McAlester was unaware of the existence of this pothole prior to Mr. Martin hitting it. It was repaired within 1 hour of his reporting it to the City.

Doug Basinger
Safety/ Risk Management

Cora Middleton

From: Cora Middleton
Sent: Wednesday, January 07, 2015 4:03 PM
To: 'claimsdepartment@omag.org'
Subject: Notice of Tort Claim
Attachments: K. Martin, Notice of Tort Claim.pdf; 01.07.15, K. Martin - pothole photo 1.jpg; 01.07.15, K. Martin - pothole photo 2.jpg; 01.07.15, K. Martin - pothole photo 3.jpg; 01.07.15, K. Martin - pothole photo 4.jpg; 01.07.15, K. Martin - Safety-Risk Mgmt. Damage Report.docx; 01.07.15, K. Martin - tire damage photo 5.JPG; K. Martin, copy of repair invoice.pdf

To Whom It May Concern:

Attached is documentation for a Tort Claim for alleged damage to a citizen's tire that occurred on January 5, 2015. This claim is being filed by Kevin Martin owner of the vehicle. If you have any questions please do not hesitate to contact me.

Thank you,

*Cora Middleton, CMC
City of McAlester
City Clerk
P.O. Box 578
McAlester, OK 74502
(918)423-9300 Ext. 4956*

1/7/2015

NOTICE OF TORT CLAIM

OKLAHOMA MUNICIPAL ASSURANCE GROUP - MUNICIPAL LIABILITY PROTECTION PLAN

A. CLAIMANT REPORT

To the

City of McAlester

Public entity you are filing this claim against.

PLEASE PRINT OR TYPE AND SIGN

JAN 06 2005

IMPORTANCE NOTICE: The filing of this form with the City Clerk's office is only the initial step in the claim process and does not indicate in any manner the acceptance of responsibility by the City or its related entities. Written notice is required by law and shall be filed with the City Clerk within one (1) year from the date of occurrence. It will then be sent to OMAG Claims Dept. for investigation. You may expect them to contact you. Failure to file within such time-frame may result in the claim being barred in its entirety. Other limitations to your claim may apply. (See Oklahoma Statutes Title 51, Section 151-172).

CLAIMANT(S) Therian Martin
ADDRESS PO Box 1333
McAlester OK 74554

CLAIMANT(S) SOCIAL SECURITY NO. _____

CLAIMANT(S) DATE OF BIRTH _____

PHONE: HOME (918) 470-2531 BUS. () _____

Continue on another sheet if needed

1. DATE AND TIME OF INCIDENT Mon 1-5-1511 10 a.m. 19:30 p.m. for any information requested)
2. LOCATION OF INCIDENT Wagon Works AVE (East of Universal Chiropractic Clinic on Public Lane)
3. DESCRIBE INCIDENT was driving when wagon hit a hole in the road

4. LIST ALL PERSONS AND/OR PROPERTY FOR WHICH YOU ARE CLAIMING DAMAGES:

BODILY INJURY: WAS CLAIMANT INJURED? YES ___ NO ☒ If yes, complete this section

Describe injury _____

WERE YOU ON THE JOB AT THE TIME OF INJURY? YES ___ NO ___ If so, please give name, address and phone number of company _____

NAME OF DOCTOR OR HOSPITAL _____

ALL MEDICAL BILLS (attach Copies) \$ _____

LIST OTHER DAMAGES CLAIMED \$ _____

TOTAL BODILY INJURY. \$ _____

PROPERTY DAMAGE: Proof that you are the owner of the vehicle or property allegedly damaged as specified in your claim will be required.

VEHICLE NAME Ford BODY TYPE Focus YEAR 89

NOTE: If damage is to a vehicle, a photocopy of your motor vehicle title is required.

IF NOT A VEHICLE, DESCRIBE PROPERTY AND LOSS _____

PROPERTY DAMAGE (Attach repair bills or two estimates) \$ 164.93

LIST OTHER DAMAGES CLAIMED \$ _____

TOTAL PROPERTY \$ _____

5. NAME OF YOUR INSURANCE CO. Safe co

POLICY NO. Y8047225

AMOUNT CLAIMED 164.93

AMOUNT RECEIVED _____

6. The names of any witnesses known to you.

Name _____ Address _____ Phone Number _____

Name _____ Address _____ Phone Number _____

STATE THE EXACT AMOUNT OF COMPENSATION YOU WOULD ACCEPT AS FULL SETTLEMENT ON THIS CLAIM.

TOTAL CLAIM \$ 164.93

SIGNATURE(S) Therian Martin

DATE 1-6-15

B. THIS SECTION IS FOR USE BY THE PUBLIC ENTITY WHICH RECEIVES THE CLAIM

To inquire about this claim you may write to OMAG Claims Dept. or call 1-800-234-9461; or in Oklahoma City call 525-6624

This Notice of Tort Claim was received by Cora Middleton
(Title) City Clerk, on January 6, 20 15

For further information on this claim contact Cora Middleton
(Title) City Clerk, by telephone at 918 423-9300 ext 4956

The following reports, statements or other documentation, which support our understanding of the facts relating to this claim, are attached:

Copy of repair invoice, Statement from Safety/Risk Mgmt. Officer and photos of tire and pothole

Persons who have knowledge of the circumstances surrounding this claim are:

	<u>Name</u>	<u>Title/Position</u>	<u>Telephone</u>
1.			
2.			
3.			
4.			

Submitted by: Cora Middleton Date Jan. 7, 20 15
Title: City Clerk

AFTER THE PUBLIC ENTITY HAS RECEIVED THIS CLAIM, PLEASE PROVIDE INFORMATION REQUESTED ABOVE AND IMMEDIATELY SEND TO:

OMAG Claims Dept.
4130 N. Lincoln Blvd
Oklahoma City, OK 73105-5209
Fax (405) 525-0009



JIM'S TIRE & BRAKE, INC.
24 HOUR TIRE SERVICE
1700 S. GEORGE NIGH EXPRESSWAY
McALESTER, OK 74501
(918) 429-0330 Fax (918) 429-0326
TOLL FREE 1-866-748-5719

CUSTOMER'S ORDER NO.

PHONE

DATE

1/6/14

NAME

KEVIN MARTIN

ADDRESS

SOLD BY

CASH

C.O.D.

CHARGE

ON ACCT.

MOSE. RET'D.

PAID OUT

2009
Ford
F418

QTY.

DESCRIPTION

PRICE

AMOUNT

1	205/50/16 Yokohama AVID ENVOY	1135	-
1	mount	15	-
1	spin Balance	7	50
	Tire Fault Due to flat hole		

RECEIVED BY

PAID
CASHTIRE
DISPOSAL

TAX

TOTAL

7 43
164 93

23427

All claims and returned goods MUST be accompanied by this bill.

THANK YOU











COMMUNICATIONS SITE MEMORANDUM OF UNDERSTANDING

WHEREAS, the Choctaw Nation of Oklahoma is seeking a communications site to place an antenna and auxiliary equipment for the Choctaw Tribal Police;

WHEREAS, City of McAlester has site space available and suitable for this purpose;

NOW THEREFORE, in consideration of the mutual promises, conditions, covenants and considerations passing between the parties hereto, it is understood and agreed by and between the parties to this Communications Site Memorandum of Understanding as follows:

This Communications Site Memorandum of Understanding (the "MOU"), entered into as of this 10 day of February 2015, by and between City of McAlester, having an address at 28 E. Washington Ave. McAlester, Oklahoma and the Choctaw Nation of Oklahoma having an address at 1705 West Locust, Durant, Oklahoma.

MOU is for antenna and/or shelter and/or antenna space, including any wires, generator(s), equipment, etc. necessary to carry out Choctaw Nation Tribal Police operation of the radio system ("Radio Equipment") on City of McAlester site located in Pittsburg County, McAlester, Oklahoma as designated by Pittsburg County, Latitude: 34 degree 53' 41.03" N Longitude: 90 DEGREE 45' 25.06" W together with access thereto ("Site"). The Radio Equipment will be installed and maintained by and at the expense of the Choctaw Nation Tribal Police.

1. **TERMS:** The Term of this MOU shall be for a period of Twenty Five (25) years commencing on the 10 day of February 2015. This MOU shall automatically renew for subsequent Five (5) year terms unless otherwise terminated by either party pursuant to this MOU. However, City of McAlester reserves the right to terminate this MOU at any time upon 90 days written notice to the Choctaw Nation Tribal Police. In the event that such antenna/transmissions causes interference with the City of McAlester, or any other agencies radio frequencies in place and operating on the tower prior to the Choctaw Nation Tribal Police installing their equipment, the Choctaw Nation Tribal Police shall immediately terminate usage of its equipment and correct such problem, at its own expense, before becoming active again.

2. **TITLE:** The Choctaw Nation Tribal Police shall have no right, title or interest in the Site except the non-exclusive use thereof as expressly set forth in this MOU.

3. **ELECTRICITY:** Site Owner will provide electricity at the Site for the benefit of the Choctaw Nation of Oklahoma.

4. **PERMITS, LICENSES AND REGULATIONS:** The Choctaw Nation Tribal Police agrees and understands that it is the Choctaw Nation Tribal Police responsibility to abide

by all applicable federal, state, and local rules and regulations pertaining to the operation of the Site and of the Choctaw Nation Tribal Police equipment; including without limitations, those pertaining to the installation, maintenance, height, location, use, operation, and removal of its equipment, antenna systems, and other alterations or improvements authorized herein. The Choctaw Nation Tribal Police thereby represents that the Choctaw Nation Tribal Police has obtained the necessary licenses and permits required to use said SITE, or that the Choctaw Nation Tribal Police will obtain said licenses or permits at the Choctaw Nation Tribal Police own expense, prior to any such use. Site Owner will provide the Choctaw Nation Tribal Police a copy of the Antenna Structure Registration (if using a tower) as provided to the Site Owner by the FCC.

5. **USE:** It is expressly agreed by the Choctaw Nation Tribal Police that: (1) while using the Site, the Choctaw Nation Tribal Police shall be responsible for proper operation and compliance with Federal Communication Commission ("FCC") rules; (2) the Choctaw Nation Tribal Police hereby consents to the execution of MOU between Site owner and other parties eligible to share the Site, whereby such parties may utilize and share said Site with the Choctaw Nation Tribal Police; and (3) the Choctaw Nation Tribal Police represents that it has independently ascertained that the Site is adequate and proper for the Choctaw Nation Tribal Police intended use and has entered into this MOU based solely upon said independent investigation, and not by any representation by Site Owner.

5.1 The Choctaw Nation Tribal Police will not increase the size of its Radio Equipment or alter the wind load or structural impact of its equipment upon the Site without the prior written consent of the City of McAlester. The Choctaw Nation Tribal Police will limit use of Radio Equipment to execution of its official duties.

6. **COVERAGE AND INTERFERENCE:** Site Owner makes no representations concerning the distance at which useable radio signals may be transmitted and received from the Site or location thereof. The Choctaw Nation Tribal Police is hereby notified that the Site is subject to degradation of performance from, but not limited to, natural and man-made phenomena such as so-called "skip" interference, power line, and ignition noise, inter-modulation, co-channel interference, and interference from users of the same or other radio frequencies. If at any time, equipment owned by the Choctaw Nation Tribal Police interferes with the normal operations of equipment owned by the City of McAlester or any other agency that is currently on the site prior to this MOU, with prior written or verbal notice, the Choctaw Nation Tribal Police will immediately cease any and all transmissions and operations on this site until such interference is corrected by the Choctaw Nation Tribal Police and at the Choctaw Nation Tribal Police own expense. The Choctaw Nation Tribal Police shall be responsible for taking such reasonable steps as may be necessary to prevent any spurious radiation of objectionable interference with the broadcasting or transmission facilities of Site Owner or other users on the Site caused by the Choctaw Nation Tribal Police. The determination of what is reasonable shall be within the sole discretion of the site owner. Choctaw Nation Tribal Police shall be notified that its equipment is causing objectionable interference. In the event Choctaw Nation Tribal Police is not able to remedy the problem to the satisfaction of Site Owner within twenty-four (24) hours, then Site owner will, in addition to its other rights or remedies, at its

discretion: (1) disconnect power to the Choctaw Nation Tribal Police equipment and/or (2) take corrective action and charge the Choctaw Nation Tribal Police for reasonable costs of labor and materials necessary to eliminate such interference and/or spurious radiation. In the event such interference violates any applicable federal, state, or local law, rule or regulation, Site Owner retains the right to: (1) disconnect power to the Choctaw Nation Tribal Police equipment and/or (2) take corrective action and charge the Choctaw Nation Tribal Police for reasonable costs of labor and materials necessary to eliminate such interference and/or spurious radiation. If such objectionable interference or spurious radiation cannot be reduced to levels reasonably acceptable to Site Owner, Site Owner may elect to terminate this Site MOU by giving the Choctaw Nation Tribal Police written notice. Site Owner or its designated representatives shall have the sole right initially and during the term of this MOU, to (a) determine the location of the equipment on the Site, and (b) require the Choctaw Nation Tribal Police to take whatever action is necessary to eliminate objectionable interference by the Choctaw Nation Tribal Police equipment with devices approved by Site Owner to minimize spurious radiation.

6.1 Nothing contained in this MOU shall be deemed to entitle the Choctaw Nation Tribal Police to the exclusive possession of any vertical span of space on the Site, it being the intention of the parties that the vertical span of space may be used by others at the direction of the Site Owner provided no objectionable interference is caused to the Choctaw Nation Tribal Police radio transmission activity. (This only includes equipment or antennas placed on the tower site after this MOU is signed and does not include existing equipment or antennas). It is understood and agreed that Site Owner intends to and shall have the right to accommodate other transmitters and/or receivers at the Site, and in that connection it is understood and agreed that Site Owner shall have the right at any time during the term of this MOU to locate the antenna or other equipment of other users within the same vertical space on the Site as the Choctaw Nation Tribal Police may occupy, including the right to require the multiplexing or the transmission of other user(s) provided no objectionable interference is caused to the Choctaw Nation Tribal Police transmission activities thereby and, provided, further, that the Choctaw Nation Tribal Police is not put to any cost in connection therewith. For purposes of this MOU objectionable interference shall be deemed to exist if: (1) a determination to that effect is made by an authorized representative of the FCC, or (2) a condition exists which constitutes interference within the meaning of the provisions of the Rules and Regulations of the FCC at the time in effect, or (3) there is a material impairment of sound, picture, data or other transmission in any material portion of the protected service area of such activity as such area is or may be defined by the FCC at any hour during the period of operation of such activity, as compared with that which would be obtained if no other users were transmitting from the Site or had any equipment at the Site, or (4) a user is prevented from using or having access to its equipment at reasonable and usual times to an extent to which interferes to a material degree with the operation and maintenance thereof, it being understood that a reasonable temporary interference which does not materially interfere with the operation or maintenance of said equipment and which is occasioned by the installation of the new equipment by another user or by repairs to or maintenance of existing equipment of another user shall not be considered objectionable interference.

6.2 If appropriate to maintain safe or efficient operation of the Site, the Choctaw Nation Tribal Police shall be required to participate in any transmitter and receiver combination and multi-coupling systems operating from one or more antennas installed by Site Owner.

7. THE CHOCTAW NATION TRIBAL POLICE MAINTENANCE AND REMOVAL OF EQUIPMENT AND COAXIAL CABLES

7.1 The Choctaw Nation Tribal Police shall install only the Radio Equipment, (including antenna and transmission line) which has been approved by Site Owner. The Choctaw Nation Tribal Police agrees that the installation will be done in a neat, professional manner and in compliance with all applicable laws and regulations. All costs (including repair of damages caused thereby to the Choctaw Nation Tribal Police equipment) will be the responsibility of the Choctaw Nation Tribal Police. If the Choctaw Nation Tribal Police wants to add any additional Radio Equipment, other than the Choctaw Nation Tribal Police equipment referenced herein, the Choctaw Nation Tribal Police cannot install such additional equipment until the parties execute an amendment to this MOU, authorizing the additional equipment.

7.2 The Choctaw Nation Tribal Police shall properly ground all antenna equipment at the uppermost location of its equipment on the site and properly ground its coaxial cable at the base of the site, or at locations identified by the Site Owner.

7.3 Site Owner retains the right to paint all coaxial cables attached to the site, including the Choctaw Nation Tribal Police coaxial cable, as necessary, in order to prevent "black leg".

7.4 The Choctaw Nation Tribal Police is required to remove all of the Choctaw Nation Tribal Police Radio Equipment at the Choctaw Nation Tribal Police sole risk and expense, within a reasonable amount of time, not to exceed 30 days, after the termination of this MOU. In the event the Choctaw Nation Tribal Police does not timely remove its Radio Equipment within this timeline, the Radio Equipment shall be considered abandoned by the Choctaw Nation Tribal Police and shall become the property of the Site Owner.

7.5 In the event City of McAlester needs to perform any type of construction or maintenance to site and in their sole discretion Radio Equipment needs to be removed for this purpose the Choctaw Nation Tribal Police agrees to temporarily remove Radio Equipment. In the alternative, Radio Equipment may be temporarily re-located upon mutual consent of the parties. City of McAlester agrees to provide thirty (30) days notice if the Radio Equipment will need to be removed or relocated under this paragraph.

8. **INSPECTION AND ACCESS:** As with other agencies already sharing the site, the Site Owner will provide the Choctaw Nation Tribal Police ingress and egress to the

Radio Equipment for the purposes of operating, maintaining, inspecting, using, replacing, repairing, moving, removing, etc. the Radio Equipment and for complying with any reasonable request for inspection by representatives of the FCC. Such access will be provided by the City of McAlester at any time the Choctaw Nation Tribal Police requests access within a reasonable period of time. The Choctaw Nation Tribal Police shall have access only to its own equipment and under no circumstances will the Choctaw Nation Tribal Police gain access to other equipment located at the Site or allow anyone else access to equipment other than its own. The Choctaw Nation Tribal Police will provide Site Owner in writing the identity of the service company or individual who is authorized to have access to its equipment for maintenance and only those so named will be required to be admitted. Access may be limited to reasonable conditions as may be required by City of McAlester relevant to City operational and security concerns. The City of McAlester will retain master keys to the gate and building for safety and security concerns, but will provide a copy set of keys to the Choctaw Nation Tribal Police.

9. **COORDINATION OF INSTALLATION, REPAIR AND MAINTENANCE:** In the event of the need for installation, repair or maintenance of the tower, equipment building or other common facility, Site Owner agrees to coordinate such activities in such a manner as to minimize any downtime that may be caused to the Choctaw Nation Tribal Police operations. The Choctaw Nation Tribal Police agrees to reduce or shut down the power of its transmitter if necessary at a coordinated time so that such installation, repair or maintenance may take place.

10. **FAILURES AND MAINTENANCE:** The Choctaw Nation Tribal Police is hereby notified and understands that the Site will not provide communications 100% of the time and it will, by its very nature, fail and require maintenance from time to time without notice. Such facts have been taken into consideration by the Choctaw Nation Tribal Police prior to the execution of this MOU, and such failures shall not constitute nonperformance or negligence on the part of the Site Owner. The Site Owner is not liable or responsible for interruptions or termination of service caused by strikes, lockouts, governmental acts, acts of God or other conditions beyond its control. Any such interruption or termination of service shall not be considered as a breach of this MOU by Site Owner. The Choctaw Nation Tribal Police at its own expense shall be totally responsible for any and all maintenance of its equipment due to lightening, power line surges, ground faults, excessive voltage, or any other causes beyond the control of Site Owner.

11. **CASUALTY:** If the Site becomes completely unusable due to fire or other casualty and the Choctaw Nation Tribal Police Radio Equipment becomes inoperable for a period of at least sixty (60) days as a result thereof, either party may elect to terminate this MOU upon thirty (30) days' written notice to the other given prior to the completion of repairs. Without limiting the foregoing, Site Owner shall not, under any circumstances, be responsible for any losses or damages to the Choctaw Nation Tribal Police Radio Equipment or loss of service from the Choctaw Nation Tribal Police Radio Equipment as a result of fire, theft, vandalism, lightning, loss of AC power by servicing utility, loss of accessibility, power line surges, ground faults, excessive voltage, shut down of Site for necessary repairs or normal maintenance work, and any other causes.

12. **TERMINATION OF SITE OWNER'S RIGHTS TO SITE:** In the event that any state, local or federal government agency causes the Site and/or its location to become unavailable, or Site Owner's ground lease is terminated for any reason, Site owner shall have the right to either (1) terminate this MOU without liability to the Choctaw Nation Tribal Police or (2) subject to the Choctaw Nation Tribal Police approval, make another similar site and/or location available on the same terms, in which event the change of site and/or location shall not affect the obligation of the Choctaw Nation Tribal Police.

13. **INSURANCE AND INDEMNITY:** Site Owner provides no insurance on the Choctaw Nation Tribal Police Radio Equipment or personnel. C.A.P. is self-insured.

THE CHOCTAW NATION TRIBAL POLICE SHALL SAVE HARMLESS AND INDEMNIFY TO THE EXTENT ALLOWED BY LAW THE CITY AND ITS OFFICERS AND EMPLOYEES FROM ALL CLAIMS AND LIABILITY DUE TO ACTIVITIES OF ITSELF, ITS AGENTS, OR EMPLOYEES PERFORMED UNDER THIS MOU AND WHICH ARE CAUSED BY OR RESULT FROM ERROR, OMISSION, OR NEGLIGENT ACT OF THE CHOCTAW NATION TRIBAL POLICE OR OF ANY PERSON EMPLOYED BY THE CHOCTAW NATION TRIBAL POLICE AND THE CHOCTAW NATION TRIBAL POLICE SHALL ALSO SAVE HARMLESS THE CITY FROM ANY AND ALL EXPENSE, INCLUDING, BUT NOT LIMITED TO, ATTORNEY FEES WHICH MAY BE INCURRED BY THE CITY IN LITIGATION OR OTHERWISE RESISTING SAID CLAIM OR LIABILITIES WHICH MAY BE IMPOSED ON THE CITY AS A RESULT OF SUCH ERROR, OMISSION, OR NEGLIGENT ACTIVITY BY THE CHOCTAW NATION TRIBAL POLICE, ITS AGENTS, OR EMPLOYEES. THIS INDEMNIFICATION SHALL SURVIVE TERMINATION OF MOU.

14. **GENERAL PROVISIONS:** The undersigned certifies that he has read and understands all of the terms and conditions of this MOU, and each party acknowledges receipt of a true copy hereof at the time of execution. All of the terms and conditions hereof are part of this MOU, and there are no express or implied warranties, modifications, or performance guarantees other than those expressly stated herein.

15. **CONTACTS:** Any contacts or notice required under this contract between the parties shall be submitted in writing to the other party to the contact person and address listed below. If either party wants to change the contact person or address, the party shall provide reasonable notice of the change to the contact person and address listed below.

16. **AUTHORITY:** Any individual signing this MOU on behalf of an entity represents and warrants that he has full authority to do so. This MOU shall be binding upon the respective successors, assigns and personal representatives of the parties.

17. **NOTICES:** All notices to either party by the other, required under this contract, shall be personally delivered or mailed to such party at the following respective address:

City of McAlester
Attn: City Manager
City Hall
28 E. Washington
McAlester, Okla.
74501

Choctaw Nation Tribal Police
Attn: Director of Law Enforcement
Choctaw Nation
1705 W. Locust
Durant, Okla. 74701

EXECUTED this _____ day of _____, 2015.

SITE OWNER: CITY OF McALESTER:

ATTEST:

Steve Harrison
MAYOR

McALESTER CITY CLERK

Director R D Hendrix
Choctaw Nation Tribal Police



McAlester City Council

AGENDA REPORT

Meeting Date:	February 10, 2015	Item Number:	
Department:	City Manager	Account Code:	N/A
Prepared By:	Peter Stasiak	Budgeted Amount:	N/A
Date Prepared:	February 4, 2015	Exhibits:	1

Subject

Consider and act upon, authorizing the Mayor to sign Memorandum of Understanding (MOU) with the Choctaw Nation of Oklahoma.

Recommendation

Approval of Memorandum of Understanding with the Choctaw Nation for a Police communication antenna and authorizing the Mayor to sign the agreement.

Discussion

The Choctaw Nation Tribal Police are currently tying all 10 ½ counties together to be able to communicate amongst each other. The Tribe has requested to install an antenna on the Carl Albert water tank off Highway 69 Bypass. This antenna will take up approximately one square foot of space on the tank and have a vertical height of approximately 12 feet. James Stanford, IT Manager has confirmed that this antenna will not interfere with any communications of the City. Joe Ervin, City Attorney has reviewed the MOU and determined it is in proper legal form for consideration by the City Council.

Approved By

	Initial	Date
Department Head		
City Manager	P. Stasiak	February 10, 2015



McAlester City Council

AGENDA REPORT

Meeting Date: February 10, 2015
Department: Council
Cora Middleton for Steve
Prepared By: Harrison, Mayor
Date Prepared: February 3, 2015

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

Subject

Presentation of the Mayor's Annual State of the City Address.

Recommendation

Discussion

Approved By

Department Head
City Manager

P. Stasiak

Initial
CM

PJS

Date
02/03/15

2-5-15



State of the City: Solid progress; good stewardship

Among the duties of the mayor specified in our city charter is the presentation of an annual state of the City message no later than the first regular Council meeting in February. In preparing tonight's message, the first thought that struck me was how quickly the last year has gone by. It is hard for me to believe that it's already time for another annual report. Never-the-less, here we are.

The message I bring to you tonight will highlight another year of solid progress and achievement for our city. It is an exciting time. It is a busy time. Almost everywhere one looks; the city is making positive strides.

Let me start with our street projects. Last year I said that 2014 would be the year when our street reconstruction program would begin to hit full stride. As anyone who lives near one of the projects can attest, it certainly has. Although it can be a little messy, I'm sure the reward will be worth the temporary inconvenience.

To complete the financing of the street projects, we sold \$4.9 million in bonds last May. This brought total funding to \$13.8 million - the full amount authorized by the voters. This money, available for investment in street infrastructure, was realized by refinancing older bond issues at significantly lower interest rates. Our street program is being accomplished without any additional tax burden on our citizens. This is an example of good stewardship.

Of the seven street reconstruction projects prioritized and authorized by the city council, six are currently in progress. The first project, Seventeenth Street from Comanche to South, is finally nearing completion. Believe me; no one is happy with the starts and stops this project has encountered. I apologize for the time it has taken and very much appreciate the patience that has been shown by the local residents. Our objective, as in all these projects, is to produce a high-quality street that is built to last.

Contractors have two other street projects underway: "A" Street from Miami to Comanche and Second Street from the canal north of Comanche to Modoc. A construction contract for Sixth Street from Monroe to Jefferson has been awarded. Two other street projects, Sixth Street from Chadick Park to Chickasaw and South Avenue from west of Strong Boulevard to east of Franklin Street are in the design review stage. That leaves the seventh project, Washington Avenue, as the only one not yet active. As activity continues and cost estimates firm up on the other six projects, we will be able to determine how much money remains for the Washington Avenue project as it enters its design phase.

Another very significant item related to our transportation infrastructure was the recent announcement by the Oklahoma Department of Transportation of their intent to develop a new design for the U.S. 69 bypass through McAlester. ODOT emphasizes that safety continues to be the priority and that the new design will be more cost effective. I applaud ODOT's willingness to redesign this project in order to meet changing needs. I eagerly anticipate the issuance of a conceptual design in the near future.

Most of you know that this project has been in ODOT's official eight year plan for a long time. It was always slated for start-up in Federal Fiscal Year 2015 – which began on Oct. 1 of last year. I recall that I featured this project in my very first newsletter after I was elected to the city council back in 2010. I mentioned back then that the city would be required to move its utility lines from the highway right-of-way before this project could begin. This city managed to find about a million dollars, in tough economic times, and moved our utilities in 2011. Although the redesign will mean that the project start time will be pushed out, I hope and pray that effectively addressing the safety issues at what has been described by ODOT as its most dangerous intersection within the nine southeastern Oklahoma counties that comprise the Second District will not be delayed beyond what is absolutely necessary. The city of McAlester has been patient and has done everything asked of us. As I have stated before, my input can be summed up in few words: Make it Safe; Make it Soon.

Other significant investments in city infrastructure included the replacement of more than half a mile of water main along South Main Street, at a cost of \$460,000, and the replacement of the 30 inch pipe header at the water plant along with installation of metering capability at a cost of \$309,000. Metering water volumes at this point will allow plant operators to more precisely determine the necessary chemical treatment quantities. We have also appropriated \$550,000 to relocate almost one mile of twenty inch water main from under Talawanda Lake No. 2. We recently received an OK from the Bureau of Indian Affairs – the last required approval prior to bidding the project.

Also during the past year, we entered into a partnership with Severn Trent Services to operate and maintain our water plant. Severn Trent operates more than four hundred water and wastewater facilities across the country including in seven other communities in Oklahoma. Severn Trent brings a level of expertise and available nationwide resources far beyond our ability as a small city to achieve in any other way. It has been stated before but I will reiterate here that the City continues to own the water treatment plant and the entire water distribution system. Water rates charged to our customers are solely determined by the city and are subject to approval by the city council.

Making sure our water is safe, clean and abundant has been, and continues to be a priority for this city and this council. We have spent millions to upgrade and maintain our water system and we should anticipate the need for additional substantial investment in the future.

Turning to economic development, 2014 was a very good year for McAlester and 2015 is off to a promising start. Last year, we issued \$30.6 million in building permits for residential and commercial construction. This is the highest number in the past six years and is as much as 2012 and 2013 combined. Permits for 38 new homes were issued. Among the larger commercial building permits were \$7.0 million for the Belfair Senior Care Facility that will include 40 units for memory care, 30 units for assisted living and 16 units for independent living; \$6.8 million for the Choctaw Nation's Head Start facility, food distribution center and community center; \$2.7 million for the warehouse being built by the McAlester Foundation for lease to Berry Plastics; and \$2.0 million for the Indian Nation Turnpike travel plaza.

New jobs added in the McAlester market included about 200 positions at the Army Ammunition Plant, ninety at the turnpike travel plaza, fifty at the Belfair Senior Care Facility, twenty-five at Berry Plastics, fifteen at Webcoat and fifteen at Choctaw Defense. The Triad Eye Medical Clinic will be opening an outpatient surgery center at the former Drug Warehouse location. H.L. Sports Shop is building a million dollar facility just off the Highway 69 bypass. Numerous retailers and restaurants opened their doors this past year.

I'm especially pleased to see the good things happening downtown. Last year McAlester hosted a training seminar for Keep Oklahoma Beautiful affiliates from across the state. I presented a PowerPoint slide show entitled "Downtown Renaissance: The Rebirth of Choctaw Avenue." The attendees were very impressed with the diversity of shopping, eating and entertainment options. With the anticipated addition of loft apartment living, the heart of our city is beating strongly.

There is strong interest in McAlester from numerous national and regional chains including various categories of retailers and restaurants. One proposed new shopping development, if it becomes reality, would be McAlester's largest shopping center by a substantial margin. We are actively and professionally marketing our city for retail development and are achieving results. Stay tuned for specific announcements in the coming months.

We continue to prioritize economic development activities in support of the defense sector, which includes our region's largest employer, the McAlester Army Ammunition Plant. This year's McAlester Stampede to Washington, D.C. will take place at the end of September. In conjunction with the McAlester Defense Support Association, the City of McAlester is developing an economic development strategic plan to optimize our long-term efforts in support of our defense industry jobs. Through funding provided by the Oklahoma Strategic Military Planning Commission, we will also be taking the initial steps to acquire and develop a defense sector industrial park adjacent to the ammunition plant.

The workers at McAAP, Choctaw Defense and elsewhere help keep our nation safe through their efforts. Likewise, we rely upon our firefighters and police officers to help keep our community safe. We continue to place a priority on staffing and equipping our public safety departments. In the Fire Department, we purchased a new ambulance and updated two fire engines. Four new recruits were hired to replace four firefighters who retired. Two firefighters obtained paramedics licenses. McAlester was recognized as a "Fire Wise" community which included a \$15,000 grant. We conducted a major Wild land/Urban interface exercise. Approximately 4,000 people received instruction on fire safety and CPR. Charity efforts raised more than \$14,000 for good causes.

In the Police Department, we purchased six new SUV patrol units and a new detective unit. The council recently approved the purchase of body cams for our officers. We also received a Department of Justice COPS grant that is enabling us to hire three additional officers. Our Community Services Officer is providing outreach to the community and assisting with programs such as Neighborhood Watch – McAlester Safe Neighborhoods. This proactive approach will help to build trust between the public and the McAlester Police Department.

Our Information Technology department is updating city computers, software and servers which will improve our productivity. In the Finance Department, we continue to improve. Our audited annual financial report was filed with the State of Oklahoma earlier than I can ever recall. For the fifth consecutive year, the auditor reported no findings. And for the second straight year, our report includes comprehensive financial and statistical data that is not required but is encouraged by the Government Finance Officers Association in order to provide greater transparency. When I think about how far our city has come regarding financial transparency, I cannot help but be amazed.

Our Parks Department continues to add to our list of options when it comes to enjoying our free time. The Buffalo Run Disc Golf course opened to rave reviews from the eighty golfers from four states who competed in the first pro/am tournament. Our dog park, "Central Bark," is now fully operational and

includes handicap access. The community garden at Rotary Park had a great first year growing season. Future plans include a second location with a bigger garden, a greenhouse, fruit trees and an outdoor teaching area.

Using a grant from the Archery Trade Association and with the assistance of the Oklahoma Department of Wildlife Conservation, we are constructing an archery park – only the second of its kind in Oklahoma.

With the design now finalized, bidding will occur very soon to construct the first segment of the McAlester Trail System. We also plan to widen the Mike Deak Trail at the same time in order to safely accommodate both pedestrians and bike riders.

Our numerous festivals, parades, Movies in the Park, and many other fun public events continue to be enjoyed by folks from near and far. My thanks to all the organizations who work so hard every year in order that the rest of us can appreciate the quality of life in McAlester.

My thanks also to all city employees who work diligently to keep everything running smoothly in our community. Like every city, we have our fair share of issues that pop up on a daily basis – and sometimes in the middle of the night. I know our employees try to respond as quickly and as professionally as possible. After all, every problem is also an opportunity. We were glad that our improving financial situation enabled us to provide a small cost-of-living raise to all employees. This was the first COLA adjustment in several years and was well deserved.

To close my annual message, I want to talk briefly about stewardship and what is meant by good stewardship when it comes to city government. Our local economy is looking pretty good right now. Unemployment remains low. Sales tax revenues are up. We have a lot of interest from businesses looking at expanding into McAlester. On the downside, the steep drop in oil prices that is leaving more money in our pockets when we fill up the gas tank is also starting to cause job losses throughout the industry. If it continues, the ripple effect will be felt here. So call me “optimistically cautious.”

But I don't have a crystal ball. No one does. Good stewardship means doing the best with what you've been given. Ultimately, through the public ballot, the citizens determine how much revenue the city has to spend and invest. It's our job to maximize the return on your investment in us – through developing and maintaining good infrastructure, strong public safety, quality of life improvements – the things you tell us are important.

I note, for example, that city sales tax receipts were up almost two percent last year over the year before. This is good news because sales tax is the major factor, and the most variable one, in determining the city's annual budget. However, our sales tax was still down by more than six percent from 2012 and down by sixteen percent compared to our peak year of 2008. That's a drop of \$2.5 million. Yet, we have made the appropriate adjustments to keep the budget balanced and continue to provide all public services to the best of our financial ability.

The point is that the public decides how much money it is willing to pay for local government services. Good stewardship determines how well that money is utilized.

This concludes my report. Thank you for listening.



McAlester City Council

AGENDA REPORT

Meeting Date:	February 10, 2015	Item Number:	2
Department:	Finance	Account Code:	
Prepared By:	Toni Ervin	Budgeted Amount:	
Date Prepared:	February 3, 2015	Exhibits:	3

Subject

Consider and act upon, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; 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

PJS

Date

2-5-15

Fund Number	Account Number	Department	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
41	40999		Fund Balance	1,262,877	8,600	1,271,477
						+
			Total		8,600	

[illegible]

Original Budget - Revenues ***	\$1,200,547
Amendments	676,020
Current Budget - Revenues	<u>\$1,876,567</u>
Original Budget - Expenditures	\$1,200,547
Amendments	1,947,497
Current Budget - Expenditures	<u>\$3,148,044</u>

February 10, 2015

Appropriate funds for additional funds for Chipper bids coming in over budget.

Mayer

Posted By	Date	BA#	Pkl #
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A1115-025

February 10, 2015

Estimated Revenue or Fund Balance						
Fund Number	Account Number	Department	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
02	40999		Fund Balance	*	97,473	97,473
						*
						*
			Total		97,473	

[illegible]

Original Budget - Revenues ***	\$8,822,142
Amendments	0
Current Budget - Revenues	\$8,822,142
Original Budget - Expenditures	\$8,822,142
Amendments	215,865
Current Budget - Expenditures	\$9,038,007

A1115-024

Fund Number	Account Number	Department	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
33	40310		Grant Revenue	-	97,473	97,473
33	40721		Transfer From MPWA	-	97,473	97,473
			Total		194,946	

[illegible]

Original Budget - Revenues ***	\$ -
Amendments	194,946
Current Budget - Revenues	\$ 194,946
Original Budget - Expenditures	\$ -
Amendments	194,946
Current Budget - Expenditures	\$ 194,946

Approved by the City Council this
February 10, 2015

Appropriated funds for 2014 CDBG Water Improvement Project

Mussar

Posted By	Date	BA#	Pkt #
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A1115-023

FY 14-15 Budget Amendments listed by fund

					Revenue	Expense
007	11/6/14	01	General Fund	Appropriate funds for the COPS Grant	55,962	88,973
009	12/9/14	01	General Fund	Appropriate funds for Worker's Compensation	-	225,000
013	12/23/14	01	General Fund	Appropriate funds for Airport Grant Drainage project and Salt Shed	-	131,525
016	1/27/15	01	General Fund	Appropriate Funds for Mid Year Review:	15,000	692,050
003	9/9/14	02	MPWA	Budget Supplement to lapse and reappropriate expenditures for the outstanding PO's rel	-	12,440
017	1/27/15	02	MPWA	Appropriate Funds for Mid Year Review: Water Treatment Plant contract	-	105,952
024	2/10/15	02	MPWA	Appropriated funds for 2014 CDBG Water Improvement Project.	-	97,473
005	9/9/14	24	Airport Grant	Budget Supplement to lapse and reappropriate expenditures for the outstanding PO's rel	1,823,620	1,823,620
015	12/23/14	24	Airport Grant	Appropriate funds for Airport Grant Drainage project	405,251	405,251
012	12/9/14	28	SE Expo	Appropriate funds for Worker's Compensation	120,000	120,000
019	1/27/15	29	E911	Appropriate Fund for ISO compliant generator	-	31,331
020	1/27/15	30	Economic Development	Appropriate Funds for PSO Economic Dev. Grant	5,000	5,000
018	1/27/15	32	Grants, Gifts & Contributions	Appropriate Funds for Donations received.	77,822	77,822
023	2/10/15	33	CDBG Grant Fund	Appropriated funds for 2014 CDBG Water Improvement Project.	194,946	194,946
011	12/9/14	35	Fleet Maintenance	Appropriate funds for Worker's Compensation	15,000	15,000
010	12/9/14	36	Worker's Compensation	Appropriate funds for Worker's Compensation	240,000	240,000
001	7/10/14	41	Capital Fund	Appropriate Funds for the South Main Water Main Replacement Project.	-	460,000
002	9/9/14	41	Capital Fund	Budget Supplement to lapse and reappropriate expenditures for the outstanding PO's rel	-	732,519
006	9/23/14	41	Capital Fund	Appropriate Funds for the Trails Grant and 13 work trucks	-	70,358
008	11/25/14	41	Capital Fund	Appropriate funds for CIP#1	119,020	119,020
014	12/23/14	41	Capital Fund	Appropriate Funds for a Salt Shed	91,000	91,000
022	1/27/15	41	Capital Fund	Appropriate Funds for 3 New Police Vehicles, Drainage Project, Slide, Fire Vehicle	466,000	466,000
025	2/10/15	41	Capital Fund	Appropriate funds for additional funds for Chipper bids coming in over budget.	-	8,600
021	1/27/15	42	Federal Forfeiture	Appropriate Funds for New Police Service Weapons	3,000	3,000
004	9/9/14	44	Technology Fund	Budget Supplement to lapse and reappropriate expenditures for the outstanding PO's rel	-	66,800
			TOTAL		3,631,641	6,283,680

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA,
AMENDING ORDINANCE NO. 2501 WHICH ESTABLISHED THE
BUDGET FOR FISCAL YEAR 2014-15; REPEALING ALL
CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY
CLAUSE; AND DECLARING AN EMERGENCY.**

WHEREAS, the City Council heretofore adopted Ordinance No. 2501 setting forth the Budget for Fiscal Year 2014-2015 beginning July 1, 2014 and ending June 30, 2015; 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 2014-2015 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 2014-2015 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 2014-2015 Budget.

SECTION 2: All portions of the existing FY 2014-2015 Budget, Ordinance No. 2501 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 _____ day of _____, 2015.

**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 _____, 2015.

William J. Ervin, City Attorney



McAlester City Council

AGENDA REPORT

Meeting Date:	February 10, 2015	Item Number:	3
Department:	Community & Economic Development	Account Code:	N/A
Prepared By:	Leroy Alsup, Director	Budgeted Amount:	N/A
Date Prepared:	February 2, 2015	Exhibits:	Five

Subject

Consider and act upon, an ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by creating Section 62-214, Downtown and Old Town Loft Apartment Overlay District; repealing all conflicting ordinances and **declaring an emergency**.

Recommendation

Motion to act upon and approve the above ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by creating Section 62-214, Downtown and Old Town Loft Apartment Overlay District; repealing all **conflicting** ordinances and **declaring an emergency** and **authorizing the Mayor to sign** the ordinance.

Discussion

The new district is intended to be an overlay zoning district and the regulations and permitted uses imposed by such district shall be in addition to the regulations and permitted uses of the underlying zoning district applicable to the subject property(s). In general the provisions of the new overlay district will also allow single, two-family and multi-family residential dwellings as a permitted use on the upper stories and as a use permitted after review on the ground floor or basement within the district and providing certain other provisions, definitions, and restrictions.

The following documents are attached for your reference:

1. Draft Ordinance to create the Loft Apartment Overlay District
2. Staff Report for the January 20, 2015 Planning Commission
3. Exhibit showing the Downtown and Old Town Loft Apartment Overlay District
4. Proof of Publication of Notice in Newspaper
5. Draft Minutes of the January 20, 2015 Planning Commission Meeting

Approved By

		Initial	Date
Department Head	L. Alsup		02/02/2015
City Manager	P. Stasiak	<i>PJS</i>	<i>2-5-15</i>

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 62, LAND DEVELOPMENT CODE, OF THE McALESTER CITY CODE BY CREATING SECTION 62-214, DOWNTOWN AND OLD TOWN LOFT APARTMENT OVERLAY DISTRICT; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 62, Land Development Code, of the McAlester City Code is hereby amended to create Section 62-214, Downtown and Old Town Loft Apartment Overlay District to read as follows:

62-214. Downtown and Old Town Loft Apartment Overlay District

- (a) Creation. There is hereby created the "Downtown and Old Town Loft Apartment Overlay District" ("Loft District").
- (b) Purpose. The planning commission and city council find conditions and purposes within the Downtown and Old Town Loft Apartment Overlay District that merit special consideration in order to protect the health, safety, and general welfare of the city. It shall be the purpose of these regulations to provide guidelines for the application of a special regulation created to assure conformity with objectives of good planning and zoning practices.

Further, by adoption of these regulations the city council makes specific findings that special regulations are necessary to secure safety from fire, panic, traffic and other dangers and for the protection of the public from overcrowding of land, to avoid undue concentration of population, to promote a more homogeneous relationship and transition between land uses, to protect property values and to regulate the use of land in accordance with the comprehensive plan.

The provisions of the Downtown and Old Town Loft Apartment Overlay District are further intended to protect and stabilize adjacent areas, provide safe and efficient traffic flows, and promote the efficient use of urban land and previous public investments.

- (c) General provisions and descriptions. The Loft District and its regulations may be applied to property located within the general boundaries of the district as described below:
- The Downtown Loft District area includes the area defined by: West side of Main Street from Chickasaw to Carl Albert, North side of Carl Albert from Main St to 5th St, East side of 5th St to Choctaw, South side of Choctaw from 5th St to 3rd St, East side of 3rd St from Choctaw to Chickasaw, South side of Chickasaw from 3rd St to West side of Main Street.
 - Old Town Loft District area includes the area defined by: East and West side of Main Street from 2600 North Main to the South side of East Smith Avenue.

More particularly, this area as described:

- The Downtown Loft District area includes the following platted lots and blocks of the original plat of the city:

- Lots south of the East/West alley in Blocks 318, 319, 321 and lots 5, 6 and 7 in Block 320.
- Lots 4 and 5 in Block 344; lots 1 through 7 in Block 345; lots 7 through 11 in Block 346; and all of Blocks 347, 348, 349, 350, 359, 360, 361, 362, and 363.
- All of Blocks 378, 379 and 380, lots 1, 2, and 3 in Block 393; lots 1, 2, S1, S2, S3, S4, B1, B2, B3, and B4 in Block 394; and lots 1, 2, 3, and 4 in Block 395.
- The Old Town Loft District area includes the following platted lots and blocks in North McAlester:
 - Lots 9, 10, 11, 12, and 13 in Block 101; lots 7, 8, 9, 10, and 11 in Block 85A; and lots 13, 14, 15, 16, 17, 18, 19, 20 and 21 in Block 118A; and lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 in Block 119.

The Loft District regulations and permitted uses may be applied to the above described properties even though, and at the same time, the property is under the regulations of the C-3, general commercial district (R-3, multiple-family dwelling district for lots 4 and 5 in Block 348).

The Loft District is intended to be an overlay zoning district and the regulations imposed by such district shall be in addition to the regulations and permitted uses of the underlying zoning district applicable to the subject property(s) when developed in the underlying property zoning classifications.

- (d) Uses permitted.

(1) C-3, general commercial district;
(2) R-3, multiple-family dwelling district for lots 4 and 5 in Block 348 only; and
(3) Single, two-family and multi-family residential dwellings on the upper stories of existing buildings.

- (e) Uses permitted after review.

(1) Single, two-family and multi-family residential dwellings on the ground floor or basement of existing buildings are allowed as a use permitted after review. The procedure for authorizing the uses permitted after review are set forth in Section 62-128.

SECTION 2. That all other ordinances or parts of 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 3: 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 _____ day of _____
_____ 2015.

CITY OF McALESTER, OKLAHOMA

Ordinance No. _____

Page 3 of 3

A Municipal Corporation

ATTEST:

By: _____
Steve Harrison, Mayor

Cora Middleton, City Clerk

Approved as to form and legality this _____ day of _____ 2015.

By: _____
William J. Ervin, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 62, LAND DEVELOPMENT CODE, OF THE McALESTER CITY CODE BY CREATING SECTION 62-214, DOWNTOWN AND OLD TOWN LOFT APARTMENT OVERLAY DISTRICT; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 62, Land Development Code, of the McAlester City Code is hereby amended to create Section 62-214, Downtown and Old Town Loft Apartment Overlay District to read as follows:

62-214. Downtown and Old Town Loft Apartment Overlay District

(a) Creation. There is hereby created the "Downtown and Old Town Loft Apartment Overlay District" ("Loft District").

(b) Purpose. The planning commission and city council find conditions and purposes within the Downtown and Old Town Loft Apartment Overlay District that merit special consideration in order to protect the health, safety, and general welfare of the city. It shall be the purpose of these regulations to provide guidelines for the application of a special regulation created to assure conformity with objectives of good planning and zoning practices.

Further, by adoption of these regulations the city council makes specific findings that special regulations are necessary to secure safety from fire, panic, traffic and other dangers and for the protection of the public from overcrowding of land, to avoid undue concentration of population, to promote a more homogeneous relationship and transition between land uses, to protect property values and to regulate the use of land in accordance with the comprehensive plan.

The provisions of the Downtown and Old Town Loft Apartment Overlay District are further intended to protect and stabilize adjacent areas, provide safe and efficient traffic flows, and promote the efficient use of urban land and previous public investments.

(c) General provisions and descriptions. The Loft District and its regulations may be applied to property located within the general boundaries of the district as described below:

- The Downtown Loft District area includes the area defined by: West side of Main Street from Chickasaw to Carl Albert, North side of Carl Albert from Main St to 5th St, East side of 5th St to Choctaw, South side of Choctaw from 5th St to 3rd St, East side of 3rd St from Choctaw to Chickasaw, South side of Chickasaw from 3rd St to West side of Main Street.
- Old Town Loft District area includes the area defined by: East and West side of Main Street from 2600 North Main to the South side of East Smith Avenue.

More particularly, this area as described:

- The Downtown Loft District area includes the following platted lots and blocks of the original plat of the city:

- Lots south of the East/West alley in Blocks 318, 319, 321 and lots 5, 6 and 7 in Block 320.
- Lots 4 and 5 in Block 344; lots 1 through 7 in Block 345; lots 7 through 11 in Block 346; and all of Blocks 347, 348, 349, 350, 359, 360, 361, 362, and 363.
- All of Blocks 378, 379 and 380, lots 1, 2, and 3 in Block 393; lots 1, 2, S1, S2, S3, S4, B1, B2, B3, and B4 in Block 394; and lots 1, 2, 3, and 4 in Block 395.
- The Old Town Loft District area includes the following platted lots and blocks in North McAlester:
 - Lots 9, 10, 11, 12, and 13 in Block 101; lots 7, 8, 9, 10, and 11 in Block 85A; and lots 13, 14, 15, 16, 17, 18, 19, 20 and 21 in Block 118A; and lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 in Block 119.

The Loft District regulations and permitted uses may be applied to the above described properties even though, and at the same time, the property is under the regulations of the C-3, general commercial district (R-3, multiple-family dwelling district for lots 4 and 5 in Block 348).

The Loft District is intended to be an overlay zoning district and the regulations imposed by such district shall be in addition to the regulations and permitted uses of the underlying zoning district applicable to the subject property(s) when developed in the underlying property zoning classifications.

(d) Uses permitted.

- (1) C-3, general commercial district;
- (2) R-3, multiple-family dwelling district for lots 4 and 5 in Block 348 only; and
- (3) Single, two-family and multi-family residential dwellings on the upper stories of existing buildings.

(e) Uses permitted after review.

- (1) Single, two-family and multi-family residential dwellings on the ground floor or basement of existing buildings are allowed as a use permitted after review. The procedure for authorizing the uses permitted after review are set forth in Section 62-128.

SECTION 2. That all other ordinances or parts of 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 3: 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 _____ day of _____
_____ 2015.

CITY OF McALESTER, OKLAHOMA
A Municipal Corporation

Ordinance No. _____

Page 3 of 3

ATTEST:

By: _____
Steve Harrison, Mayor

Cora Middleton, City Clerk

Approved as to form and legality this _____ day of _____ 2015.

By: _____
William J. Ervin, City Attorney



City of McAlester

Community & Economic Development

1st & Washington & P.O. Box 578 & McAlester, OK 74502 & (918) 423-9300

PLANNING COMMISSION PROPOSED ZONING ORDINANCE AMENDMENT- LOFT APARTMENTS JANUARY 20, 2015

To: McAlester Planning & Zoning Commission
From: Leroy Alsup, Community & Economic Development Director
Date: November 11, 2014

2A

General Description:

An Ordinance Amending the McAlester City Code, Division 3. Zoning Districts and District Regulations; Subdivision II. Specific Districts by adding "Section 62-214. Downtown and Old Town Loft Apartment Overlay District".

The new district is intended to be an overlay zoning district and the regulations and permitted uses imposed by such district shall be in addition to the regulations and permitted uses of the underlying zoning district applicable to the subject property(s). In general the provisions of the new overlay district will also allow single, two-family and multi-family residential dwellings as a permitted use on the upper stories and as a use permitted after review on the ground floor or basement within the district and providing certain other provisions, definitions, and restrictions.

Notifications:

McAlester News Capital (Publication) January 4, 2015

Attachments:

Draft Ordinance
Exhibit showing the Downtown and Old Town Loft Apartment Overlay District
Proof of Publication of Notice in Newspaper

Staff Analysis:

McAlester's downtown and old have a cache of incredible, sturdy buildings with amazing historic and unique architectural features. Loft apartments can bring the diverse character of McAlester's downtown to life. With more residents, visitors, and overall bustling of people, a successful downtown will be brimming with vitality, activity, interest, and enhanced security. Downtowns need people – a lot of people – in order to be efficient and to have lively, vital streets. Our downtown has the right qualities to attract and retain entrepreneurs and young professionals to our community.

Leroy Alsup- Director
(918) 423-9300 ext.4951

- Code Enforcement Inspector
(918) 423-9300 ext. 4986

Kirk Ridenour- Economic Development Manager
(918) 423-9300 ext.4982

George Estrada- Building Inspector
(918) 423-9300 ext. 4985

Jayme Clifton - Executive Asst./Planning Technician
(918) 423-9300 ext. 4984

Charley Gilbertson- Plumbing/Electrical Inspector
(918) 423-9300 ext. 4987

Parking Issue

The various communities with existing loft apartments in their central business districts that city staff has visited with over the last few months to discuss the potential development of loft apartments in McAlester's downtown and old town, have all said that when their communities start exploring the possibility of developing loft apartments that "Parking Concerns" immediately became a hot topic of discussion.

These communities told McAlester staff parking did not become a problem or issue as a result of developing loft apartments in their central business districts. Their recommendation was to not make something a problem until you actually know you have a problem. Then if you actually experience a problem with parking, address it then.

.....

Mechanics of the Process:

Permit(s) Required

Section R105.1 of the 2009 International Building Code (IBC) requires any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*.

Certificate of Occupancy Required

Section R110.1 "use and occupancy" of the 2009 International Building Code (IBC) states that no building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the *building official* has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the *jurisdiction*. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the *jurisdiction* shall not be valid.

Building Code provisions for the alteration, repair, addition and change of occupancy of existing buildings and structures.

Chapter 34 International Building Code (IBC) contains provisions for the alteration, repair, addition and change of occupancy of existing buildings and structures. Chapter 34 includes or refers to the code requirements for existing buildings and structures, exclusive of the administrative provisions presented in Chapter 1 (Section 102.6 regulates unaltered existing buildings). The format of this chapter readily identifies the alternative methods of code compliance for existing buildings and structures.

A large number of existing buildings and structures do not comply with the current building code requirements for new construction. Although many of these buildings are potentially salvageable, rehabilitation is often cost prohibitive because they may not be able to comply with all the requirements for new construction. At the same time, it is necessary to regulate construction in existing buildings that undergo additions, alterations, renovations, extensive repairs or change of occupancy. Such activity represents an opportunity to ensure that new construction complies with the current building codes and that existing conditions are maintained, at a minimum, to their current level of compliance or are improved as required. To accomplish this objective, and to make the rehabilitation process easier, this chapter allows for a controlled departure from full compliance with the technical codes, without

compromising the minimum standards for fire prevention and life safety features of the rehabilitated building.

Fire Protection Systems

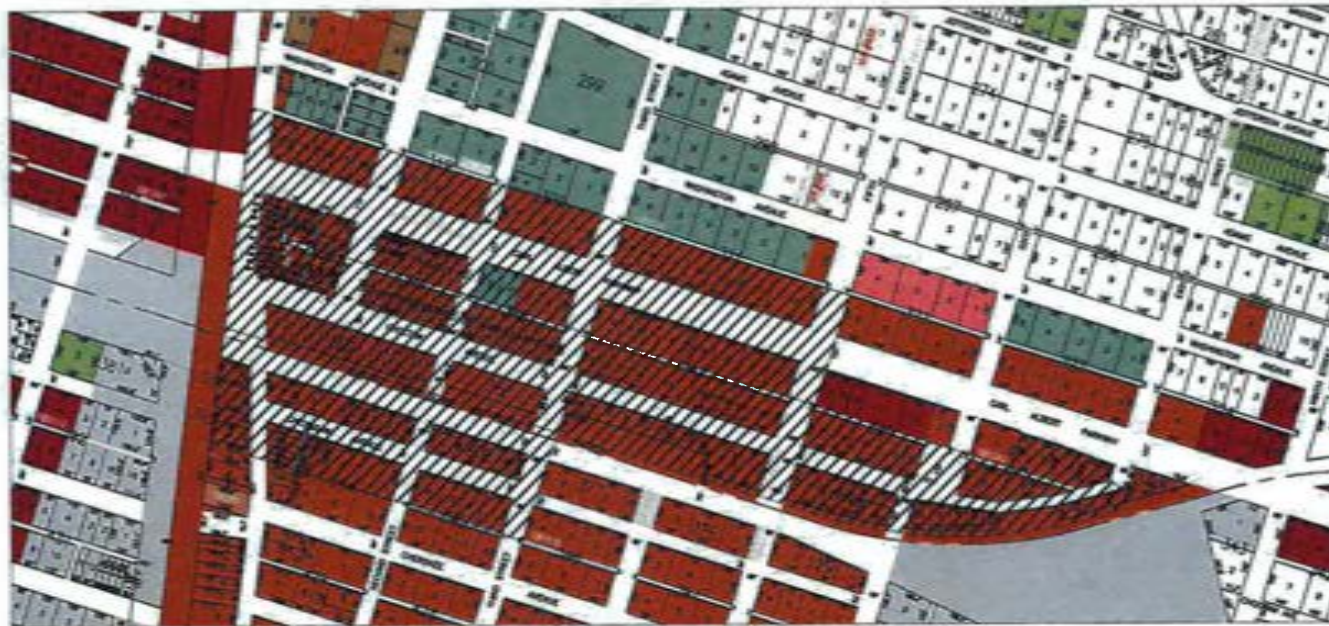
If a historic building is altered, the code official or fire marshal may require that it be provided with an automatic fire-extinguishing system. The installation of an automatic fire-extinguishing system in a building undergoing a change of occupancy classification is generally required by the International Building Code for the new occupancy. If a sprinkler system is not required for all occupancies in a mixed-use building those occupancies must be separated by a code-complying fire separation. Otherwise, sprinklers must be provided throughout the building.

STAFF RECOMMENDATION:

The McAlester Community and Economic Development Staff recommends an Ordinance Amending the McAlester City Code, Division 3. Zoning Districts and District Regulations; Subdivision II. Specific Districts by adding "Section 62-214. Downtown and Old Town Loft Apartment Overlay District" be adopted.



A-1		C-3	
R-1a		C-4	
R-1B		C-5	
R-2		H-1	
R-3		I-1	
C-1		I-2	
C-2			



PROOF OF PUBLICATION

McAlester News-Capital

500 S. Second, McAlester, OK 74501 • 918-423-1700

I, Amy Johns, am of lawful age, being duly sworn upon oath, deposes and says:

That I am publisher of McAlester News-Capital, a daily newspaper printed and published in the City of McAlester, County of Pittsburg, and State of Oklahoma, and that the advertisement referred to, a true and printed copy is hereunto attached, was published in said McAlester News-Capital & in consecutive issues on the following dates to wit:

1st insertion.....January 4th, 2015
2nd Insertion.....2015
3rd Insertion.....2015
4th Insertion.....2015
5th Insertion.....2015

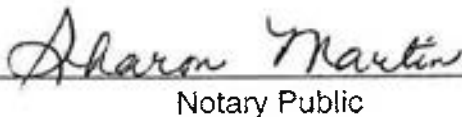
That said newspaper has been published continuously and uninterruptedly in said county during a period one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as publications (second-class) mail matter, that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the State of Oklahoma governing legal publications.

Publication Fee.....\$ 60.95


Publisher

SUBSCRIBED and sworn to before me this

5th day of January, 2015


Notary Public

#00002414

My Commission expires: 03/23/16



(Published in The
McAlester News-
Capital on January
4, 2015.)

CITY OF McALESTER NOTICE OF HEARING ON PROPOSED ZONING ORDINANCE AMENDMENT

NOTICE IS HEREBY GIVEN to all property owners and residents of the City of McAlester, that a Public Hearing will be held before the McAlester Planning Commission on Tuesday, January 20,

2015 at 6:30 p.m. concerning a proposed ordinance

An Ordinance Amending the McAlester City Code, Division 3, Zoning Districts and District Regulations; Subdivision II, Specific Districts by adding "Section 62-214. Downtown and Old Town Loft Apartment Overlay District".

The new district is intended to be an overlay zoning district and the regulations and permitted uses imposed by such district shall be in addition to the regulations and permitted uses of the underlying zoning district applicable to the subject property(s). In general the provisions of the new overlay district will also allow single, two-family and multi-family residential dwellings as a permitted use on the upper stories and as a use permitted after review on the ground floor or basement within the district and providing certain other provisions, definitions, and restrictions.

The general boundaries of the new overlay district will include:

• Downtown includes the area defined by: West side of Main Street from Chickasaw to Carl Albert, North side of Carl Albert from Main St. to 5th St., East side of 5th St. to Choctaw, South side of Chickasaw from 3rd St. to West side of Main St.

• Old Town includes the area defined by: East and West side of Main Street from 2900 North Main to the South side of East Smith Ave.

Any person wishing to appear in support or opposition to the proposed Zoning Ordinance Regulation Amendment may do so in the Council Chambers, Municipal Building, located at 28 E. Washington Avenue, McAlester, Oklahoma, at the above date and time.

FURTHER NOTICE IS HEREBY GIVEN to all property owners and residents of the City of McAlester, that if the Tuesday, January 20, 2015 Planning Commission is canceled due to any reason such as but not limited to adverse weather conditions, lack of quorum, etc. the above Public Hearing will automatically be rescheduled and

placed on the agenda for the Tuesday, February 17, 2015 McAlester Planning Commission at 6:30 p.m.
s/Cori Middleton,
City Clerk
12/23/14
Date

McAlester Planning Commission Minutes
Tuesday, January 20, 2015
City Council Chambers
6:30 PM

DRAFT

Item 1 Call to Order and Roll Call

Chairman Emmons called the meeting to order at 6:30 PM. Roll was called, and a quorum was present.

Commissioners Present: 9

Ross Eaton	Mark Emmons	Justin Few	Carl Gullick
Susan Kanard	Denise Lewis	Primus Moore	Karl Scifres
Chris Taylor			

Commissioners Absent: 2

Harvey Bollinger Karen Stobaugh

Item 2 Approval of the Minutes from December 16, 2014

A motion made by Commissioner Moore was seconded by Commissioner Gullick to approve the minutes.

The vote was 9-0

AYE: Gullick, Kanard, Lewis, Moore, Scifres, Taylor, Eaton, Few, Emmons

NAY: None

The motion carried.

Item 3 Discussion and recommendation on 2015 Commission Re-appointments

Chairman Emmons noted four upcoming term expirations for the year, which included Carl Gullick, Primus Moore, Karl Scifres and Karen Stobaugh. Commissioner Gullick, Moore and Scifres each indicated they wished to be re-appointed.

Leroy Alsup, Director of Community and Economic Development, requested each member to submit their biography to meet City Council's requirements to reappoint. He also noted the vice chairman seat was still vacant. Chairman Emmons indicated to put selection of the vice chairman on the next regular meeting agenda.

GENERAL BUSINESS:

Item 4 Public Hearing: Discussion and action on V. E. #147, a request to close the alleys and streets described as the alley that lies in Block 17, City of McAlester, now known as North McAlester, lying between the East Boundary Line of the Main Street Right-of-Way and the West Boundary Line of the Fifth Street Right-of-Way

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Mr. Alsup recommended that the matter be tabled until staff could meet

with the applicant & AT&T to explore possible options.

Chairman Emmons opened the public hearing at 6:33 PM if the audience wished to speak. Tammy Kathy, the applicant, replied she agreed meeting with AT&T and tabling the item.

A motion made by Commissioner Gullick to table the item until staff could meet with the applicant to explore available opportunities was seconded by Commissioner Moore. Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Kanard, Lewis, Moore, Scifres, Taylor, Eaton, Few, Gullick, Emmons

NAY: None

The motion carried.

Item 5

Public Hearing: Discussion and action on V. E. #148, a request to close the alleys and streets described as "H" Street lying between Block 83 and Block 84; North Avenue lying adjacent to Block 83 and to Block 84; "G" Street lying between Gene Stipe Avenue (formerly Electric Avenue) and North Street; and the Alley in Block 83; All in South McAlester, Pittsburg County, State of Oklahoma.

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Mr. Alsup recommended that the matter be tabled until staff could meet with the applicant, AT&T, and McAlester Engineering and Public Works Department to explore possible options.

Chairman Emmons opened the public hearing at 6:37 PM if the audience wished to speak. Elaine Green, representative of the applicant, stated she agreed to table the item until after meeting with AT&T and McAlester Engineering and Public Works Department.

A motion made by Commissioner Gullick to table the item until staff could meet with the applicant to explore available opportunities was seconded by Commissioner Scifres. Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Lewis, Moore, Scifres, Taylor, Eaton, Few, Gullick, Kanard, Emmons

NAY: None

The motion carried.

- Item 6 Public Hearing: Discussion and action on V. E. #149, a request to close the alleys and streets described as the Easement that lies in the Southerly 30 feet of Lots 76 and 77, and the Northerly 30 feet of Lots 86 and 87, in Townsite Addition No. 4, Pittsburg County, State of Oklahoma.**

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Mr. Alsup recommended that the matter be tabled until staff could meet with the applicant and McAlester Engineering and Public Works Department to explore possible options.

Chairman Emmons opened the public hearing at 6:41 PM if the audience wished to speak. Elaine Green, representative of the applicant, stated she agreed to table the item until after meeting with McAlester Engineering and Public Works Department.

A motion made by Commissioner Few to table the item until staff could meet with the applicant to explore available opportunities was seconded by Commissioner Lewis. Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Moore, Scifres, Taylor, Eaton, Few, Gullick, Kanard, Lewis, Emmons

NAY: None

The motion carried.

- Item 7 Public Hearing: Discussion and action on Public Hearing: Discussion and action on an ordinance to amend the McAlester City Code as follows:**
- Amend Section 62-203, C-3 General Commercial District; (b) Uses permitted; Item oo. to state: "New and/or used automobile sales and service, with used car sales as accessory use in combination."
 - Amend Section 62-204, C-4 Restricted Commercial District; (b) Uses permitted; Item hh. to state: "New and/or used automobile sales and service."
 - Amend Section 62-205, C-5 Highway Commercial and Commercial Recreation District; (2) Additional uses include; Item u. to state "New and/or used automobile/truck sales and service."

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Mr. Alsup reported that staff recommended that the options to either (1) eliminate automobile sales and service as a permitted use in its entirety from C-3 General Commercial District or (2) make automobile sales and service as use permitted after review should be discussed as alternatives to the proposed Ordinance Amendment.

Chairman Emmons opened the public hearing at 6:48 PM if the audience wished to speak in favor of the amendment.

Wayne Stipe, manager of Stipe Investments LLC, stated they owned a building at 3rd & Wyandotte Ave where an interested buyer wanted to utilize the property for used auto sales, maintenance and repairs. Mr. Stipe said “and” meant together with, along with, or jointly so he interpreted C-4 also required both new and used together. He stated automobile services were still prevalent downtown such as Automobile Specialist, Jewel Restoration, William’s Used Auto, Terry’s Lube & Oil, Red Horse Tire, Miller Glass, Downtown Detail, and Roberts Window Tinting and felt used auto sales would be similar and should be allowed.

Brian Reagan, stated he was in favor of the amendment because he was interested in the property at 3rd & Wyandotte Avenue mainly for automobile repair service and to sell used cars.

Chairman Emmons asked if anyone in the audience wished to speak in opposition of the ordinance amendment. Wayne Stipe again addressed the commission stating the wording does not indicate a stand-alone activity. Mr. Stipe suggested the ordinance would be better worded if it included “used car sales” then separately “used car service”.

Chairman Emmons closed the public hearing and called for a motion and then discussion.

Commissioner Eaton noted the ordinance stated “sales and service” and indicated maybe it should be made “sales and/or service”. Mr. Alsup suggested separating the items into two lines, one for sales and one for service.

Chairman Emmons said he believed a new car dealer would never be in the central business district because auto companies preferred areas along a highway. He said it didn’t make sense to restrict new sales from used sales and inquired if used sales were so bad then why they were allowed in conjunction with new car sales.

Commissioner Lewis recounted Mr. Stipe’s statement about auto services in the downtown C-3 areas, and the need to update the antiquated codes. She inquired if auto services in the downtown C-3 area should be continued or if it had been better suited along a highway. Commissioner Gullick questioned why it was okay for new car sales but not used car sales. He suggested an overlay district that allowed used car sales as a use. Mr. Alsup confirmed that use permitted after review would prevent car sales throughout all of C-3. Mr. Alsup replied a possible rationale of limiting use was that new car sale lots were more highly regulated by automobile companies and many times they are more attractively maintained.

A motion made by Commissioner Scifres to amend the referenced sections C-3, C-4 and C-5 to add the word “or” between “sales” and “service”, to read as “sales and/or service” was seconded by Commissioner Moore. Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Scifres, Taylor, Eaton, Few, Gullick, Kanard, Lewis, Moore, Emmons

NAY: None

The motion carried.

Item 8

Public Hearing: Discussion and action on a proposed ordinance amending the McAlester City Code, Division 3. Zoning Districts and District Regulations; Subdivision II. Specific Districts by adding "Section 62-214. Downtown and Old Town Loft Apartment Overlay District".

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Staff recommended the Ordinance Amending the McAlester City Code, Division 3. Zoning Districts and District Regulations; Subdivision II. Specific Districts by adding "Section 62-214. Downtown and Old Town Loft Apartment Overlay District" be adopted.

Chairman Emmons opened the public hearing at 7:03 PM.

Mickey Lloyd, a downtown property owner, stated he would like to see the ordinance passed because he wanted to see downtown successful and moving forward like many other downtowns that had adopted similar ordinances. He added that he was ready to repair the old buildings he owned downtown, and also looked forward to the other buildings being used instead of falling apart.

Chairman Emmons closed the public hearing and called for a motion and then discussion.

A motion made by Commissioner Lewis to approve the proposed ordinance was seconded by Commissioner Taylor.

Commissioner Gullick asked if the proposed ordinance was consistent with other cities in Oklahoma that had mixed use development downtown. Mr. Alsup indicated staff had looked at a few other cities in Oklahoma and then one other in Arkansas and stated they had done similar, however because all standards of construction tied back to building codes, sometimes the interpretation of building codes varied from one town to the next.

Commissioner Gullick said he understood many were waiting to invest in their properties downtown. He thought the ordinance was potentially vague but didn't think it should be so onerous the City wouldn't get any development downtown. Mr. Alsup noted Chapter 34 of the International Building Codes allows some variation from the codes for new construction but without conceding minimum standards for fire prevention and life safety features. He indicated there are substantial provisions provided for historic structures to save the unique features of the building through approved alternatives or adequate substitutes that comply with the code, which a design professional could help identify and develop. Mr. Alsup maintained one item without identifiable alternatives were fire sprinkler systems where there is a change

of occupancy or mixed used in combination with retail. He said staff had already met with the architect for Main Street and each party still had not been able to find a way around that particular area of the building code, therefore sprinkler systems would probably be required.

Chairman Gullick inquired on the cost of a sprinkler systems. Mr. Alsup replied the requirement of sprinkler systems would vary from building to building and he also understood it is a substantial investment. Mr. Alsup noted the City of Ardmore started out requiring sprinkler systems for rental occupied properties but not owner occupied, however they had since changed their ordinances that now required sprinkler systems for all. He noted the City of Claremore required sprinkler systems but City of Siloam Springs did not require sprinkler systems.

Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Taylor, Eaton, Few, Gullick, Kanard, Lewis, Moore, Scifres, Emmons

NAY: None

The motion carried.

Item 9

Public Hearing: Discussion and action on P. C. #402, a request to rezone Lots 20, 21 and 22, being a subdivision of Lots 3, 4, and 5, in Block 243, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma from R1-B Single-family Residential District to C-2 Neighborhood Convenience District; H-1 Health Facilities District; or consideration by the City Council to waive or suspend the provisions of the R1-B Single-family Residential District due to peculiar or exceptional extenuating circumstances and allow Genesis Health and Beauty Salon as a nonconforming use at 804 E. Monroe Avenue pursuant to a written memorandum of understanding.

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. He summarized the following staff findings:

- The property at 804 East Monroe (Lots 20, 21 and 22) is not eligible for consideration of rezoning to C-2 Neighborhood Convenience District because the minimum threshold lot area requirements cannot be satisfied.
- The property at 804 East Monroe (Lots 20, 21 and 22) is not eligible for consideration of rezoning to H-1 Health Facilities District because the minimum threshold lot area requirements cannot be satisfied.
- A Variance as defined by the City's Zoning Ordinance means a relaxation of the terms of this article, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this article would result in unnecessary and undue hardship. A variance is authorized only for height, area and size of structure of yards and open spaces. Variances shall not

be sought for the establishing or expansion of a use otherwise prohibited, nor shall a variance be granted because of the presence of nonconformities in the zoning district, or adjoining zoning district.

City staff had not been presented with any compelling peculiar or exceptional extenuating circumstances that were not the result of the actions of the applicant, to support waiving or suspending the provisions of the existing Zoning Ordinance provisions as adopted in order to allow the proposed Genesis Health and Beauty Salon at 804 E. Monroe Avenue

The McAlester City Council is the only entity that has the authority to waive or suspend the provisions of the existing Zoning Ordinance provisions as adopted. Therefore, if the governing body feels that there are peculiar or exceptional extenuating circumstances that would create an undue hardship on the applicant if the existing Zoning Ordinance Provisions are followed, the McAlester City Council could waive or suspend the provisions of the Zoning Ordinance and allow the Genesis Health and Beauty Salon within the R-1B single-family residential district.

Chairman Emmons noted because minimum thresholds standards of zoning requirements were not met C-2 and H-1 were off the table. Commissioner Eaton noted that he could not find where the Planning Commission had authority to suspend or waive provisions of the zoning ordinance. Mr. Alsup indicated the only body with authority to waive an ordinance as written was the City Council.

Chairman Emmons opened the public hearing at 7:19 PM if the audience wished to speak on behalf of the application.

Councilman Robert Karr recounted the previous meeting concerning the ordinance amendment and the supporters present for Mrs. Brooks. He requested a recommendation by the Commission on the consideration by City Council to waive or suspend provisions of R-1B for exceptional or extenuating circumstances. Councilman Karr stated because of the City housing, the hospital, and the planned hospital dialysis center all on the 800 block of Monroe Avenue he felt that area of Monroe Avenue would be rezoned within two years under the new comprehensive plan. He said because Mrs. Brooks was a good business owner and a good citizen he would like the commission to look at her application and make a recommendation.

Gerald Wiggins indicated he thought there was a misunderstanding because of what Mrs. Brooks was told before she bought the property. Mr. Brooks said there are businesses operating across the road and around Mrs. Brooks' property and felt the Commission's denial would create a hardship.

Linda Mason, of Falcon Lane, recalled that before the late Sam Mason resigned from City Council he had been talking to Mrs. Brooks. Mrs. Mason said she felt Mr. Mason intended to help Janelle but she wasn't sure what Mr. Mason thought he could do. Mrs. Mason said she agreed with allowing a beauty shop in that area.

Jim Conway, of Highland Terrace, requested the commission to look at the application on a taxpayer's perspective and to support the local economy and small business. He requested that Mrs. Brooks be provided a waiver for hardship because he felt the classification was met when Mrs. Brooks bought her property with the intention to do business and understood that she could.

Eldi Jose, of North Town, stated that he lived in McAlester for twenty-seven years and worked for the City of McAlester eleven or twelve years ago as van driver for the senior citizens. He said he had dropped-off and picked-up many senior citizens at an in-home beauty parlor at a residential address on what he thought was maybe 7th Street.

Janelle Brooks, the applicant, said she had been in her shop on Wyandotte Avenue for twelve years and had difficulty paying the rent where she was and it created a peculiar hardship for her. Mrs. Brooks stated she believed the Planning Commission meeting was to sign papers. Mr. Alsup clarified it was required she come back through the process because an item to consider waiving or suspending the ordinance was not on the last meeting agenda. He said notices made this time included broad requests so that all things could be considered at this meeting which included the action item on the agenda to consider a waiver or suspension of rules.

Denita Spencer, of Krebs, stated that she was in shock because what was supposed to happen or proposed to happen did not take place at the previous City Council meeting or the Planning Commission meeting. Mrs. Spencer said Mrs. Brooks came prepared to get the commission's recommendation about the variance. Mrs. Spencer requested the Commission to make a recommendation because Mrs. Brooks could not use the property she purchased. Jim Conway noted that a waiver to the ordinance was discussed previously but that City Council would have to do it. He said he understood the City Council looked at the beauty shop ordinance but to consider a waiver the application had to come back from the Planning Commission as a recommendation to the Council.

Chairman Emmons asked if anyone in the audience wished to speak in opposition of the ordinance amendment.

Elaine Thomas, of E Kiowa, stated after working twenty seven years for the City of McAlester she retired in January 2013 from codes enforcement. Mrs. Thomas said in her employment she dealt with the Planning Commission and had spoken with Mrs. Brooks several times, and she had told Mrs. Brooks every time a beauty shop could not be put in a residential area because it was spot zoning. Mrs. Thomas requested the commission to deny Mrs. Brooks requests because she feared it would not be a one-time situation and more applicants would want to do the same.

Charlotte McPherson, of N 4th Street, said she agreed with Mrs. Thomas and if the beauty shop was allowed it would be a grave mistake.

Gary Kimble identified himself as the next door neighbor to the applicant and stated he lived between the two properties owned by Mrs. Brooks. Mr. Kimble said he was

opposed to rezoning his residential property but did not have a problem with Mrs. Brooks operating a beauty shop next door.

Mrs. Brooks addressed the commission again and stated she had already purchased the property before she spoke to someone about rezoning. Mrs. Brooks claimed her father experienced problems with spot zoning and a grandfathered business on W. Washington. Commissioner Eaton explained rezoning requirements of lot area and adjoining lots. Mr. Wiggins inquired about a published five year plan and stated the City still had a history of spot zoning. Commissioner Eaton replied that spot zoning occurred before the Land Development Code was passed and spot zoning was no longer lawful. Mr. Wiggins stated rezoning is not requested but a variance is requested. Commissioner Eaton stated a variance did not apply in the situation according to the specific instances allowed in the codes for variances. Mr. Wiggins claimed there were two variances before and requested Mr. Alsup to clarify. Mr. Alsup stated that relative to the special situation before the Commission the Council was the only body with the authority to consider it. Mr. Alsup said if a recommendation is not made by the Planning Commission then the applicant could send a letter to Planning Commission Chairman and the item will go forth to the City Council. Commissioner Eaton noted the item will need to go to City Council regardless of what the Planning Commission decided to do. Commissioner Moore requested Mrs. Brooks to recall a beauty shop on the 800 block of Madison ran by Joyce Griffith, directly south of Mrs. Brook's property. He explained that once Mrs. Griffith moved, the beauty shop went away and the property went back to a house because of the Land Development Code. Mr. Conway requested that a variance for Mrs. Brooks be considered and asserted it was a hollow argument for the Commission to assume others would request the same.

Councilman John Titsworth said the main point was that Mrs. Brooks had been in business on Wyandotte Avenue for a number of years and he saw no compelling reason for Mrs. Brooks to move her business from a commercial area to a residential area.

Mrs. Thomas addressed the commission again, stating she had worked in the Codes Department from 1995 until 2013. She recalled Mrs. Brooks had interest in the property and was told it could not be rezoned before Mrs. Thomas retired. Mrs. Thomas asked when Mrs. Brooks bought the property. Mrs. Brooks answered she did not remember. Mr. Alsup noted the County Assessor's record showed March 20, 2013. Commissioner Eaton recalled Jennifer Santino worked in the same position after Mrs. Thomas and Mrs. Santino had also indicated at a prior meeting she explained to Mrs. Brooks the same issues of rezoning.

Chairman Emmons closed the public hearing at 8:16 PM and called for a motion and then discussion.

Commissioner Scifres requested Mr. Alsup to identify the available recommendation options. Mr. Alsup said the Planning Commission could recommend against the waiver, not recommend at all, or recommend in favor to be considered by the City Council.

A motion was made by Commissioner Scifres to recommend the council to waive or suspend the provisions of the R-1B. Chairman Emmons called for a second. The motion was not seconded. Chairman Emmons declared that the motion died for lack of a second.

Item 10 New Business

There was no New Business.

Item 11 Staff Report

There was no Staff Report.

Item 12 Commission Report

There was no Commission Report.

Item 13 Adjournment

A motion made by Commissioner Eaton was seconded by Commissioner Moore to adjourn the meeting at 8:21 PM.

There were no objections. The motion carried.

Approved: _____
Date

By: _____
Planning Commission Chairman



McAlester City Council

AGENDA REPORT

Meeting Date:	February 10, 2015	Item Number:	4
Department:	Community & Economic Development	Account Code:	N/A
Prepared By:	Leroy Alsup, Director	Budgeted Amount:	N/A
Date Prepared:	February 2, 2015	Exhibits:	Four

Subject

Consider and act upon, an ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by amending Sections 62-203, 62-204 and 62-205 pertaining to automobile sales and service as a permitted use in the C-3 general commercial district, C-4 restricted commercial district, and C-5 highway commercial and commercial recreation district; repealing all conflicting ordinances and declaring an emergency.

Recommendation

Motion to act upon and approve the above ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by amending Sections 62-203, 62-204 and 62-205 pertaining automobile sales and service as a permitted use in the C-3 general commercial district, C-4 restricted commercial district, and C-5 highway commercial and commercial recreation district; repealing all conflicting ordinances and declaring an emergency and authorizing the Mayor to sign the ordinance.

Discussion


At their January 20, 2015 Planning Commission Meeting, the Planning Commission voted to recommend to the City Council to amend Chapter 62, Land Development Code, of the McAlester City Code by amending Sections 62-203, 62-204 and 62-205 pertaining automobile sales and service as a permitted use as follows:

- Amend Section 62-203, C-3 general commercial district; (b) Uses permitted; Item oo. to state: "New and/or used automobile sales and/or service, ~~with used car sales as accessory use in combination.~~"
- Amend Section 62-204, C-4 Restricted Commercial District; (b) Uses permitted; Item hh. to state: "New and/or used automobile sales and/or service."
- Amend Section 62-205, C-5 Highway Commercial and Commercial Recreation District; (2) Additional uses include; Item u. to state "New and/or used automobile/truck sales and/or service."

The following documents are attached for your reference:

1. Draft Ordinance to amend Sections 62-203, 62-204 and 62-205 pertaining automobile sales and service
2. Staff Report for the January 20, 2015 Planning Commission Meeting
3. Proof of Publication of Notice in Newspaper
4. Draft Minutes of the January 20, 2015 Planning Commission Meeting

Approved By

	Initial	Date
Department Head	L. Alsup	02/02/2015
City Manager	P. Stasiak 	2-5-15

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 62, LAND DEVELOPMENT CODE, OF THE McALESTER CITY CODE BY AMENDING SECTIONS 62-203, 62-204 AND 62-205 PERTAINING TO AUTOMOBILE SALES AND SERVICE AS A PERMITTED USE IN THE C-3 GENERAL COMMERCIAL DISTRICT, C-4 RESTRICTED COMMERCIAL DISTRICT, AND C-5 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, that

SECTION 1. That Chapter 62, Land Development Code, of the McAlester City Code is hereby amended by amending Sections 62-203, 62-204 and 62-205 pertaining to automobile sales and service as a permitted use in the C-3 general commercial district, C-4 restricted commercial district, and C-5 highway commercial and commercial recreation district as follows:

- Amend Section 62-203, C-3 general commercial district; (b) Uses permitted as follows:

(b) *Uses permitted.* Property and buildings in a C-3 general commercial district, may be used for the following purposes:

- (1) a. Artist supplies and hobby shop.
- b. Auditorium.
- c. Bakery.
- d. Bank.
- e. Barbershops and beauty shops.
- f. Bookstore.
- g. Business college.
- h. Bus terminal.
- i. Child care centers (provided stipulations in subsection (c) (1) are met).
- j. Cleaning and dyeing works.
- k. Clothing and apparel stores.
- l. Commercial school or hall.
- m. Communications.
- n. Dance hall.
- o. Department store.
- p. Electrical repair shop.
- q. Financial institutions.
- r. Florist shop.
- s. Fraternal organizations.
- t. Frozen food locker.
- u. Furniture store-repair and/or upholstery.
- v. Funeral parlor or mortuary.
- w. General offices.
- x. Gift shop.
- y. Grocery.
- z. Hotel.
- aa. Interior decorating store.
- bb. Jewelry store.
- cc. Key shop.
- dd. Laundry/dry cleaning pickup stations.
- ee. Leather goods shop.

- ff. Liquor store.
- gg. Lodge halls.
- hh. Medical/dental clinics/facilities.
- ii. Messenger and telegraph service.
- jj. Motel and motor inns.
- kk. Motor fuel sales only (not intended for service station or mechanic operations).
- ll. Museums.
- mm. Music conservatory.
- nn. Music, radio or television shop/repair.
- oo. New ~~and/or used~~ automobile sales and/or service, ~~with used car sales as accessory use in combination.~~
- pp. Nightclub.
- qq. Nursery or garden supply store.
- rr. Office supply.
- ss. Pawn shop.
- tt. Pet shop (not including veterinarian clinic/hospital).
- uu. Pharmacy.
- vv. Printing and stationery store.
- ww. Professional offices.
- xx. Research laboratories.
- yy. Restaurant.
- zz. Self-service laundry.
- aaa. Sewing machine repair.
- bbb. Shoe repair shop.
- ccc. Sign printing shop.
- ddd. Sporting goods store.
- eee. Stock and bond broker.
- fff. Tavern.
- ggg. Telephone and telegraph offices.
- hhh. Theatre.
- iii. Toy store.
- jjj. Variety store.
- kkk. Youth recreation center.

2. Any public buildings or uses, including fire stations, community buildings, utility buildings, library or municipal building.

(3) Accessory buildings, structures and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.

(4) Churches, provided they have major street frontage as shown on the major street plan, and meet the minimum lot area requirements as shown heretofore in section 62-200(d)(1)d.

- Amend Section 62-204, C-4 restricted commercial district; (b) Uses permitted as follows:

(b) *Uses permitted.* All buildings or uses hereafter established or enlarged shall comply with the conditions and restrictions enumerated below. It is intended that the grouping of buildings and parking areas be designed, insofar as possible, next to adjacent residential areas. In no case shall the permitted uses provide less than the standards outlined within.

(1) a. Artist supplies and hobby shop.

- b. Bakery.
- c. Barbershop and beauty shop.
- d. Bookstore.
- e. Business college.
- f. Car wash.
- g. Child care center (with stipulations as shown).
- h. Cleaning and dyeing works.
- i. Clothing and wearing apparel shops.
- j. Dairy products store.
- k. Delicatessen.
- l. Department store.
- m. Drugstore.
- n. Financial institutions.
- o. Florist shop.
- p. Fraternal organizations.
- q. Funeral parlor/mortuary.
- r. Gasoline or filling station.
- s. General offices.
- t. Gift shop.
- u. Grocery store.
- v. Hardware store.
- w. Health spa.
- x. Independent living options (retirement centers/elderly complexes).
- y. Jewelry store.
- z. Key shop.
- aa. Lawn mower repair shop.
- bb. Laundry/dry cleaners pickup stations.
- cc. Liquor store.
- dd. Lodge halls.
- ee. Medical/dental clinics.
- ff. Museums.
- gg. Music conservatory.
- hh. New and/or used automobile sales and/or service."
- ii. Pet stores.
- jj. Professional offices.
- kk. Restaurants.
- ll. Retail furniture store.
- mm. Self-service laundry.
- nn. Sign printing shop.
- oo. Shoe repair shop.
- pp. Small engine repair.
- qq. Sporting goods store.
- rr. Stockbroker.
- ss. Tailor shop.
- tt. Variety store.
- uu. Veterinarian clinic.
- vv. Ambulance operations, office and garage (no mechanical work).

(2) Accessory buildings and uses customarily incidental to the above uses.

(3) Any public buildings or uses, including: fire stations, community buildings, utility buildings, library, auditorium or municipal building.

- (4) Churches, provided they have major street frontage as shown on the major street plan, and meet the minimum lot area requirements as shown in section 62-200(d) (1) d.
- Amend Section 62-205, C-5 highway commercial and commercial recreation district; (b) Uses permitted as follows:

(b) *Uses permitted.*

(1) Any use permitted in the C-1, C-2, C-3 or C-4 commercial districts.

(2) Additional uses include:

- a. Ambulance service, office and garage.
- b. Amusement enterprises.
- c. Automobile service station.
- d. Boat sales.
- e. Bowling alleys.
- f. Building material store-retail and wholesale.
- g. Bus terminal.
- h. Drive-in theatre or restaurant, standard theatre.
- i. Feed and fuel store.
- j. Food stores.
- k. Frozen food locker.
- l. Furniture repair and upholstery.
- m. Garden centers/stores.
- n. Golf course, miniature or practice range.
- o. Heating/plumbing sales and service.
- p. Humane Society animal shelter.
- q. Ice plant.
- r. Key shop.
- s. Kennels.
- t. Motels or motor inns.
- u. New and/or used automobile/truck sales and/or service.
- v. New and used machinery sales and service.
- w. Nightclubs.
- x. Novelty shop.
- y. Pawn shop.
- z. Recreation center-private.
- aa. Research laboratories.
- bb. Roller skating rink.
- cc. Storage warehouse.
- dd. Tavern.
- ee. Travel trailer park and sales.
- IT. Veterinarian clinic and/or hospital.
- gg. Wholesale distributing center.

(2) Buildings, structures, and accessory uses customarily incidental to any of the above uses, provided that there shall be no manufacturing of products other than such as are customarily incidental to retail establishments.

(4) Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration or traffic than those above.

- (5) Churches, provided they have major street frontage as shown on the major street plan, and meet the minimum lot area requirements as shown heretofore in section 62-200 (d) (1) d.
- (6) Mobile home courts-In compliance with the following requirements:
- The applicant, upon making application for a zoning clearance permit, must submit a detailed site plan locating all mobile home stands, screening or fencing, and plans and specifications for the proposed park in a form suitable for making the determinations required herein.
 - The proposed site shall be a minimum of 2 1/2 acres in size and shall contain no more than 15 mobile home stands per acre. The proposed site shall have a minimum frontage of 200 feet on a street designated as a major street or collector street in the major street plan. All access or egress by automobile will be on such streets. The proposed site shall be a minimum of 200 feet in depth.
 - It shall be the intention of the proposed plan for the mobile home park to accommodate primarily permanent occupants with no more than ten percent of the mobile home stands devoted to purely transient purposes. These purely transient stands are to be located in one area of the park so they will in no way interfere with the permanent residents.
 - The proposed site shall have a front yard of not less than 20 feet from the corner or line of any mobile home stand to the street boundary of the park. The site shall have side and rear yards of ten feet solid fencing, screen planting or wall of six feet in height.
 - The proposed site shall be screened or buffered on all sides with a solid wall fence six feet in height or a screen planting which will attain at least six feet in height.
 - The proposed site shall provide one off-street parking space for each mobile home stand, plus one additional off-street parking space for each two mobile home stands.
 - The proposed site shall provide a connection for each mobile home stand to all public utilities, i.e., sewer, water, and other facilities necessary for the health, safety, and general welfare of the public.

SECTION 2. That all other ordinances or parts of 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 3: 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 _____ day of _____
_____ 2015.

CITY OF McALESTER, OKLAHOMA
A Municipal Corporation

ATTEST:

By: _____
Steve Harrison, Mayor

Cora Middleton, City Clerk

Ordinance No. _____

Page 6 of 6

Approved as to form and legality this _____ day of _____ 2015.

By: _____
William J. Ervin, City Attorney



City of McAlester

Community & Economic Development

1st & Washington & P.O. Box 578 & McAlester, OK 74502 & (918) 423-9300

PLANNING COMMISSION PROPOSED ZONING ORDINANCE AMENDMENT- VEHICLE SALES JANUARY 20, 2015

To: McAlester Planning & Zoning Commission
From: Leroy Alsup, Community & Economic Development Director
Date: January 16, 2015

General Description:

An Ordinance Amending the McAlester City Code as follows:

- Amend Section 62-203, C-3 General Commercial District; (b) Uses permitted; Item oo. to state: "New and/or used automobile sales and service, ~~with used car sales as accessory use in combination.~~"
- Amend Section 62-204, C-4 Restricted Commercial District; (b) Uses permitted; Item hh. to state: "New and/or used automobile sales and service."
- Amend Section 62-205, C-5 Highway Commercial and Commercial Recreation District; (2) Additional uses include; Item u. to state "New and/or used automobile/truck sales and service."

Notifications:

McAlester News Capital (Publication) January 4, 2015

Attachments:

Proof of Publication of Notice in Newspaper

Staff Analysis:

Stipe Investments (Wayne Stipe) owns the property at 306 E Wyandotte (Lots 3 & 4, Block 446). This is the former location of the Pride in McAlester Flea Market.

An individual was interested in purchasing the property for a used automobile sales and service operation. The property is currently zoned as C-3 General Commercial District (Central Business) and it is not within the Wyandotte Avenue Corridor Development. Under uses permitted for C-3 it states (oo) "new automobile sales and service, with used car sales as accessory use in combination." City Staff's interpretation is this means that a standalone used car sales and service operation would not be a permitted use in C-3.

Under uses permitted for C-4 Restricted Commercial District it states (hh) "new and used automobile sales and service". City Staff's interpretation is this means that a standalone used car sales and service operation would be a permitted use in C-4.

Leroy Alsup- Director
(918) 423-9300 ext.4951

Kirk Ridenour- Economic Development Manager
(918) 423-9300 ext.4982

Jayne Clifton - Executive Asst./Planning Technician
(918) 423-9300 ext. 4984

- Code Enforcement Inspector
(918) 423-9300 ext. 4986

George Estrada- Building Inspector
(918) 423-9300 ext. 4985

Charley Gilbertson- Plumbing/Electrical Inspector
(918) 423-9300 ext. 4987

I received a letter from Stipe Investments (Wayne Stipe) requesting that the Planning Commission schedule discussion and possible recommendation to the City Council to amend and change the uses permitted for automobiles in the C-3 District to "new and/or used automobile sales and service". In the event such amendment is not possible, he is requesting a determination as to the acceptance by the City of the proposed use in his letter.

I discussed this matter with Planning Commission Chairman, Mark Emmons. Chairman Emmons stated that he viewed this as a citizen notifying the Planning Commission of an inconsistency in the wording of our zoning ordinance. He felt that there was no logic in allowing used cars in combination with new cars, but no stand-alone used car dealers.

Based on the input from Chairman Emmons, the proposal for the Ordinance Amendment under consideration was drafted.

STAFF RECOMMENDATION:

Staff feels the options to either (1) eliminate automobile sales and service as a permitted use in its entirety from C-3 General Commercial District or (2) make automobile sales and service as use permitted after review should be discussed as alternatives to the proposed Ordinance Amendment.

PROOF OF PUBLICATION

McAlester News-Capital

500 S. Second, McAlester, OK 74501 • 918-423-1700

I, Amy Johns, am of lawful age, being duly sworn upon oath, deposes and says:

That I am publisher of McAlester News-Capital, a daily newspaper printed and published in the City of McAlester, County of Pittsburg, and State of Oklahoma, and that the advertisement referred to, a true and printed copy is hereunto attached, was published in said McAlester News-Capital & in consecutive issues on the following dates to wit:

1st insertion.....January 5th, 2015
2nd Insertion.....2015
3rd Insertion.....2015
4th Insertion.....2015
5th Insertion.....2015

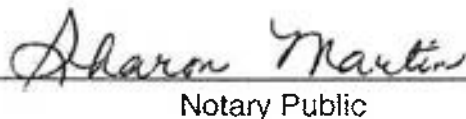
That said newspaper has been published continuously and uninterruptedly in said county during a period one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as publications (second-class) mail matter, that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the State of Oklahoma governing legal publications.

Publication Fee.....\$ 34.55


Publisher

SUBSCRIBED and sworn to before me this

5th day of January, 2015


Notary Public

#00002414

My Commission expires: 03/23/16



(PUBLISHED IN THE)
McAlester News
Capital on January
4th, 2015.)

**CITY OF
McALESTER
NOTICE OF
HEARING ON
PROPOSED
ZONING
ORDINANCE
AMENDMENT**

NOTICE IS HEREBY GIVEN to all property owners and residents of the City of McAlester, that a Public Hearing will be held before the McAlester Planning Commission on Tuesday, January 20, 2015 at 6:30 p.m. concerning an ordinance to amend the McAlester City Code as follows:

1 Amend Section 62-203, C-3 General Commercial District; (b) Uses permitted; Item cc. to state: "New and/or used automobile sales and service, with used car sales as accessory use in combination."

1 Amend Section 62-204, C-4 Restricted Commercial District; (b) Uses permitted; Item hh. to state: "New and/or used automobile sales and service."

1 Amend Section 62-205, C-5 Highway Commercial and

Commercial Recreation District; (2) Additional uses include; Item u. to state "New and/or used automobile/truck sales and service."

Any person wishing to appear in support or opposition to the proposed Zoning Ordinance Regulation Amendment may do so in the Council Chambers, Municipal Building, located at 28 E. Washington Avenue, McAlester, Oklahoma, at the above date and time.

FURTHER NOTICE IS HEREBY GIVEN to all property owners and residents of the City of McAlester, that if the Tuesday, January 20, 2015 Planning Commission is canceled due to any reason such as but not limited to adverse weather conditions, lack of a quorum, etc. the above Public Hearing will automatically be rescheduled and placed on the agenda for the Tuesday, February 17, 2015 McAlester Planning Commission at 6:30 p.m.

s/Cora Middleton,
City Clerk Date

McAlester Planning Commission Minutes
Tuesday, January 20, 2015
City Council Chambers
6:30 PM

DRAFT

Item 1 Call to Order and Roll Call

Chairman Emmons called the meeting to order at 6:30 PM. Roll was called, and a quorum was present.

Commissioners Present: 9

Ross Eaton	Mark Emmons	Justin Few	Carl Gullick
Susan Kanard	Denise Lewis	Primus Moore	Karl Scifres
Chris Taylor			

Commissioners Absent: 2

Harvey Bollinger Karen Stobaugh

Item 2 Approval of the Minutes from December 16, 2014

A motion made by Commissioner Moore was seconded by Commissioner Gullick to approve the minutes.

The vote was 9-0

AYE: Gullick, Kanard, Lewis, Moore, Scifres, Taylor, Eaton, Few, Emmons

NAY: None

The motion carried.

Item 3 Discussion and recommendation on 2015 Commission Re-appointments

Chairman Emmons noted four upcoming term expirations for the year, which included Carl Gullick, Primus Moore, Karl Scifres and Karen Stobaugh. Commissioner Gullick, Moore and Scifres each indicated they wished to be re-appointed.

Leroy Alsup, Director of Community and Economic Development, requested each member to submit their biography to meet City Council's requirements to reappoint. He also noted the vice chairman seat was still vacant. Chairman Emmons indicated to put selection of the vice chairman on the next regular meeting agenda.

GENERAL BUSINESS:

Item 4 Public Hearing: Discussion and action on V. E. #147, a request to close the alleys and streets described as the alley that lies in Block 17, City of McAlester, now known as North McAlester, lying between the East Boundary Line of the Main Street Right-of-Way and the West Boundary Line of the Fifth Street Right-of-Way

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Mr. Alsup recommended that the matter be tabled until staff could meet

with the applicant & AT&T to explore possible options.

Chairman Emmons opened the public hearing at 6:33 PM if the audience wished to speak. Tammy Kathy, the applicant, replied she agreed meeting with AT&T and tabling the item.

A motion made by Commissioner Gullick to table the item until staff could meet with the applicant to explore available opportunities was seconded by Commissioner Moore. Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Kanard, Lewis, Moore, Scifres, Taylor, Eaton, Few, Gullick, Emmons

NAY: None

The motion carried.

Item 5

Public Hearing: Discussion and action on V. E. #148, a request to close the alleys and streets described as "H" Street lying between Block 83 and Block 84; North Avenue lying adjacent to Block 83 and to Block 84; "G" Street lying between Gene Stipe Avenue (formerly Electric Avenue) and North Street; and the Alley in Block 83; All in South McAlester, Pittsburg County, State of Oklahoma.

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Mr. Alsup recommended that the matter be tabled until staff could meet with the applicant, AT&T, and McAlester Engineering and Public Works Department to explore possible options.

Chairman Emmons opened the public hearing at 6:37 PM if the audience wished to speak. Elaine Green, representative of the applicant, stated she agreed to table the item until after meeting with AT&T and McAlester Engineering and Public Works Department.

A motion made by Commissioner Gullick to table the item until staff could meet with the applicant to explore available opportunities was seconded by Commissioner Scifres. Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Lewis, Moore, Scifres, Taylor, Eaton, Few, Gullick, Kanard, Emmons

NAY: None

The motion carried.

- Item 6 Public Hearing: Discussion and action on V. E. #149, a request to close the alleys and streets described as the Easement that lies in the Southerly 30 feet of Lots 76 and 77, and the Northerly 30 feet of Lots 86 and 87, in Townsite Addition No. 4, Pittsburg County, State of Oklahoma.**

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Mr. Alsup recommended that the matter be tabled until staff could meet with the applicant and McAlester Engineering and Public Works Department to explore possible options.

Chairman Emmons opened the public hearing at 6:41 PM if the audience wished to speak. Elaine Green, representative of the applicant, stated she agreed to table the item until after meeting with McAlester Engineering and Public Works Department.

A motion made by Commissioner Few to table the item until staff could meet with the applicant to explore available opportunities was seconded by Commissioner Lewis. Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Moore, Scifres, Taylor, Eaton, Few, Gullick, Kanard, Lewis, Emmons

NAY: None

The motion carried.

- Item 7 Public Hearing: Discussion and action on Public Hearing: Discussion and action on an ordinance to amend the McAlester City Code as follows:**
- Amend Section 62-203, C-3 General Commercial District; (b) Uses permitted; Item oo. to state: "New and/or used automobile sales and service, with used car sales as accessory use in combination."
 - Amend Section 62-204, C-4 Restricted Commercial District; (b) Uses permitted; Item hh. to state: "New and/or used automobile sales and service."
 - Amend Section 62-205, C-5 Highway Commercial and Commercial Recreation District; (2) Additional uses include; Item u. to state "New and/or used automobile/truck sales and service."

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Mr. Alsup reported that staff recommended that the options to either (1) eliminate automobile sales and service as a permitted use in its entirety from C-3 General Commercial District or (2) make automobile sales and service as use permitted after review should be discussed as alternatives to the proposed Ordinance Amendment.

Chairman Emmons opened the public hearing at 6:48 PM if the audience wished to speak in favor of the amendment.

Wayne Stipe, manager of Stipe Investments LLC, stated they owned a building at 3rd & Wyandotte Ave where an interested buyer wanted to utilize the property for used auto sales, maintenance and repairs. Mr. Stipe said “and” meant together with, along with, or jointly so he interpreted C-4 also required both new and used together. He stated automobile services were still prevalent downtown such as Automobile Specialist, Jewel Restoration, William’s Used Auto, Terry’s Lube & Oil, Red Horse Tire, Miller Glass, Downtown Detail, and Roberts Window Tinting and felt used auto sales would be similar and should be allowed.

Brian Reagan, stated he was in favor of the amendment because he was interested in the property at 3rd & Wyandotte Avenue mainly for automobile repair service and to sell used cars.

Chairman Emmons asked if anyone in the audience wished to speak in opposition of the ordinance amendment. Wayne Stipe again addressed the commission stating the wording does not indicate a stand-alone activity. Mr. Stipe suggested the ordinance would be better worded if it included “used car sales” then separately “used car service”.

Chairman Emmons closed the public hearing and called for a motion and then discussion.

Commissioner Eaton noted the ordinance stated “sales and service” and indicated maybe it should be made “sales and/or service”. Mr. Alsup suggested separating the items into two lines, one for sales and one for service.

Chairman Emmons said he believed a new car dealer would never be in the central business district because auto companies preferred areas along a highway. He said it didn’t make sense to restrict new sales from used sales and inquired if used sales were so bad then why they were allowed in conjunction with new car sales.

Commissioner Lewis recounted Mr. Stipe’s statement about auto services in the downtown C-3 areas, and the need to update the antiquated codes. She inquired if auto services in the downtown C-3 area should be continued or if it had been better suited along a highway. Commissioner Gullick questioned why it was okay for new car sales but not used car sales. He suggested an overlay district that allowed used car sales as a use. Mr. Alsup confirmed that use permitted after review would prevent car sales throughout all of C-3. Mr. Alsup replied a possible rationale of limiting use was that new car sale lots were more highly regulated by automobile companies and many times they are more attractively maintained.

A motion made by Commissioner Scifres to amend the referenced sections C-3, C-4 and C-5 to add the word “or” between “sales” and “service”, to read as “sales and/or service” was seconded by Commissioner Moore. Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Scifres, Taylor, Eaton, Few, Gullick, Kanard, Lewis, Moore, Emmons

NAY: None

The motion carried.

Item 8 Public Hearing: Discussion and action on a proposed ordinance amending the McAlester City Code, Division 3. Zoning Districts and District Regulations; Subdivision II. Specific Districts by adding "Section 62-214. Downtown and Old Town Loft Apartment Overlay District".

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Staff recommended the Ordinance Amending the McAlester City Code, Division 3. Zoning Districts and District Regulations; Subdivision II. Specific Districts by adding "Section 62-214. Downtown and Old Town Loft Apartment Overlay District" be adopted.

Chairman Emmons opened the public hearing at 7:03 PM.

Mickey Lloyd, a downtown property owner, stated he would like to see the ordinance passed because he wanted to see downtown successful and moving forward like many other downtowns that had adopted similar ordinances. He added that he was ready to repair the old buildings he owned downtown, and also looked forward to the other buildings being used instead of falling apart.

Chairman Emmons closed the public hearing and called for a motion and then discussion.

A motion made by Commissioner Lewis to approve the proposed ordinance was seconded by Commissioner Taylor.

Commissioner Gullick asked if the proposed ordinance was consistent with other cities in Oklahoma that had mixed use development downtown. Mr. Alsup indicated staff had looked at a few other cities in Oklahoma and then one other in Arkansas and stated they had done similar, however because all standards of construction tied back to building codes, sometimes the interpretation of building codes varied from one town to the next.

Commissioner Gullick said he understood many were waiting to invest in their properties downtown. He thought the ordinance was potentially vague but didn't think it should be so onerous the City wouldn't get any development downtown. Mr. Alsup noted Chapter 34 of the International Building Codes allows some variation from the codes for new construction but without conceding minimum standards for fire prevention and life safety features. He indicated there are substantial provisions provided for historic structures to save the unique features of the building through approved alternatives or adequate substitutes that comply with the code, which a design professional could help identify and develop. Mr. Alsup maintained one item without identifiable alternatives were fire sprinkler systems where there is a change

of occupancy or mixed used in combination with retail. He said staff had already met with the architect for Main Street and each party still had not been able to find a way around that particular area of the building code, therefore sprinkler systems would probably be required.

Chairman Gullick inquired on the cost of a sprinkler systems. Mr. Alsup replied the requirement of sprinkler systems would vary from building to building and he also understood it is a substantial investment. Mr. Alsup noted the City of Ardmore started out requiring sprinkler systems for rental occupied properties but not owner occupied, however they had since changed their ordinances that now required sprinkler systems for all. He noted the City of Claremore required sprinkler systems but City of Siloam Springs did not require sprinkler systems.

Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Taylor, Eaton, Few, Gullick, Kanard, Lewis, Moore, Scifres, Emmons

NAY: None

The motion carried.

Item 9

Public Hearing: Discussion and action on P. C. #402, a request to rezone Lots 20, 21 and 22, being a subdivision of Lots 3, 4, and 5, in Block 243, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma from R1-B Single-family Residential District to C-2 Neighborhood Convenience District; H-1 Health Facilities District; or consideration by the City Council to waive or suspend the provisions of the R1-B Single-family Residential District due to peculiar or exceptional extenuating circumstances and allow Genesis Health and Beauty Salon as a nonconforming use at 804 E. Monroe Avenue pursuant to a written memorandum of understanding.

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. He summarized the following staff findings:

- The property at 804 East Monroe (Lots 20, 21 and 22) is not eligible for consideration of rezoning to C-2 Neighborhood Convenience District because the minimum threshold lot area requirements cannot be satisfied.
- The property at 804 East Monroe (Lots 20, 21 and 22) is not eligible for consideration of rezoning to H-1 Health Facilities District because the minimum threshold lot area requirements cannot be satisfied.
- A Variance as defined by the City's Zoning Ordinance means a relaxation of the terms of this article, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this article would result in unnecessary and undue hardship. A variance is authorized only for height, area and size of structure of yards and open spaces. Variances shall not

be sought for the establishing or expansion of a use otherwise prohibited, nor shall a variance be granted because of the presence of nonconformities in the zoning district, or adjoining zoning district.

City staff had not been presented with any compelling peculiar or exceptional extenuating circumstances that were not the result of the actions of the applicant, to support waiving or suspending the provisions of the existing Zoning Ordinance provisions as adopted in order to allow the proposed Genesis Health and Beauty Salon at 804 E. Monroe Avenue

The McAlester City Council is the only entity that has the authority to waive or suspend the provisions of the existing Zoning Ordinance provisions as adopted. Therefore, if the governing body feels that there are peculiar or exceptional extenuating circumstances that would create an undue hardship on the applicant if the existing Zoning Ordinance Provisions are followed, the McAlester City Council could waive or suspend the provisions of the Zoning Ordinance and allow the Genesis Health and Beauty Salon within the R-1B single-family residential district.

Chairman Emmons noted because minimum thresholds standards of zoning requirements were not met C-2 and H-1 were off the table. Commissioner Eaton noted that he could not find where the Planning Commission had authority to suspend or waive provisions of the zoning ordinance. Mr. Alsup indicated the only body with authority to waive an ordinance as written was the City Council.

Chairman Emmons opened the public hearing at 7:19 PM if the audience wished to speak on behalf of the application.

Councilman Robert Karr recounted the previous meeting concerning the ordinance amendment and the supporters present for Mrs. Brooks. He requested a recommendation by the Commission on the consideration by City Council to waive or suspend provisions of R-1B for exceptional or extenuating circumstances. Councilman Karr stated because of the City housing, the hospital, and the planned hospital dialysis center all on the 800 block of Monroe Avenue he felt that area of Monroe Avenue would be rezoned within two years under the new comprehensive plan. He said because Mrs. Brooks was a good business owner and a good citizen he would like the commission to look at her application and make a recommendation.

Gerald Wiggins indicated he thought there was a misunderstanding because of what Mrs. Brooks was told before she bought the property. Mr. Brooks said there are businesses operating across the road and around Mrs. Brooks' property and felt the Commission's denial would create a hardship.

Linda Mason, of Falcon Lane, recalled that before the late Sam Mason resigned from City Council he had been talking to Mrs. Brooks. Mrs. Mason said she felt Mr. Mason intended to help Janelle but she wasn't sure what Mr. Mason thought he could do. Mrs. Mason said she agreed with allowing a beauty shop in that area.

Jim Conway, of Highland Terrace, requested the commission to look at the application on a taxpayer's perspective and to support the local economy and small business. He requested that Mrs. Brooks be provided a waiver for hardship because he felt the classification was met when Mrs. Brooks bought her property with the intention to do business and understood that she could.

Eldi Jose, of North Town, stated that he lived in McAlester for twenty-seven years and worked for the City of McAlester eleven or twelve years ago as van driver for the senior citizens. He said he had dropped-off and picked-up many senior citizens at an in-home beauty parlor at a residential address on what he thought was maybe 7th Street.

Janelle Brooks, the applicant, said she had been in her shop on Wyandotte Avenue for twelve years and had difficulty paying the rent where she was and it created a peculiar hardship for her. Mrs. Brooks stated she believed the Planning Commission meeting was to sign papers. Mr. Alsup clarified it was required she come back through the process because an item to consider waiving or suspending the ordinance was not on the last meeting agenda. He said notices made this time included broad requests so that all things could be considered at this meeting which included the action item on the agenda to consider a waiver or suspension of rules.

Denita Spencer, of Krebs, stated that she was in shock because what was supposed to happen or proposed to happen did not take place at the previous City Council meeting or the Planning Commission meeting. Mrs. Spencer said Mrs. Brooks came prepared to get the commission's recommendation about the variance. Mrs. Spencer requested the Commission to make a recommendation because Mrs. Brooks could not use the property she purchased. Jim Conway noted that a waiver to the ordinance was discussed previously but that City Council would have to do it. He said he understood the City Council looked at the beauty shop ordinance but to consider a waiver the application had to come back from the Planning Commission as a recommendation to the Council.

Chairman Emmons asked if anyone in the audience wished to speak in opposition of the ordinance amendment.

Elaine Thomas, of E Kiowa, stated after working twenty seven years for the City of McAlester she retired in January 2013 from codes enforcement. Mrs. Thomas said in her employment she dealt with the Planning Commission and had spoken with Mrs. Brooks several times, and she had told Mrs. Brooks every time a beauty shop could not be put in a residential area because it was spot zoning. Mrs. Thomas requested the commission to deny Mrs. Brooks requests because she feared it would not be a one-time situation and more applicants would want to do the same.

Charlotte McPherson, of N 4th Street, said she agreed with Mrs. Thomas and if the beauty shop was allowed it would be a grave mistake.

Gary Kimble identified himself as the next door neighbor to the applicant and stated he lived between the two properties owned by Mrs. Brooks. Mr. Kimble said he was

opposed to rezoning his residential property but did not have a problem with Mrs. Brooks operating a beauty shop next door.

Mrs. Brooks addressed the commission again and stated she had already purchased the property before she spoke to someone about rezoning. Mrs. Brooks claimed her father experienced problems with spot zoning and a grandfathered business on W. Washington. Commissioner Eaton explained rezoning requirements of lot area and adjoining lots. Mr. Wiggins inquired about a published five year plan and stated the City still had a history of spot zoning. Commissioner Eaton replied that spot zoning occurred before the Land Development Code was passed and spot zoning was no longer lawful. Mr. Wiggins stated rezoning is not requested but a variance is requested. Commissioner Eaton stated a variance did not apply in the situation according to the specific instances allowed in the codes for variances. Mr. Wiggins claimed there were two variances before and requested Mr. Alsup to clarify. Mr. Alsup stated that relative to the special situation before the Commission the Council was the only body with the authority to consider it. Mr. Alsup said if a recommendation is not made by the Planning Commission then the applicant could send a letter to Planning Commission Chairman and the item will go forth to the City Council. Commissioner Eaton noted the item will need to go to City Council regardless of what the Planning Commission decided to do. Commissioner Moore requested Mrs. Brooks to recall a beauty shop on the 800 block of Madison ran by Joyce Griffith, directly south of Mrs. Brook's property. He explained that once Mrs. Griffith moved, the beauty shop went away and the property went back to a house because of the Land Development Code. Mr. Conway requested that a variance for Mrs. Brooks be considered and asserted it was a hollow argument for the Commission to assume others would request the same.

Councilman John Titworth said the main point was that Mrs. Brooks had been in business on Wyandotte Avenue for a number of years and he saw no compelling reason for Mrs. Brooks to move her business from a commercial area to a residential area.

Mrs. Thomas addressed the commission again, stating she had worked in the Codes Department from 1995 until 2013. She recalled Mrs. Brooks had interest in the property and was told it could not be rezoned before Mrs. Thomas retired. Mrs. Thomas asked when Mrs. Brooks bought the property. Mrs. Brooks answered she did not remember. Mr. Alsup noted the County Assessor's record showed March 20, 2013. Commissioner Eaton recalled Jennifer Santino worked in the same position after Mrs. Thomas and Mrs. Santino had also indicated at a prior meeting she explained to Mrs. Brooks the same issues of rezoning.

Chairman Emmons closed the public hearing at 8:16 PM and called for a motion and then discussion.

Commissioner Scifres requested Mr. Alsup to identify the available recommendation options. Mr. Alsup said the Planning Commission could recommend against the waiver, not recommend at all, or recommend in favor to be considered by the City Council.

A motion was made by Commissioner Scifres to recommend the council to waive or suspend the provisions of the R-1B. Chairman Emmons called for a second. The motion was not seconded. Chairman Emmons declared that the motion died for lack of a second.

Item 10 New Business

There was no New Business.

Item 11 Staff Report

There was no Staff Report.

Item 12 Commission Report

There was no Commission Report.

Item 13 Adjournment

A motion made by Commissioner Eaton was seconded by Commissioner Moore to adjourn the meeting at 8:21 PM.

There were no objections. The motion carried.

Approved: _____
Date

By: _____
Planning Commission Chairman



McAlester City Council

AGENDA REPORT

Meeting Date:	February 10, 2015	Item Number:	5
Department:	Community & Economic Development	Account Code:	N/A
Prepared By:	Leroy Alsup, Director	Budgeted Amount:	N/A
Date Prepared:	February 3, 2015	Exhibits:	Nine

Subject

Consider and act upon, a Memorandum of Understanding waiving or suspending the Zoning Ordinance provisions of the Sec. 62-197 single-family residential district due to peculiar or exceptional extenuating circumstances where a literal enforcement of the existing Zoning Ordinance provisions of Sec. 62-197 single-family residential district would create an unnecessary and undue hardship on the applicant and allowing the existing residential structure at 804 E Monroe to be used specifically for the Genesis Health and Beauty Salon in pursuant the provision of the terms set forth in the Memorandum of Understanding.

Recommendation

Motion to act upon and based on no affirmative recommendation from the Planning Commission, not approving the Memorandum of Understanding waiving or suspending the Zoning Ordinance provisions of the Sec. 62-197 single-family residential district allowing the existing residential structure at 804 E Monroe to be used specifically for the Genesis Health and Beauty Salon in pursuant the provision of the terms set forth in the Memorandum of Understanding.

Discussion

Applicant requested a change in zoning from R-1B (Single-Family Residential District) to either C-2 (Neighborhood Convenience District); H-1 (Health Facilities District) or consideration by the City Council to waive or suspend the provisions of the R1-B Single-family Residential District due to peculiar or exceptional extenuating circumstances and allow Genesis Health and Beauty Salon as a nonconforming use at 804 E. Monroe Avenue pursuant to a written memorandum of understanding.

Mark Emmons, Chairman of the Planning Commission noted at the January 20, 2015 meeting that because the minimum thresholds standards requirements for rezoning were not met, the rezoning of the property at 804 E. Monroe to C-2 or H-1 were off the table. The Planning Commission took no formal action on the applicants request for consideration by the City Council to waive or suspend the provisions of the R1-B Single-family Residential District due to peculiar or exceptional extenuating circumstances and allow Genesis Health and Beauty Salon as a nonconforming use at 804 E. Monroe Avenue pursuant to a written memorandum of understanding.

The following documents are attached for your reference:

1. Janell Brooks Formal Letter appealing Planning Commission Action on January 20, 2015
2. Draft Memorandum of Understanding prepared at the request of Councilman Robert Karr
3. Draft Minutes of the January 20, 2015 Planning Commission Meeting
4. Staff Report for the January 20, 2015 Planning Commission Meeting
5. Rezoning Request Application
6. Area Zoning & Site Location Map
7. Notice to Property Owners within 300 feet
8. Proof of Publication of Notice in Newspaper
9. Picture of Sign Posted on Property

Approved By*Initial**Date***Department Head**

L. Alsup

02/02/2015

City Manager

P. Stasiak



Janell's House of Beauty
D.b.a./ Genesis Health and Beauty
McAlester, Okla. 74501
January 21, 2015

**Community & Economic
Development Department**

JAN 23 2015

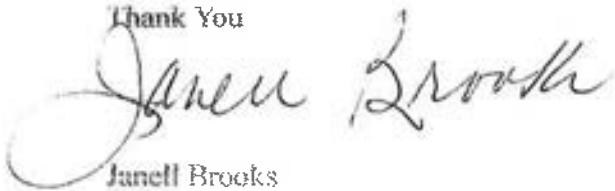
Received

Leroy Asup (Director)
1st & Washington
McAlester, Okla. 74501

Chairman of Planning Committee:

This is a formal Appeal to the City Council Board Meeting February 10, 2015 for Janell's House of Beauty Dba/ Genesis Health and Beauty 804 East Monroe McAlester, Okla. 74501 PC Case#402 considering Mr Leroy Alsup as he presented with peculiar or exceptional extenuating circumstance... Genesis Health and Beauty will be reaching out helping Cancer patients with Wigs and Hairpieces, We are now a Network with Health Choice, Providing Wigs and other hair products ...

Thank You

A handwritten signature in dark ink, appearing to read "Janell Brooks". The signature is fluid and cursive, with the first name "Janell" being more prominent than the last name "Brooks".

Janell Brooks

MEMORANDUM OF UNDERSTANDING

WHEREAS, the McAlester City Council hereby determines there are peculiar or exceptional extenuating circumstances where a literal enforcement of the existing Zoning Ordinance provisions of Sec. 62-197 single-family residential district would create an unnecessary and undue hardship on the applicant.

NOW THEREFORE BE IT RESOLVED that the McAlester City Council hereby waives or suspends the Zoning Ordinance provisions of the Sec. 62-197 single-family residential district to allow the existing residential structure at 804 E Monroe Avenue, McAlester, Oklahoma as more particular described below to be used specifically for the Genesis Health and Beauty Salon in pursuant the provision of the terms set forth in this Memorandum of Understanding (MOU).

Owners:	Gaylord K. Brooks & Janell Brooks
Zoning District:	R-1B Single-Family Residential District
Location:	804 E Monroe Avenue, McAlester, OK
Legal Description:	Lots 20, 21 and 22, being a subdivision of Lots 3, 4, and 5, in Block 243, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma.

USE OF STRUCTURE

The continued use of the existing residential structure on the property identified above as the Genesis Health and Beauty Salon shall be subject to the following provisions:

- (1) The existing structure devoted to use as the Genesis Health and Beauty Salon under this MOU shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered in the future except in changing the use of the structure to a use permitted in the zoning district in which it is located.
- (2) The use of the existing structure as the Genesis Health and Beauty Salon shall not be extended to occupy any land outside the existing structure.
- (3) If the use of this existing structure is superseded by a permitted use in the zoning district in which it is located, the structure shall thereafter conform to the regulations for the zoning district in which such structure is located, and the nonconforming use as the in the district in which it is located may not thereafter be resumed.
- (4) When use of the existing structure, or structure and premises in combination, as the Genesis Health and Beauty Salon is discontinued or abandoned, intentionally or unintentionally, for six consecutive months, the structure or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located.
- (5) If the premises or structure are ever sold or leased to another party other than Gaylord & Janell Brooks, the structure or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the zoning district in which it is located.

SPECIAL CONDITIONS

Page 2 of 3

- The Health and Beauty Salon shall not serve more than four customers at one time.
- Inclusive of the owner, the Health and Beauty Salon shall not have more than two employees on duty at any given time.
- The hours of operation for the Health and Beauty Salon shall be limited to 10:00 a.m. to 5:00 p.m., Tuesday through Saturday.
- There shall be no physical changes to the exterior appearance of the existing residential structure:
- The Health and Beauty Salon services shall be provided solely within the existing principal structure. There shall be no outside business activities, storage, or displays.
- The Health and Beauty Salon shall provide a minimum of six off-street parking spaces that meet the standards set forth in the City's Land Development Code. Parking requirements are not intended to destroy landscaping or damage the integrity of the existing residential dwelling.
- The Health and Beauty Salon shall be limited to one non-illuminated freestanding or wall-mounted sign not more than six square feet on the premises. Sign design, color, and location shall not detract from the neighborhood and be in harmony with the neighborhood. Any lighting for the sign shall be general or indirect lighting.

Janell Brooks

STATE OF OKLAHOMA)
) SS,
COUNTY OF PITTSBURG)

Notary Public

Commission Expires: _____
Commission Number: _____

[illegible]

Notary Public

A Municipal Corporation

By: _____
Steve Harrison, Mayor

Cora Middleton, City Clerk

By: William J, Ervin, City Attorney

McAlester Planning Commission Minutes
Tuesday, January 20, 2015
City Council Chambers
6:30 PM

DRAFT

Item 1 Call to Order and Roll Call

Chairman Emmons called the meeting to order at 6:30 PM. Roll was called, and a quorum was present.

Commissioners Present: 9

Ross Eaton	Mark Emmons	Justin Few	Carl Gullick
Susan Kanard	Denise Lewis	Primus Moore	Karl Scifres
Chris Taylor			

Commissioners Absent: 2

Harvey Bollinger Karen Stobaugh

Item 2 Approval of the Minutes from December 16, 2014

A motion made by Commissioner Moore was seconded by Commissioner Gullick to approve the minutes.

The vote was 9-0

AYE: Gullick, Kanard, Lewis, Moore, Scifres, Taylor, Eaton, Few, Emmons

NAY: None

The motion carried.

Item 3 Discussion and recommendation on 2015 Commission Re-appointments

Chairman Emmons noted four upcoming term expirations for the year, which included Carl Gullick, Primus Moore, Karl Scifres and Karen Stobaugh. Commissioner Gullick, Moore and Scifres each indicated they wished to be re-appointed.

Leroy Alsup, Director of Community and Economic Development, requested each member to submit their biography to meet City Council's requirements to reappoint. He also noted the vice chairman seat was still vacant. Chairman Emmons indicated to put selection of the vice chairman on the next regular meeting agenda.

GENERAL BUSINESS:

Item 4 Public Hearing: Discussion and action on V. E. #147, a request to close the alleys and streets described as the alley that lies in Block 17, City of McAlester, now known as North McAlester, lying between the East Boundary Line of the Main Street Right-of-Way and the West Boundary Line of the Fifth Street Right-of-Way

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Mr. Alsup recommended that the matter be tabled until staff could meet

with the applicant & AT&T to explore possible options.

Chairman Emmons opened the public hearing at 6:33 PM if the audience wished to speak. Tammy Kathy, the applicant, replied she agreed meeting with AT&T and tabling the item.

A motion made by Commissioner Gullick to table the item until staff could meet with the applicant to explore available opportunities was seconded by Commissioner Moore. Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Kanard, Lewis, Moore, Scifres, Taylor, Eaton, Few, Gullick, Emmons

NAY: None

The motion carried.

Item 5

Public Hearing: Discussion and action on V. E. #148, a request to close the alleys and streets described as "H" Street lying between Block 83 and Block 84; North Avenue lying adjacent to Block 83 and to Block 84; "G" Street lying between Gene Stipe Avenue (formerly Electric Avenue) and North Street; and the Alley in Block 83; All in South McAlester, Pittsburg County, State of Oklahoma.

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Mr. Alsup recommended that the matter be tabled until staff could meet with the applicant, AT&T, and McAlester Engineering and Public Works Department to explore possible options.

Chairman Emmons opened the public hearing at 6:37 PM if the audience wished to speak. Elaine Green, representative of the applicant, stated she agreed to table the item until after meeting with AT&T and McAlester Engineering and Public Works Department.

A motion made by Commissioner Gullick to table the item until staff could meet with the applicant to explore available opportunities was seconded by Commissioner Scifres. Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Lewis, Moore, Scifres, Taylor, Eaton, Few, Gullick, Kanard, Emmons

NAY: None

The motion carried.

- Item 6 Public Hearing: Discussion and action on V. E. #149, a request to close the alleys and streets described as the Easement that lies in the Southerly 30 feet of Lots 76 and 77, and the Northerly 30 feet of Lots 86 and 87, in Townsite Addition No. 4, Pittsburg County, State of Oklahoma.**

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Mr. Alsup recommended that the matter be tabled until staff could meet with the applicant and McAlester Engineering and Public Works Department to explore possible options.

Chairman Emmons opened the public hearing at 6:41 PM if the audience wished to speak. Elaine Green, representative of the applicant, stated she agreed to table the item until after meeting with McAlester Engineering and Public Works Department.

A motion made by Commissioner Few to table the item until staff could meet with the applicant to explore available opportunities was seconded by Commissioner Lewis. Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Moore, Scifres, Taylor, Eaton, Few, Gullick, Kanard, Lewis, Emmons

NAY: None

The motion carried.

- Item 7 Public Hearing: Discussion and action on Public Hearing: Discussion and action on an ordinance to amend the McAlester City Code as follows:**
- Amend Section 62-203, C-3 General Commercial District; (b) Uses permitted; Item oo. to state: "New and/or used automobile sales and service, with used car sales as accessory use in combination."
 - Amend Section 62-204, C-4 Restricted Commercial District; (b) Uses permitted; Item hh. to state: "New and/or used automobile sales and service."
 - Amend Section 62-205, C-5 Highway Commercial and Commercial Recreation District; (2) Additional uses include; Item u. to state "New and/or used automobile/truck sales and service."

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Mr. Alsup reported that staff recommended that the options to either (1) eliminate automobile sales and service as a permitted use in its entirety from C-3 General Commercial District or (2) make automobile sales and service as use permitted after review should be discussed as alternatives to the proposed Ordinance Amendment.

Chairman Emmons opened the public hearing at 6:48 PM if the audience wished to speak in favor of the amendment.

Wayne Stipe, manager of Stipe Investments LLC, stated they owned a building at 3rd & Wyandotte Ave where an interested buyer wanted to utilize the property for used auto sales, maintenance and repairs. Mr. Stipe said “and” meant together with, along with, or jointly so he interpreted C-4 also required both new and used together. He stated automobile services were still prevalent downtown such as Automobile Specialist, Jewel Restoration, William’s Used Auto, Terry’s Lube & Oil, Red Horse Tire, Miller Glass, Downtown Detail, and Roberts Window Tinting and felt used auto sales would be similar and should be allowed.

Brian Reagan, stated he was in favor of the amendment because he was interested in the property at 3rd & Wyandotte Avenue mainly for automobile repair service and to sell used cars.

Chairman Emmons asked if anyone in the audience wished to speak in opposition of the ordinance amendment. Wayne Stipe again addressed the commission stating the wording does not indicate a stand-alone activity. Mr. Stipe suggested the ordinance would be better worded if it included “used car sales” then separately “used car service”.

Chairman Emmons closed the public hearing and called for a motion and then discussion.

Commissioner Eaton noted the ordinance stated “sales and service” and indicated maybe it should be made “sales and/or service”. Mr. Alsup suggested separating the items into two lines, one for sales and one for service.

Chairman Emmons said he believed a new car dealer would never be in the central business district because auto companies preferred areas along a highway. He said it didn’t make sense to restrict new sales from used sales and inquired if used sales were so bad then why they were allowed in conjunction with new car sales.

Commissioner Lewis recounted Mr. Stipe’s statement about auto services in the downtown C-3 areas, and the need to update the antiquated codes. She inquired if auto services in the downtown C-3 area should be continued or if it had been better suited along a highway. Commissioner Gullick questioned why it was okay for new car sales but not used car sales. He suggested an overlay district that allowed used car sales as a use. Mr. Alsup confirmed that use permitted after review would prevent car sales throughout all of C-3. Mr. Alsup replied a possible rationale of limiting use was that new car sale lots were more highly regulated by automobile companies and many times they are more attractively maintained.

A motion made by Commissioner Scifres to amend the referenced sections C-3, C-4 and C-5 to add the word “or” between “sales” and “service”, to read as “sales and/or service” was seconded by Commissioner Moore. Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Scifres, Taylor, Eaton, Few, Gullick, Kanard, Lewis, Moore, Emmons
NAY: None

The motion carried.

Item 8 Public Hearing: Discussion and action on a proposed ordinance amending the McAlester City Code, Division 3. Zoning Districts and District Regulations; Subdivision II. Specific Districts by adding "Section 62-214. Downtown and Old Town Loft Apartment Overlay District".

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. Staff recommended the Ordinance Amending the McAlester City Code, Division 3. Zoning Districts and District Regulations; Subdivision II. Specific Districts by adding "Section 62-214. Downtown and Old Town Loft Apartment Overlay District" be adopted.

Chairman Emmons opened the public hearing at 7:03 PM.

Mickey Lloyd, a downtown property owner, stated he would like to see the ordinance passed because he wanted to see downtown successful and moving forward like many other downtowns that had adopted similar ordinances. He added that he was ready to repair the old buildings he owned downtown, and also looked forward to the other buildings being used instead of falling apart.

Chairman Emmons closed the public hearing and called for a motion and then discussion.

A motion made by Commissioner Lewis to approve the proposed ordinance was seconded by Commissioner Taylor.

Commissioner Gullick asked if the proposed ordinance was consistent with other cities in Oklahoma that had mixed use development downtown. Mr. Alsup indicated staff had looked at a few other cities in Oklahoma and then one other in Arkansas and stated they had done similar, however because all standards of construction tied back to building codes, sometimes the interpretation of building codes varied from one town to the next.

Commissioner Gullick said he understood many were waiting to invest in their properties downtown. He thought the ordinance was potentially vague but didn't think it should be so onerous the City wouldn't get any development downtown. Mr. Alsup noted Chapter 34 of the International Building Codes allows some variation from the codes for new construction but without conceding minimum standards for fire prevention and life safety features. He indicated there are substantial provisions provided for historic structures to save the unique features of the building through approved alternatives or adequate substitutes that comply with the code, which a design professional could help identify and develop. Mr. Alsup maintained one item without identifiable alternatives were fire sprinkler systems where there is a change

of occupancy or mixed used in combination with retail. He said staff had already met with the architect for Main Street and each party still had not been able to find a way around that particular area of the building code, therefore sprinkler systems would probably be required.

Chairman Gullick inquired on the cost of a sprinkler systems. Mr. Alsup replied the requirement of sprinkler systems would vary from building to building and he also understood it is a substantial investment. Mr. Alsup noted the City of Ardmore started out requiring sprinkler systems for rental occupied properties but not owner occupied, however they had since changed their ordinances that now required sprinkler systems for all. He noted the City of Claremore required sprinkler systems but City of Siloam Springs did not require sprinkler systems.

Chairman Emmons asked if there were any further comments from the Commission. There were none, and roll was called.

The vote was 9-0:

AYE: Taylor, Eaton, Few, Gullick, Kanard, Lewis, Moore, Scifres, Emmons

NAY: None

The motion carried.

Item 9

Public Hearing: Discussion and action on P. C. #402, a request to rezone Lots 20, 21 and 22, being a subdivision of Lots 3, 4, and 5, in Block 243, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma from R1-B Single-family Residential District to C-2 Neighborhood Convenience District; H-1 Health Facilities District; or consideration by the City Council to waive or suspend the provisions of the R1-B Single-family Residential District due to peculiar or exceptional extenuating circumstances and allow Genesis Health and Beauty Salon as a nonconforming use at 804 E. Monroe Avenue pursuant to a written memorandum of understanding.

Leroy Alsup, Director of Community and Economic Development, presented the staff report to the Commission and it is hereby incorporated in the minutes by reference. He summarized the following staff findings:

- The property at 804 East Monroe (Lots 20, 21 and 22) is not eligible for consideration of rezoning to C-2 Neighborhood Convenience District because the minimum threshold lot area requirements cannot be satisfied.
- The property at 804 East Monroe (Lots 20, 21 and 22) is not eligible for consideration of rezoning to H-1 Health Facilities District because the minimum threshold lot area requirements cannot be satisfied.
- A Variance as defined by the City's Zoning Ordinance means a relaxation of the terms of this article, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this article would result in unnecessary and undue hardship. A variance is authorized only for height, area and size of structure of yards and open spaces. Variances shall not

be sought for the establishing or expansion of a use otherwise prohibited, nor shall a variance be granted because of the presence of nonconformities in the zoning district, or adjoining zoning district.

City staff had not been presented with any compelling peculiar or exceptional extenuating circumstances that were not the result of the actions of the applicant, to support waiving or suspending the provisions of the existing Zoning Ordinance provisions as adopted in order to allow the proposed Genesis Health and Beauty Salon at 804 E. Monroe Avenue

The McAlester City Council is the only entity that has the authority to waive or suspend the provisions of the existing Zoning Ordinance provisions as adopted. Therefore, if the governing body feels that there are peculiar or exceptional extenuating circumstances that would create an undue hardship on the applicant if the existing Zoning Ordinance Provisions are followed, the McAlester City Council could waive or suspend the provisions of the Zoning Ordinance and allow the Genesis Health and Beauty Salon within the R-1B single-family residential district.

Chairman Emmons noted because minimum thresholds standards of zoning requirements were not met C-2 and H-1 were off the table. Commissioner Eaton noted that he could not find where the Planning Commission had authority to suspend or waive provisions of the zoning ordinance. Mr. Alsup indicated the only body with authority to waive an ordinance as written was the City Council.

Chairman Emmons opened the public hearing at 7:19 PM if the audience wished to speak on behalf of the application.

Councilman Robert Karr recounted the previous meeting concerning the ordinance amendment and the supporters present for Mrs. Brooks. He requested a recommendation by the Commission on the consideration by City Council to waive or suspend provisions of R-1B for exceptional or extenuating circumstances. Councilman Karr stated because of the City housing, the hospital, and the planned hospital dialysis center all on the 800 block of Monroe Avenue he felt that area of Monroe Avenue would be rezoned within two years under the new comprehensive plan. He said because Mrs. Brooks was a good business owner and a good citizen he would like the commission to look at her application and make a recommendation.

Gerald Wiggins indicated he thought there was a misunderstanding because of what Mrs. Brooks was told before she bought the property. Mr. Brooks said there are businesses operating across the road and around Mrs. Brooks' property and felt the Commission's denial would create a hardship.

Linda Mason, of Falcon Lane, recalled that before the late Sam Mason resigned from City Council he had been talking to Mrs. Brooks. Mrs. Mason said she felt Mr. Mason intended to help Janelle but she wasn't sure what Mr. Mason thought he could do. Mrs. Mason said she agreed with allowing a beauty shop in that area.

Jim Conway, of Highland Terrace, requested the commission to look at the application on a taxpayer's perspective and to support the local economy and small business. He requested that Mrs. Brooks be provided a waiver for hardship because he felt the classification was met when Mrs. Brooks bought her property with the intention to do business and understood that she could.

Eldi Jose, of North Town, stated that he lived in McAlester for twenty-seven years and worked for the City of McAlester eleven or twelve years ago as van driver for the senior citizens. He said he had dropped-off and picked-up many senior citizens at an in-home beauty parlor at a residential address on what he thought was maybe 7th Street.

Janelle Brooks, the applicant, said she had been in her shop on Wyandotte Avenue for twelve years and had difficulty paying the rent where she was and it created a peculiar hardship for her. Mrs. Brooks stated she believed the Planning Commission meeting was to sign papers. Mr. Alsup clarified it was required she come back through the process because an item to consider waiving or suspending the ordinance was not on the last meeting agenda. He said notices made this time included broad requests so that all things could be considered at this meeting which included the action item on the agenda to consider a waiver or suspension of rules.

Denita Spencer, of Krebs, stated that she was in shock because what was supposed to happen or proposed to happen did not take place at the previous City Council meeting or the Planning Commission meeting. Mrs. Spencer said Mrs. Brooks came prepared to get the commission's recommendation about the variance. Mrs. Spencer requested the Commission to make a recommendation because Mrs. Brooks could not use the property she purchased. Jim Conway noted that a waiver to the ordinance was discussed previously but that City Council would have to do it. He said he understood the City Council looked at the beauty shop ordinance but to consider a waiver the application had to come back from the Planning Commission as a recommendation to the Council.

Chairman Emmons asked if anyone in the audience wished to speak in opposition of the ordinance amendment.

Elaine Thomas, of E Kiowa, stated after working twenty seven years for the City of McAlester she retired in January 2013 from codes enforcement. Mrs. Thomas said in her employment she dealt with the Planning Commission and had spoken with Mrs. Brooks several times, and she had told Mrs. Brooks every time a beauty shop could not be put in a residential area because it was spot zoning. Mrs. Thomas requested the commission to deny Mrs. Brooks requests because she feared it would not be a one-time situation and more applicants would want to do the same.

Charlotte McPherson, of N 4th Street, said she agreed with Mrs. Thomas and if the beauty shop was allowed it would be a grave mistake.

Gary Kimble identified himself as the next door neighbor to the applicant and stated he lived between the two properties owned by Mrs. Brooks. Mr. Kimble said he was

opposed to rezoning his residential property but did not have a problem with Mrs. Brooks operating a beauty shop next door.

Mrs. Brooks addressed the commission again and stated she had already purchased the property before she spoke to someone about rezoning. Mrs. Brooks claimed her father experienced problems with spot zoning and a grandfathered business on W. Washington. Commissioner Eaton explained rezoning requirements of lot area and adjoining lots. Mr. Wiggins inquired about a published five year plan and stated the City still had a history of spot zoning. Commissioner Eaton replied that spot zoning occurred before the Land Development Code was passed and spot zoning was no longer lawful. Mr. Wiggins stated rezoning is not requested but a variance is requested. Commissioner Eaton stated a variance did not apply in the situation according to the specific instances allowed in the codes for variances. Mr. Wiggins claimed there were two variances before and requested Mr. Alsup to clarify. Mr. Alsup stated that relative to the special situation before the Commission the Council was the only body with the authority to consider it. Mr. Alsup said if a recommendation is not made by the Planning Commission then the applicant could send a letter to Planning Commission Chairman and the item will go forth to the City Council. Commissioner Eaton noted the item will need to go to City Council regardless of what the Planning Commission decided to do. Commissioner Moore requested Mrs. Brooks to recall a beauty shop on the 800 block of Madison ran by Joyce Griffith, directly south of Mrs. Brook's property. He explained that once Mrs. Griffith moved, the beauty shop went away and the property went back to a house because of the Land Development Code. Mr. Conway requested that a variance for Mrs. Brooks be considered and asserted it was a hollow argument for the Commission to assume others would request the same.

Councilman John Titsworth said the main point was that Mrs. Brooks had been in business on Wyandotte Avenue for a number of years and he saw no compelling reason for Mrs. Brooks to move her business from a commercial area to a residential area.

Mrs. Thomas addressed the commission again, stating she had worked in the Codes Department from 1995 until 2013. She recalled Mrs. Brooks had interest in the property and was told it could not be rezoned before Mrs. Thomas retired. Mrs. Thomas asked when Mrs. Brooks bought the property. Mrs. Brooks answered she did not remember. Mr. Alsup noted the County Assessor's record showed March 20, 2013. Commissioner Eaton recalled Jennifer Santino worked in the same position after Mrs. Thomas and Mrs. Santino had also indicated at a prior meeting she explained to Mrs. Brooks the same issues of rezoning.

Chairman Emmons closed the public hearing at 8:16 PM and called for a motion and then discussion.

Commissioner Scifres requested Mr. Alsup to identify the available recommendation options. Mr. Alsup said the Planning Commission could recommend against the waiver, not recommend at all, or recommend in favor to be considered by the City Council.

A motion was made by Commissioner Scifres to recommend the council to waive or suspend the provisions of the R-1B. Chairman Emmons called for a second. The motion was not seconded. Chairman Emmons declared that the motion died for lack of a second.

Item 10 New Business

There was no New Business.

Item 11 Staff Report

There was no Staff Report.

Item 12 Commission Report

There was no Commission Report.

Item 13 Adjournment

A motion made by Commissioner Eaton was seconded by Commissioner Moore to adjourn the meeting at 8:21 PM.

There were no objections. The motion carried.

Approved: _____
Date

By: _____
Planning Commission Chairman



City of McAlester

Community & Economic Development

1st & Washington & P.O. Box 578 & McAlester, OK 74502 & (918) 423-9300

PLANNING COMMISSION STAFF REPORT- PC Case #402 January 20, 2015

To: McAlester Planning Commission

From: Leroy Alsup, Community and Economic Development Director

Date: January 20, 2015

YA

Case: PC #402 Request to Rezone

Applicant: Gaylord & Janell Brooks

Zoning District: R-1B Single-Family Residential District

Location: 804 E Monroe Ave

Legal Description: Lots 20, 21 and 22, being a subdivision of Lots 3, 4, and 5, in Block 243, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma.

General Description:

Applicant is requesting a change in zoning from R-1B (Single-Family Residential District) to either C-2 (Neighborhood Convenience District); H-1 (Health Facilities District) or consideration by the City Council to waive or suspend the provisions of the R1-B Single-family Residential District due to peculiar or exceptional extenuating circumstances and allow Genesis Health and Beauty Salon as a nonconforming use at 804 E. Monroe Avenue pursuant to a written memorandum of understanding.

General Notifications:

Publication in McAlester News Capital
Posting of Sign on Property

January 4, 2015
December 30, 2014

Notification to Property Owners within 300 Feet:

Property Owners within 300 feet	17 (Mailed on December 29, 2014)
Notification receipts received	15
Notification Returned Unclaimed	1
Notifications Still Out	1

Leroy Alsup- Director
(918) 423-9300 ext.4951

Kirk Ridenour- Economic Development Manager
(918) 423-9300 ext.4982

Jayne Clifton - Executive Asst./Planning Tech.
(918) 423-9300 ext. 4984

Code Enforcement
(918) 423-9300 ext. 4986

George Estrada- Building Inspector
(918) 423-9300 ext. 4985

Charley Gilbertson- Plumbing/Electrical Inspector
(918) 423-9300 ext. 4987

Attachments:

Application
Abstractor's Certificate
Site Location Map
Area of Request Map with Area Zoning Shown
Copy of Letter to Property Owners within 300 feet
Proof of Publication of Notice in Newspaper
Picture of Sign Posted on Property
Email from Vicki Holbrook Brown sent to Chairman Emmons

Historical Information:

► **PC #396 (May 15, 2013 Application) - request to rezone the property at 804 E. Monroe from R-1B (Single-Family Residential District) to C-2 (Neighborhood Convenience District)**

- **Excerpt of staff notes from June 18, 2013 Staff Report:** Applicant is requesting to rezone of a parcel of property that is 7500 sq. ft. The Land Development Code Section 62-107 (1) (B) states the minimum lot area for rezoning to a C-2 District shall not be less than 50,000 sq. ft. Applicant was informed prior to submitting an application for rezone that they do not qualify per City of McAlester Code.
- **Excerpt from June 18, 2013 McAlester Planning Commission Meeting**

Item 4 Discussion and Action of Request for Rezone: Applicant is requesting a change in zoning from R-1B (Single Family Residential District) to C-2 (Neighborhood Convenience District)

Jennifer Santino, Code Enforcement/Abatement Officer, gave the staff report. Ms. Santino stated that Ms. Janell Brooks is seeking a rezone for Lots 20 and 21, in Block 243, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma. She said the Applicant is requesting to rezone of a parcel of property that is 7500 sq. ft. The Land Development Code Section 62-107 (1) (B) states the minimum lot area for rezoning to a C-2 District shall not be less than 50,000 sq. ft. Applicant was informed prior to submitting an application for rezone that they do not qualify per City of McAlester Code.

Ms. Lois Washington, 2008 Cardinal Lane was speaking for Ms. Brooks. She said that Ms. Brooks would like to put a beauty salon and spa in the home located at 804 E. Monroe. Ms. Brooks would not be living in the house and the salon's business hours would be from 9:30 a.m. to 4:30 p.m. Tuesday through Friday. She said that Ms. Brooks will be installing a circle drive so there would not be any traffic interruption on Monroe. There would be parking in the back of the property as well. The beauty salon is located across from the Stipe Center and McAlester Regional Hospital. Her business would tie in with the health center area as Ms. Brooks would be selling wigs to cancer center patients.

After discussion, Commission Member Bolinger explained to Ms. Brooks that the Planning Commission has to follow the City Ordinances and Codes that are in place. He said the Code states that the minimum lot area for rezoning to a C-2 District shall not be less than 50,000 sq. ft.

A motion made by Commission Member Bolinger and seconded by Commission Member Lewis to deny the rezone as presented.

The vote was 8-0:

Aye: Bollinger, Lewis, Kanard, Moore, Eaton, Few, Stobaugh, Emmons

Abstained: Eaton

Motion carried.

- **Excerpt of the July 9, 2013 City Council Meeting Minutes**
(Minutes approved at August 13, 2013 Council Meeting)

1. Discussion and request from Ms. Janell Brooks regarding rezoning at 804 E. Monroe.
(Peter J Stasiak, City Manager)
Executive Summary
For discussion only.

Manager Stasiak explained the rezone request had been denied by the Planning and Zoning Committee and at the last Council meeting Ms. Brooks had requested an appeal, before the Council, regarding the Planning Committee's decision.

Gaylord Brooks addressed the Council regarding Ms. Brooks appeal. He explained that there were several businesses on the East Monroe and after speaking with several of their neighbors found that they all supported the re-zone request. He added that one of the restrictions that the Planning Committee noted was that the lot was required to contain fifty thousand (50,000) square feet.

There was discussion among the Council, Mr. and Ms. Brooks, the City Attorney and Mr. Harvey Bollinger, from the Planning Committee regarding the amount of square footage contained in the property, what type of business Ms. Brooks intended to operate on the property, what the other properties were currently zoned, the other zoning options that were available for that area, if lot size had ever been waived for that particular zoning, the amount of traffic and what might happen if that property were to be zoned as C-2.

Mr. Bollinger further explained the discrepancies that the property had with the Ordinance that regulated that type of zoning. City Attorney Ervin commented that H-1 zoning would best fit that area and Ms. Brooks' proposed business could be granted with a variance.

Vice-Mayor Mason recommended that Ms. Brooks go back to the Planning Committee with a request of H-1 and then if she has any problems to go to the Board of Adjustment or Council for a variance.

There was no vote on this item.

► **PC #397 (August 20, 2013 Application) - request to rezone the property at 804 E. Monroe from R-1B (Single-Family Residential District) to H-1 (Health Facilities District)**

- **Excerpt of staff notes from September 17, 2013 Staff Report:** "McAlester city code sec. 62-209(d) (1) states: Minimum lot area for an H-1 health facilities district shall not be less than, 50,000 square feet. This property is 7'500 square feet. Applicants has been informed that they do

not meet the 50,000 square feet minimum. As the area zoning map shows this property is not adjacent to any other H-1 zoned district.”

- **Excerpt from September 17, 2013 McAlester Planning Commission Meeting**

Item 3 Discussion and Action on PC #397 – Request to Rezone

Pete Stasiak, City Manager, gave the staff report. Mr. Stasiak stated that the applicants were Gaylord and Janell Brooks and were asking for a re-zone of a parcel of property from R1-B (Single Family Residential District) to H-1 (Health Facilities District). Mr. Stasiak said staff did not recommend the re-zone based on spot zoning (property is not adjacent to existing H-1) and the parcel of property does not meet the 50,000 sq. foot minimum lot size (parcel is only 7,500 sq. ft.).

Gaylord Brooks, applicant, spoke to the Commission saying he felt this business would be an asset to the area and the community. Janell Brooks, applicant, stated that after the Planning Commission denied the request to re-zone this parcel of property to commercial zoning she took the request to the City Council, which was denied, but was told then to come back and ask for a re-zone to H-1 and did not understand why the Commission was turning it down.

Commissioner Emmons stated that the City Council was not aware the parcel of property was not adjacent to existing H-1 and since it is surrounded by residential it would be considered a new H-1 district.

Mayor Steve Harrison stated he thought the property was adjacent to an existing H-1 district and that is why he recommended the H-1 zoning at the City Council meeting.

There was some further discussion from Commission members as to why they could not approve the re-zone.

David Anderson, 201 W. Adams, McAlester, OK, asked the Commission why the applicants were allowed to apply for the re-zones if they did not qualify. Mr. Stasiak stated that the applicants were told even before the close of sale on the property that this did not qualify for a commercial re-zone and were told again that this property did not qualify for a re-zone to an H-1 district.

A motion to deny the request for re-zoning was made by Commission Member Lewis and was seconded by Commission Member Kanard.

With no further discussion the vote was 7-0 as follows:

AYE: Kanard, Scifres, Bollinger, Webb, Few, Lewis, Emmons
NAY: None

Motion carried.

- **Excerpt of the October 8, 2013 City Council Meeting Minutes**
(Minutes approved at October 22, 2013 Council Meeting)

1. Consider and possible action upon a request from Ms. Janell Brooks regarding rezoning at 804 E. Monroe. *(Peter J Stasiak, City Manager)* Executive Summary Staff recommendation is to deny the rezone.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve the rezoning of the property at 804 E. Monroe.

Before the vote, Manager Stasiak commented that this item had been before the Council previously and had been denied twice by the Planning and Zoning Commission. He then reviewed the information that had been included in the agenda packet concerning this item.

Janelle and Gaylord Brooks addressed the Council regarding their request to rezone the property at 804 E. Monroe.

There was discussion among the Council and Mark Emmons, Planning and Zoning Commission Chair regarding the problems with the request, the City of McAlester's Land Development Code, other buildings that might be available to the Brooks' and the misunderstanding that had occurred.

Mayor Harrison clarified that the motion had been to approve the request and explained that a yes vote would be to approve the request and a no vote would be to deny the request. There was no further discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion failed.

► **UP #52 (August 20, 2013 Application) – request of a use permitted after review for a Day Spa/Beauty Shop (Genesis Health and Beauty Spa).**

- **Excerpt of staff notes from September 17, 2013 Staff Report:** After receiving the letter from the Codes Department, the applicant had a survey completed by Milligan Land Surveying PLLC. According to the survey, the structure at 804 E. Monroe (which is currently zoned R1-B) does not meet the minimum 5' side yard setback on the West side, nor does it meet the minimum 25' front-yard setback.

McAlester City Code Sec.62-209(dX5) states: All buildings shall set back from all street right-of-way lines no less than 25 feet to provide front yard setback. As stated above, this property does not meet front yard setback for the H-1 district either.

The Applicant also had a Site Plan drawn up by Tim Wynn. The proposed Site Plan is showing a gravel drive that leads to additional parking behind the structure. The Applicant does not own this property where the proposed gravel drive is shown.

- **Excerpt from September 17, 2013 McAlester Planning Commission Meeting**

Item 4 Discussion and Action on UP#52 – Use Permitted After Review

The applicants request to re-zone was denied; therefore no action was taken on this item

Staff Analysis:

Land Development Code- Sec. 62-197. R-1B single-family residential district.

(a) *General description.* The R-1B single-family residential district is established as a district in which the use of land is for single-family dwellings, yet providing for a somewhat higher density with basic restrictions similar to the R-1A single family residential district. The development and continued use of this land for residential dwellings is encouraged and the encroachment of commercial and industrial use or any other use which would substantially interfere with the development of or continuation of this district as residential is prohibited. Any use which would generate traffic or create congestion on neighborhood streets other than normal traffic which serves the residences on the street is discouraged...

► **R-1B (Single-Family Residential District) to C-2 (Neighborhood Convenience District)**

Sec. 62-202 (d) *Area regulations*

(1) *Minimum lot area and use intensity:* The following requirements shall apply.

- a. The minimum lot area for this district shall be no less than 12,000 square feet.
- b. The minimum lot area for rezoning to a C.2 (neighborhood convenience district) shall not be less than 50,000 square feet.

Lots 20, 21 and 22 at 804 East Monroe are each 25' by 125' in dimension, for a total lot area 11,250 sq. ft. The Applicant's property at 804 East Monroe does not meet the minimum lot area for the C-2 District nor for rezoning to C-2.

The property at 804 East Monroe (Lots 20, 21 and 22) is not eligible for consideration of rezoning to C-2 Neighborhood Convenience District because the threshold lot area requirements cannot be satisfied.

► **R-1B (Single-Family Residential District) to H-1 (Health Facilities District)**

Sec. 62-209 (d) *Area regulations.*

All buildings and uses hereafter established or enlarged shall comply with the following requirements:

(1) *Minimum lot area and use intensity:* Minimum lot area for an H-1 health facilities district shall not be less than 50,000 square feet.

Lots 20, 21 and 22 at 804 East Monroe are each 25' by 125' in dimension, for a total lot area 11,250 sq. ft. The Applicant's property at 804 East Monroe does not meet the minimum lot area for the H-1 Health Facilities District.

The property at 804 East Monroe (Lots 20, 21 and 22) is not eligible for consideration of rezoning to H-1 Health Facilities District because the threshold lot area requirements cannot be satisfied.

- Additional clarification for future reference on Sec. 62-209. H-1 health facilities district.

(c) *Uses permitted after review.* Supporting facilities, necessary in conjunction with the existing health facility, may be permitted only after review by the city planning commission, as follows:

- (3) Barbershop and beauty shop.

It should be noted for future reference that a stand-alone barbershop or beauty shop would not be a medical or health facility as defined by the City's zoning ordinance. Further, it would seem difficult to propose that a stand-alone barbershop or beauty shop would be necessary in conjunction with the existing health facility when it was a stand-alone facility, not part of any medical or health facility.

- **Consideration by the City Council to waive or suspend the provisions of the R1-B Single-family Residential District due to peculiar or exceptional extenuating circumstances and allow Genesis Health and Beauty Salon as a nonconforming use at 804 E. Monroe Avenue pursuant to a written memorandum of understanding.**

The McAlester City Council is the only entity that has the authority to waive or suspend the provisions of the existing Zoning Ordinance provisions as adopted. Therefore, if the governing body feels that there are peculiar or exceptional extenuating circumstances that would create an undue hardship on the applicant if the existing Zoning Ordinance Provisions are followed, the McAlester City Council could waive or suspend the provisions of the Zoning Ordinance and allow the Genesis Health and Beauty Salon within the R-1B single-family residential district.

It would be recommended that if the Zoning Ordinance provisions are waived or suspended by the City Council that the governing body consider allowing Genesis Health and Beauty Salon as a nonconforming use at 804 E. Monroe Avenue pursuant to a written memorandum of understanding subject to special conditions such as but not limited to:

- Restrictions on physical changes to the appearance of the residential structure:
 - Prohibit exterior physical changes to the home for the purposes of conducting the business
 - Prohibit outside business activities, storage, or displays
 - Restrict or prohibit signage or commercial vehicles
- Traffic Restrictions:
 - Restrict the number of customers or visitors to the business
 - Restrict the number of employees working in the business or prohibit employees altogether
 - Restrict business parking or require that additional parking be provided
 - Limit the hours of operation
- External Effects or Nuisances:
 - Restrict or prohibit nuisance impacts (e.g., noise, odors, glare)
 - Prohibit use or storage of hazardous materials

Staff Recommendation:

Since the property at 804 East Monroe (Lots 20, 21 and 22) is not eligible for consideration of rezoning to C-2 neighborhood convenience district or H-1 health facilities district because the threshold lot area requirements cannot be satisfied, City staff can not recommend approval of the applicants rezoning request.

Pursuant to Land Development Code- Sec. 62-197. R-1B single-family residential district. The R-1B single-family residential district is established as a district in which the use of land is for single-family dwellings, yet providing for a somewhat higher density with basic restrictions similar to the R-1A single family residential district. The development and continued use of this land for residential dwellings is encouraged and the encroachment of commercial and industrial use or any other use which would

substantially interfere with the development of or continuation of this district as residential is prohibited. Any use which would generate traffic or create congestion on neighborhood streets other than normal traffic which serves the residences on the street is discouraged...

Variance as defined by the City's Zoning Ordinance means a relaxation of the terms of this article, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this article would result in unnecessary and undue hardship. A variance is authorized only for height, area and size of structure of yards and open spaces. Variances shall not be sought for the establishing or expansion of a use otherwise prohibited, nor shall a variance be granted because of the presence of nonconformities in the zoning district, or adjoining zoning district.

There seems to be adequate suitable vacant land or buildings available at other locations within McAlester for the development of a Beauty Shop that currently has the appropriate zoning district classification for such developments.

City staff has not been presented with any compelling peculiar or exceptional extenuating circumstances, that were not the result of the actions of the applicant, to support to waiving or suspending the provisions of the existing Zoning Ordinance provisions as adopted in order to allow the proposed Genesis Health and Beauty Salon at 804 E. Monroe Avenue

REFERENCE NOTE:

Sec. 62-129 Amendments (g): If the planning commission fails to set up a petition for amendment for public hearing within 30 days after its proper filing with the planning commission at a regular scheduled meeting; or if after public hearing, the planning commission fails to recommend that this article be amended in accordance with such petition for amendment, such failure shall be deemed the final determination and decision of the planning commission. The final determination of the planning commission may be appealed to the city council provided a written request for a hearing before the city council is served on the chairman of the planning commission within 15 days after the final determination of the planning commission.

FOR OFFICE USE ONLY

- CITY OF McALESTER, OKLAHOMA -

APPLICATION FOR ZONING, REDISTRICTING
AND PERMISSIVE USE

DATE 12-5-2014

APPLICATION NUMBER PC # 402

A filing fee of \$0.00 has been paid.

PROCEDURE

1. I, (we), the undersigned, being owners of the following described property, do hereby respectfully make application to the McAlester Planning Commission and the City Council to rezone the property as described below:

LEGAL DESCRIPTION: LOTS 20, 21 AND 22, BEING A SUBDIVISION
OF LOTS 3, 4, AND 5, IN BLOCK 243, CITY OF McALESTER,
FORMERLY TOWN OF McALESTER, POTTAWATOMIE COUNTY, STATE OF
OKLAHOMA.

LOCATION OR ADDRESS OF PROPERTY: 804 E MONROE AVENUE

THE PROPERTY REQUESTED TO BE REZONED IS OWNED BY:

NAME

ADDRESS

A. GAYLE BROOKS 812 E MONROE
B. JANELL BROOKS 812 E MONROE
C. _____
D. _____

2. IT IS REQUESTED THAT THE DESCRIBED PROPERTY BE REZONED:

FROM: R-1B (SINGLE-FAMILY RESIDENTIAL) TO: C-2 NEIGHBORHOOD CONVENIENCE
DISTRICT, M-1 HEALTH FACILITIES
DISTRICT OR CONSIDERATION BY
FRONTAGE IN FEET: _____ DEPTH IN FEET: _____ TOTAL SQUARE FEET: _____

75

150

THE CITY COUNCIL TO WAIVE OR
SUSPEND THE PROVISIONS OF THE
11,250

(Commercial rezoning request requires a minimum of 50,000 square feet.)

R-1B SINGLE-FAMILY RESIDENTIAL
DISTRICT DUE TO PRESENCE OF
EXCEPTIONAL CIRCUMSTANCES
AND ALLOW DENOTES HEALTH
AND BEAUTY ZONING AS A
NON CONFORMING USE.

3. The applicant must attach the names and addresses of the owners of record within 300 feet of the exterior boundaries of the property obtained from an abstractor or other qualified persons.

Signature of Applicant(s)

Address (include zip code)

Telephone #

PREPARED ON BEHALF OF

CAY LERO & TANEL BROOKS

4. The following information is required for permit on review, otherwise this additional information is requested but not required.

PROPOSED USE TO BE: _____

ATTACH A PLOT PLAN FOR ALL BUILDINGS PROPOSED TO BE CONSTRUCTED.

	Existing Structures	Proposed Structures
a. Front Yard Set-Back	_____ ft.	_____ ft.
b. Side Yard Set-Back	_____ ft.	_____ ft.
c. Rear Yard Set-Back	_____ ft.	_____ ft.
d. Building Height	_____ ft.	_____ ft.
e. Number Off-Street Parking Spaces	_____	
f. Type of Parking Surface	_____	
g. Percent of Lot area Covered	_____	

5. PUBLIC UTILITIES WHICH SERVE THE PROPERTY ARE:
(Approval of City Engineer)

a. Street Name _____	Easement Width _____
Surface Width _____	Surface Type _____
b. Storm Sewer Size _____	c. Sanitary Sewer Size _____
d. Water Main Size _____	e. Septic System _____



**AREA OF
REQUEST**

A-1		C-3	
R-1a		C-4	
R-1B		C-5	
R-2		H-1	
R-3		I-1	
C-1		I-2	
C-2			



SCALE: 1" = 400'



Prepared By:
**City of McAlester
Engineering Department**



**SITE
LOCATION**



SCALE: 1" = 400'



Prepared By:
**City of McAlester
Engineering Department**



City of McAlester

Community & Economic Development

1st & Washington & P.O. Box 578 & McAlester, OK 74502 & (918) 423-9300

December 23, 2014

RE: P.C. Case #402

Dear Property Owner:

An application requesting the rezoning of the following described property as outlined below has been filed with the Community and Economic Development Department of the City of McAlester:

LOCATION: 804 E Monroe Avenue

LEGAL: Lots 20, 21 and 22, being a subdivision of Lots 3, 4, and 5, in Block 243, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma.

PROPOSED CHANGE:

From: R1-B Single-family Residential District

To: C-2 Neighborhood Convenience District;

H-1 Health Facilities District; or

consideration by the City Council to waive or suspend the provisions of the R1-B Single-family Residential District due to peculiar or exceptional extenuating circumstances and allow Genesis Health and Beauty Salon as a nonconforming use at 804 E. Monroe Avenue pursuant to a written memorandum of understanding.

A Public Hearing will be held by the McAlester Planning Commission on Tuesday, January 20, 2015 at 6:30 p.m. in the City Council Chambers, Municipal Building, located at 28 E. Washington Avenue. At that time, you may submit your views on the matter in person or by representative. You may also write to the Community and Economic Development Department prior to the Public Hearing. Written responses should be received by Tuesday, January 13, 2015.

Please be advised that if the Tuesday, January 20, 2015 Planning Commission is canceled due to any reason such as but not limited to adverse weather conditions, lack of a quorum, etc. the above Public Hearing will automatically be rescheduled and placed on the agenda for the Tuesday, February 17, 2015 McAlester Planning Commission at 6:30 p.m.

If you know of any interested property owner who, for any reason, has not received a copy of this letter, it would be appreciated if you would inform them of the time and place of the Public Hearing.

Sincerely,

Leroy D. Alsop

Community and Economic Development Director

Attachment(s): Area of Request and Site Location Maps

cc: Steve Harrison, Mayor

Weldon Smith, First Ward Councilman

Mark Emmons, Planning Commission Chairman

Leroy Alsop- Director
(918) 423-9300 ext.4951

Kirk Ridenour- Economic Development Manager
(918) 423-9300 ext.4982

Executive Asst./Planning Technician
(918) 423-9300 ext. 4984

Jayne Clifton- Code Enforcement Inspector
(918) 423-9300 ext. 4986

George Estrada- Building Inspector
(918) 423-9300 ext. 4985

Charley Gilbertson- Plumbing/Electrical Inspector
(918) 423-9300 ext. 4987

PROOF OF PUBLICATION

McAlester News-Capital
500 S. Second, McAlester, OK 74501 • 918-423-1700

I, Amy Johns, am of lawful age, being duly sworn upon oath, deposes and says:

That I am publisher of McAlester News-Capital, a daily newspaper printed and published in the City of McAlester, County of Pittsburg, and State of Oklahoma, and that the advertisement referred to, a true and printed copy is hereunto attached, was published in said McAlester News-Capital & in consecutive issues on the following dates to wit:

1st insertion.....January 4th, 2015
2nd Insertion.....2015
3rd Insertion.....2015
4th Insertion.....2015
5th Insertion.....2015

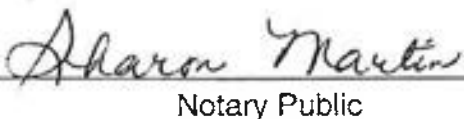
That said newspaper has been published continuously and uninterruptedly in said county during a period one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as publications (second-class) mail matter, that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the State of Oklahoma governing legal publications.

Publication Fee.....\$ 42-80


Publisher

SUBSCRIBED and sworn to before me this

5th day of January, 2015


Notary Public

#00002414

My Commission expires: 03/23/16



(Published in The
McAlester News
Capital on January
4th, 2015.)

CITY OF
McALESTER
NOTICE OF
HEARING ON
REZONING
NOTICE IS HEREBY
GIVEN to all
property owners of
the City of McAlester,
that a Public Hearing
will be held before
the McAlester Plan-
ning Commission on
Tuesday, January 20,
2015 at 6:30 p.m.
concerning a rezon-
ing application filed
for the following de-
scribed property:
LOCATION: 804 E
Monroe Avenue
LEGAL: Lots 20,
21 and 22, being a
subdivision of Lots 3,
4, and 5, in Block
243, City of McAles-
ter, formerly South
McAlester, Pittsburg
County, State of
Oklahoma.
PROPOSED
CHANGE: From: R1-
B Single-family Resi-
dential District
To: C-2 Neighbor-
hood Convenience
District;
H-1 Health Facili-
ties District; or
consideration by
the City Council to
waive or suspend the
provisions of the R1-
B Single-family Resi-

Legals

dential District due to
peculiar or exception-
al extenuating cir-
cumstances and al-
low Genesis Health
and Beauty Salon as
a nonconforming use
at 804 E. Monroe
Avenue pursuant to a
written memorandum
of understanding.

Any person wishing
to appear in support
or opposition to the
proposed rezoning
may do so in the
Council Chambers,
Municipal Building,
located at 28 E.
Washington Avenue,
McAlester, Oklaho-
ma, at the above
date and time.

FURTHER NOTICE
IS HEREBY GIVEN
to all property owners
and residents of the
City of McAlester,
that if the Tuesday,
January 20, 2015
Planning Commis-
sion is canceled due
to any reason such
as but not limited to
adverse weather con-
ditions, lack of a quo-
rum, etc. the above
Public Hearing will
automatically be re-
scheduled and
placed on the agenda
for the Tuesday, Feb-
ruary 17, 2015
McAlester Planning
Commission at 6:30
p.m.

s/Cora Middleton,
City Clerk Date



RE-ZONING NOTICE

THIS PROPERTY IS THE SUBJECT
OF A RE-ZONING
REQUEST

For More Informal
See Notification
To The Right

12/30/2014



McAlester City Council

AGENDA REPORT

Meeting Date:	February 10, 2015	Item Number:	6
Department:	Community Services		
Prepared By:	Mel Priddy	Account Code:	
Date Prepared:	February 2, 2015	Budgeted Amount:	\$52,000.00
		Exhibits:	1

Subject

Consider and act upon, accepting the bid from Vermeer Equipment in the amount of \$60,600.00 for one new and unused commercial brush chipper.

Recommendation

Motion to approve request to accept the bid from Vemeer Equipment

Discussion

The Community Services Department accepted bids for a new commercial brush chipper on January 20, 2015. There were 3 bids received (see attached bid tabulation sheet). After careful review of all the bid documents staff recommends accepting the bid from Vemeer for \$60,600.00. Although this is not the lowest bid received, it was found that the low bidder's equipment, a Bandit Chipper, had 2"x6" frames were 3/16" thick rather than 1/4" thick and that their chute was only 19" verses 22" on the Vemeer. Also their chipper has a Perkins motor not a John Deere which was specified. Additionally, the Land Maintenance Superintendent spoke with some Pittsburg County workers who had used the Bandit Chipper and discovered that this chipper is not as heavy duty as the Vemeer Chipper and did not last near as long. Taking all of this into consideration Staff feels that the Vemeer Chipper will last much longer than the Bandit Chipper and therefore be a better long term investment of the City's funds.

Approved By

Department Head
City Manager

P. Stasiak

Initial
MP

A handwritten signature in blue ink, appearing to be "P. Stasiak".

Date

February 2, 2015

2-5-15

BID TABULATION SHEET

New & Unused Brush Chipper

Bid Opening

January 20, 2015 at 10:00 A.M.

Bidder

Amount

P&H Equipment

64,337.00

604 Eastgate

Stillwater, OK 74074

Miners Equipment

4,000.00

7220 New Europa Rd.

Tulsa, OK 74131

Vermeer Equip.

60,600.00

20505 E. Edmura

Tulsa, OK 74105



McAlester City Council

AGENDA REPORT

Meeting Date:	<u>February 10, 2015</u>	Item Number:	<u>7</u>
Department:	<u>Public Works-Engineering</u>		
Prepared By:	<u>John C. Modzelewski, P.E, CFM</u>	Account Code:	<u></u>
Date Prepared:	<u>February 3, 2015</u>	Budgeted Amount:	<u></u>
		Exhibits:	<u>1</u>

Subject

Consider and act upon, authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, PLC for the design of drainage improvements on Illinois Avenue between Ninth Street and Tenth Street.


Recommendation

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, Inc. for the design of drainage improvements on Illinois Avenue between Ninth Street and Tenth Street for a fee not to exceed \$31,000.

Discussion

In May 2012, the City of McAlester City Council approved the selection of Meshek & Associates PLC as the City's engineering consultant for the Meshek & Associates PLC to provide engineering services for the drainage study of the Sandy Creek Tributary C (Basin Wide) Drainage Study. This is commonly known as the Ninth & Illinois study area. In September 2012, the Master Drainage Plan Study was completed. The study area included approximately 640 acres upstream of South Avenue. The Study developed a hydrology model, detailed channel hydraulics with floodplain analysis and storm sewer analysis. One of the problem areas identified included the closed storm sewer system at Ninth and Illinois. The drainage improvements on Illinois Avenue between Ninth Street and Tenth Street are included in the above referenced problem area. In addition to improving the drainage structure, this project will replace the existing sidewalk above the structure.

Approved By

	<i>Initial</i>	<i>Date</i>
Department Head	JCM	02/03/15
City Manager	P. Stasiak 	2-5-15

PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT (herein "**Agreement**") is made and entered into as of the _____ day of _____, 2015 by and between the CITY OF McALESTER, OKLAHOMA, an Oklahoma municipal corporation, (herein the "**CITY**") and Meshek & Associates, PLC, a Oklahoma LLC (herein the "**CONSULTANT**").

W I T N E S S E T H:

WHEREAS, the CITY desires to retain a professional to render services in connection with The Illinois Avenue Drainage Improvements (herein the "**Project**") prepared, and

WHEREAS, the services of a competent professional engineering consultant will be required for surveys, engineering design, preparation of construction plans and other related services for the Project, and

WHEREAS, such services are of a distinct and non-competitive nature, and

WHEREAS, the CONSULTANT has the requisite experience, abilities and resources to perform the foregoing, and

WHEREAS, the CONSULTANT has submitted a "Scope of Services" for the aforesaid work dated February 3, 2015 in the form attached hereto and made a part hereof as **Exhibit A** (herein the "**Scope of Services**"), and

WHEREAS, the CITY has agreed to the "Responsibilities of the City" for the aforesaid work in the form attached hereto and made a part hereof as **Exhibit B** (herein the "**Responsibilities of the City**"), and

WHEREAS, the CONSULTANT desires to enter into this Agreement as an independent contractor and is ready, willing and able to provide the services in accordance with the terms of and subject to the conditions in this Agreement.

NOW, THEREFORE, for good and valuable consideration, received or to be received, the sufficiency of which the parties acknowledge, the parties agree as follows:

1.00 SCOPE OF AGREEMENT

The CONSULTANT shall perform those services enumerated in the Scope of Services. The CITY shall pay the CONSULTANT in accordance with the terms of the Fee Proposal in the form attached and made a part hereof as **Exhibit C**. If so specified in the Scope of Services the CITY shall also perform services and provide materials in accordance with the terms of the Proposal.

2.00 ADDITIONAL SERVICES

In the event the CITY, in writing, requests that the CONSULTANT perform additional services not covered by the Proposal, the CONSULTANT shall perform such additional services

after the CITY and the CONSULTANT enter into an equitable agreement regarding the additional services, such agreement to be subject to the approval of the CITY.

3.00 NOTICE TO PROCEED

The CONSULTANT shall commence the professional services called for under this Agreement upon the written notice to proceed issued by the CITY.

4.00 CONSULTANT'S PERSONNEL

The CONSULTANT certifies that it presently employs, and shall continue to employ throughout the term of this Agreement, adequate qualified personnel for the performance of the services contemplated under this Agreement.

5.00 CONFLICT OF INTEREST

The CONSULTANT declares that neither the Mayor, nor any Councilmen, nor any other CITY official holds a direct or indirect interest in this Agreement. The CONSULTANT pledges that it will notify the CITY in writing should any CITY official become either directly or indirectly interested in this Agreement. The CONSULTANT declares that as of the date of this declaration that it has not given or donated or promised to give or donate, either directly or indirectly, to any official or employee of the CITY, or to pay anyone else for the benefit of any official or employee of the CITY any sum of money or other thing of value for aid or assistance in obtaining this Agreement. The CONSULTANT further pledges that neither it nor any of its owners, officers or employees will give or donate or promise to give or donate, directly or indirectly, to any official or employee of the CITY or anyone else for the benefit thereof any sum of money or other thing of value for aid or assistance in obtaining any change order to this Agreement.

6.00 DISPUTES

Any dispute concerning a question of fact in connection with the work not disposed of by agreement between the CITY and the CONSULTANT shall be referred to the City Engineer, or his duly authorized representative, whose decision regarding such disputed question of fact shall be final and binding.

7.00 ESTIMATES

The parties to this Agreement hereby acknowledge that the CONSULTANT has no control over: the cost of labor, materials and equipment; the methods of determining prices; or competitive bidding and market conditions except with regard to the CONSULTANT's services. Therefore, the CONSULTANT hereby warrants that the estimates of cost for the Project contained in the Proposal are made on the basis of the CONSULTANT's experience and qualifications and represent the CONSULTANT's best judgment as a design professional familiar with the construction industry.

8.00 CONSULTANT'S ASSISTANCE WITH BIDDING

In the event that the lowest bid received by the CITY is greater than the CITY's budget for the Project, the CONSULTANT agrees to work with the CITY, without additional compensation to the CONSULTANT, (i) to consider all alternatives available to reduce the anticipated cost of the Project and (ii) to prepare any new bid documents for the Project.

9.00 COMPLIANCE WITH LAWS

The CONSULTANT agrees to observe and to comply at all times with all applicable Federal, State, and local laws, ordinances, and regulations in any manner affecting the conduct of the work and to comply with all instructions and orders issued by the CITY regarding this Project.

10.00 TERMINATION

Upon thirty (30) days written notice, with or without cause, the CITY may terminate this Agreement. Following such termination, the CITY and the CONSULTANT shall agree upon an estimate of the percentage of completion of the CONSULTANT's services rendered hereunder as of the date such notice is given. The CITY shall pay the CONSULTANT a pro rata fee based upon the agreed estimated percentage of completion of the CONSULTANT's services rendered hereunder.

11.00 OWNERSHIP OF DOCUMENTS

All documents, including, but not limited to, plans, drawings, specifications, and data or programs stored electronically, prepared by CONSULTANT in connection with the provision of professional services under this Agreement shall be delivered to and become the sole and exclusive property of the CITY and may be used by the CITY and the CITY shall not be restricted in any way whatever in its use of such material.

12.00 CONFERENCES AND VISITS TO SITE

The CONSULTANT agrees to attend all conferences related to the Project to be held at the request of the CITY. The CONSULTANT agrees further to visit the site of the work at any time when requested to do so by the CITY.

13.00 CONSULTANT'S ENDORSEMENT

The CONSULTANT's seal and endorsement shall be placed on all required reports, final plans, specifications, estimates, shop drawings and other data furnished to the CITY by the CONSULTANT.

14.00 CONTROL

All work by the CONSULTANT is to be done in a manner consistent with professional standards satisfactory to the CITY and in accordance with the established customs, practices, standards and procedures of the CITY except as such might not be consistent with established professional standards. The decision of the CITY is to control in all questions regarding location,

type of design, dimension of design and similar questions. Throughout the Project, the CONSULTANT shall request and the CITY shall provide conferences to assure that the CONSULTANT's work is being done in a satisfactory manner and that all designs are in accordance with the desires of the CITY.

15.00 REVISIONS OF PLANS

It is understood that minor revisions in final plans, including change orders, will be made by the CONSULTANT without additional compensation as the work progresses. However, in the event that the CITY requests major changes during the progress of the work or after completion of the work which will require revisions of work otherwise satisfactorily accomplished, the CONSULTANT will make the necessary revisions as required by the CITY and shall be paid additional compensation as outlined in the Paragraph 2.00 herein, provided that such changes are not required due to any error or omission by the CONSULTANT.

16.00 DELAYS AND EXTENSIONS

16.01. Discretionary Extensions of Time. The CITY may grant, within the CITY's sole discretion, an extension of time to the CONSULTANT for delays beyond the CONSULTANT's control, or for delays caused by tardy approvals of work in progress by those official agencies charged with inspecting such work. No additional compensation shall be allowed for such delays.

16.02. Consent to Extension of Time. It is understood that time is of the essence in the performance and completion of the CONSULTANT's work. It is agreed that no extension of time will be valid without the CITY's prior written consent, and no such consent is assumed.

16.03. Cooperation with the CITY. The CONSULTANT understands that the completion of the overall Project is dependent upon the CONSULTANT's performance in an expeditious manner conforming to the time schedule contained in this Agreement. The CONSULTANT shall cooperate with the CITY in scheduling and performing the CONSULTANT's work to avoid conflict or interference with the work of others and shall perform its work efficiently, expeditiously, and in a manner that will not cause delay in the progress of the Project.

16.04. Withholding of Payments. Without limiting the CITY's rights or remedies for the CONSULTANT's default or delay, the CITY may withhold payment or decline to make payment to the CONSULTANT of all or any portion of the CONSULTANT's fee or reimbursable expense whenever, in the CITY's absolute discretion, the CONSULTANT's work is defective or inadequate, or reasonable evidence exists that the CONSULTANT's work will not be completed within the foregoing time schedule, or the CONSULTANT has otherwise failed or refused to comply with its obligations to the CITY.

17.00 REIMBURSEMENT FOR EXPENSES

The CONSULTANT shall not be reimbursed for any expenses, unless such expenses either are authorized in accordance with the Proposal or are authorized in writing by the CITY before the CONSULTANT incurs any such expenses.

18.00 CLAIMS, LIABILITY AND INDEMNITY

The CONSULTANT shall assume all risk in connection with the performance of this Agreement, and shall be liable for any damages to persons or property resulting from negligence of the CONSULTANT, its agents, servants, and employees in connection with the prosecution and completion of the work covered by this Agreement. The CONSULTANT agrees that it will indemnify and hold the CITY and its employees harmless from all claims of any type and for any expenses and costs including attorney's fees and court costs which may be incurred by the CITY arising from the acts, errors, or omissions of the CONSULTANT, its agents, servants and employees in the performance of this Agreement, and the CONSULTANT will carry sufficient general liability insurance to provide the above indemnification.

18.01. Claims. The CONSULTANT shall assume all risk in connection with the performance of this Agreement, and shall be liable for any damages to persons or property resulting from negligence of the CONSULTANT, its agents, servants, and employees in connection with the prosecution and completion of the work covered by this Agreement.

18.02. Indemnity. The CONSULTANT agrees that it will indemnify and hold the CITY and its employees harmless from all claims of any type and for any damages, losses, liability, expenses and costs including attorney's fees and court costs which may be incurred by the CITY arising from the acts, errors, or omissions of the CONSULTANT, its agents, servants and employees in the performance of this Agreement.

18.03 Insurance. During the performance of the Services under this Agreement, CONSULTANT shall maintain the following insurance:

- (1) General Liability Insurance, with a combined single limit of \$1,000,000 for each occurrence and \$1,000,000 in the aggregate.
- (2) Automobile Liability Insurance, with a combined single limit of \$1,000,000 for each accident.
- (3) Workers' Compensation Insurance and Employer's liability Insurance in accordance with statutory requirements.
- (4) Professional Liability Insurance, with a limit of \$1,000,000 annual aggregate.
- (5) Errors and Omissions Insurance with a combined single limit of \$1,000,000 for each occurrence and \$1,000,000 in the aggregate

19.00 EQUAL EMPLOYMENT OPPORTUNITY

19.01. Non-discrimination. In carrying out its professional services under this Agreement, the CONSULTANT shall not discriminate against any employee or applicant for employment because of race, creed, color, national origin or sex. The CONSULTANT shall take affirmative

action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, national origin or sex. Such action shall include, but not be limited to, the following: employing; upgrading; demoting; or transferring; recruiting or paying recruitment compensation; and selecting for training, including apprenticeships.

19.02. Posting and Advertising. The CONSULTANT agrees to post in conspicuous spaces available to employees and applicants for employment, a notice to be provided by the CITY, setting forth the provisions of this non-discrimination clause. The CONSULTANT shall, in all solicitations for advertisements for employees placed by, or on behalf of, the CONSULTANT, state that all qualified applicants shall receive consideration for employment without regard to race, creed, color, national origin or sex. The CONSULTANT shall incorporate the foregoing requirements of this Paragraph 19.02 in all subcontracts, if any, for services covered by this Agreement.

20.00 TRANSFER, ASSIGNMENT OR SUBLETTING

This Agreement shall not be transferred or assigned or sublet without prior written consent of the CITY.

[Signatures to Follow on Next Page]

WITNESS THE DUE EXECUTION HEREOF.

THE CITY OF McALESTER

Meshek & Associates, PLC

By: _____
Steve Harrison, Mayor

By:  _____

Its: Principal Engineer
CONSULTANT'S Mailing Address:

1437 South Boulder Avenue, Suite 1550

Tulsa, OK 74119

CONSULTANT'S Telephone Number:

(918) 392-5620

CONSULTANT'S Facsimile Number:

(918) 392-5621

ATTEST:

By: _____
City Clerk

EXHIBIT A

Scope of Services

The services to be performed by the ENGINEER, Meshek & Associates, PLC, under this AGREEMENT will consist of assistance to the City of McAlester with the design of paving and drainage improvements along Illinois Ave. from 9th Street to 10th Street.

More specifically, the project will include the removal of the existing concrete block drainage conduit located adjacent to Illinois Ave. and the installation of a new concrete box beginning at the trench grate in 9th Street and ending approximately fifteen feet east of 10th Street. Roadway work along Illinois Ave. will be minimized, but roadway improvements are anticipated at 10th Street. All work is anticipated to be done within the existing R/W.

It is understood and agreed that the work embraced in this AGREEMENT shall commence upon execution of this AGREEMENT and receipt of Notice to Proceed and shall be completed within 90 days of the Notice to Proceed.

A.1. Services of the ENGINEER shall include:

- Perform topographical survey
- Preparation of existing R/W map
- Preparation of proposed R/W instruments
- Prepare construction plans for paving and drainage improvements
- Attend plan review meetings
- Assist in the preparation of bidding documents
- Three (3) site visits during construction
- Attend pre-bid, pre-work, and final field inspection meetings
- Response to RFI and submittals during construction

A.2. Services of the ENGINEER shall not include:

- Design of public or franchise utility relocations
- Acquisition or staking of proposed R/W
- Construction staking
- Construction inspections

EXHIBIT B

Responsibilities of the City

The CITY agrees:

- B.1 Reports, Records, etc. To furnish, as required by the work, and not at expense to the ENGINEER:

 - B.1.1 Records, reports, studies, plans, drawings, and other data available in the files of the CITY that may be useful in the work involved under this AGREEMENT.
 - B.1.2 ENGINEER will reasonably rely upon the accuracy, timeliness, and completeness of the information provided by CITY.
- B.2 Access. To provide access to public and private property when required in performance of ENGINEER's services.
- B.3 Staff Assistance. Designate in writing a person to act as its representative in respect to the work to be performed under this AGREEMENT, and such person shall have complete authority to transmit instructions, receive information, interpret and define CITY's policies and decisions with respect to materials, equipment, elements and systems pertinent to the services covered by this AGREEMENT.

 - B.3.1 Furnish staff assistance in locating, both horizontally and vertically, existing CITY owned utilities and in expediting their relocation. Further, CITY will furnish assistance as required in obtaining locations of other utilities, including "potholing".
- B.4 Review. Examine all studies, reports, sketches, estimates, specifications, drawings, proposals and other documents presented by ENGINEER and render in writing decisions pertaining thereto within one week from submittal by ENGINEER so as not to delay the services of ENGINEER.

EXHIBIT C

Compensation

The CITY agrees to pay, as compensation for services set forth in Exhibit A, the following fees, payable monthly as each Phase of the work progresses; and within 30 calendar days of receipt of invoice. ENGINEER shall submit monthly invoices based upon actual percent of work completed at the time of billing. Invoices shall be accompanied by such documentation as the CITY may require in substantiation of the amount billed.

- C.1 Total Compensation.
- C.1.1 For the work under this project, Exhibit A, the total maximum billing including direct costs and subconsultant services is Thirty Thousand Dollars Six Hundred Eighty and No Cents (\$30,680.00), which total amount shall be paid lump sum not to be exceeded without further written authorization by the CITY.
- C.2 Subconsultants and Other Professional Associates. Services of subcontractors and other professionals shall be compensated for at actual cost if required.
- C.3 Other Direct Costs.
- C.3.1 Travel and subsistence shall be compensated for at actual cost. Local travel by personal or firm automobile shall be compensated for at \$0.575 per mile or current IRS rate.
- C.3.2 Any other direct costs shall be compensated for at actual cost.
- C.4 Additional Services. Unless otherwise provided for in any accepted and authorized proposal for additional services, such services shall be compensated for at the current hourly rate to be provided by the ENGINEER at the time work is requested.
- C.5 Terminated Services. If this AGREEMENT is terminated, ENGINEER shall be paid for services performed to the effective date of termination.
- C.6 Conditions of Payment.
- C.6.1 Progress payments shall be made in proportion to services rendered and expenses incurred as indicated within this AGREEMENT and shall be due and owing within thirty days of ENGINEER's submittal of his progress payment invoices.
- C.6.2 If CITY fails to make payments due ENGINEER within sixty days of the submittal of any progress payment invoice, ENGINEER may, after giving fifteen days written notice to CITY, suspend services under this AGREEMENT.

- C.6.3 If the PROJECT is delayed, or if ENGINEER's services for the PROJECT are delayed or suspended for more than ninety days for reasons beyond ENGINEER's control, ENGINEER may, after giving fifteen days written notice to CITY, request renegotiation of compensation.



McAlester City Council

AGENDA REPORT

Meeting Date:	February 10, 2015	Item Number:	8
Department:	Public Works - Engineering	Account Code:	
Prepared By:	John C. Modzelewski, P.E, CFM	Budgeted Amount:	
Date Prepared:	February 3, 2015	Exhibits:	1

Subject

Consider and act upon, Change Order No. 1 to the contract with T. McDonald Construction, Inc for the construction of Second Street Improvements and authorize the Mayor to sign Change Order No. 1 resulting in the addition of five (5) days and a subtraction of \$8,950.00 to the contract amount.

Recommendation

Motion to approve Change Order No. 1 to the contract with T. McDonald Construction, Inc and authorizing the Mayor to sign the Change Order changing the Contract Substantial Completion to October 15, 2015 and the Contract amount to \$2,722,037.50.

Discussion

This Project consists of construction of road and infrastructure improvements along a segment of Second Street between Modoc Avenue and Comanche Avenue, and from Comanche Avenue north to the canal. This Change Order includes the following: reducing number of sewer line connections from eleven to one (\$15,000 deduct); add one 10" gate valves (\$2,000 add on); investigate and cap nine abandoned sewer service lines (\$1,800 add on); add additional casing with end seals (\$1,500 add on); revised elevation for curb inlet due to utility (\$750 add on). These changes result in a net decrease of \$8,950.00 as shown in the enclosed Change Order No. 1. The Change Order request also includes an additional five days to account for the additional work.

Approved By

Department Head	Initial	Date
City Manager	JCM	02/03/15
P. Stasiak		



February 2, 2015

John Modzelewski, P.E., City Engineer
City of McAlester
PO Box 578
28 E. Washington
McAlester, OK 74502-0578

Re: Second Street Improvements (CIP #3)
Change Order No. One (1)

Dear Mr. Modzelewski:

Enclosed please find four (4) copies of Change Order No. One (1) for the above referenced project, which results in a subtraction of (\$8,950.00) to the contract amount. This change order adjusts the following items in the current contract:

**Item No. 13, Sewer Line Connections
(Under RCP West Side from Comanche to Canal)**

Item No. CO-1-1, Investigate and Cap Abandoned Sewer Service Lines

During construction we were able to verify and cap nine (9) service lines that were connected to the existing system. The service lines were identified during design by a TV inspection of the system, but could not be abandoned until the lines were exposed and confirmed that they were in fact abandoned. During design we identified eleven (11) and have determined that one (1) was still in use which allowed the reduction of Item No. 13. Item No. CO1-1 was added due to the time required by the Contractor to aid with the investigation.

Item No. 14, 10" Gate Valve

This item is requested by the City and recommended by the Engineer due to a visual inspection of the existing pipe's condition. In order to mitigate the loss of water to the businesses along 2nd Street due to existing pipe breakages an isolation valve would be required between the new pipe and existing pipe.

Item No. CO1-2, Add Additional Casing with End Seals

Discovery of a sewer main that was not on the City Atlas required additional casing to meet ODEQ regulations.

Item No. CO1-3, Revised Elevation for Curb Inlet due to Utility

Due to the relocation activities around the curb inlet box since the design and the changing environment around the box the Engineer has requested an elevation change to the grate.

Please see the Change Order for a full breakdown of the changes. Also included in the Change Order is the addition of five (5) additional days to the contract time account for the additional work.

Please place this item on the agenda for approval at your next meeting and upon approval please ask the Mayor to sign all four (4) copies. Please return all four (4) copies to our office located at 719 S. George Nigh Expressway, McAlester, OK 74501 for further processing.

Should you have any questions, please do not hesitate to contact our office at (918) 420-5500.

Sincerely,

Infrastructure Solutions Group, LLC
dba Mehlburger Brawley



Dale Burke, P.E.
President

DB/mj
Enclosures

Project No. MC-14-01

cc w/enclosure:
Cliff Pitner, Resident Project Representative, Infrastructure Solutions Group, LLC

Change Order No. One (1)

Date of Issuance: January 26, 2015

Effective Date: February 10, 2015

Project:	Owner:	Owner's Contract No.:
SECOND STREET IMPROVEMENTS (CIP #3)	City of McAlester	N/A
Contract:	Date of Contract:	
SECOND STREET IMPROVEMENTS (CIP #3)	11/4/2014	
Contractor:	Engineer's Project No.:	
T. McDonald Construction Inc.	MC-14-01	





The Contract Documents are modified as follows upon execution of this Change Order:

Item	Description	Qty	Unit	Unit Price	Total Price	Revised Qty	Revised Total Price	Change Order #1
13	Sewer Line Connections (Under RCP West Side from Comanche to Canal)	11	Ea	\$1,500.00	\$16,500.00	1	\$1,500.00	-10 (\$15,000.00)
14	10" Gate Valve	4	EA	\$2,000.00	\$8,000.00	5	\$10,000.00	1 \$2,000.00
CO1-1	Investigate and Cap Abandon Sewer Service Lines	0	EA	\$200.00	\$0.00	9	\$1,800.00	9 \$1,800.00
CO1-2	Add Additional Casing with End Seals	0	LS	\$1,500.00	\$0.00	1	\$1,500.00	1 \$1,500.00
CO1-3	Revised Elevation for Curb Inlet due to Utility	0	LS	\$750.00	\$0.00	1	\$750.00	1 \$750.00
Total Amount								-38,950.00

Add Days for Additional Work 5 days
Add Days for Weather From 11/14/2014 to 1/31/2015 0 days

Attachments: (List documents supporting change): None

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$2,730,987.50	Original Contract Times: Working days X - Calendar days Substantial completion (days or date): 330 days 10/10/2015 Ready for final payment (days or date) N/A
From previously approved Change Orders No. N/A to No. N/A: \$0.00	Increase from previously approved Change Orders No. N/A to No. N/A: Substantial completion (days or date) 0 days Ready for final payment (days or date) N/A
Contract Price prior to this Change Order: \$2,730,987.50	Contract Times prior to this Change Order: Substantial completion (days or date) 330 days 10/10/2015 Ready for final payment (days or date) N/A
Decrease of this Change Order: (\$8,950.00)	Increase of this Change Order: Substantial completion (days or date) 5 days Ready for final payment (days or date) N/A
Contract Price incorporating this Change Order: \$2,722,037.50	Contract Times with all approved Change Orders: Substantial completion (days or date) 335 days 10/15/2015 Ready for final payment (days or date) N/A

RECOMMENDED:  ACCEPTED: 
By:  By: 
Engineer (Authorized Signature) Owner (Authorized Signature) Contractor (Authorized Signature)
Date: 1/20/15 Date: 02-03-15



McAlester City Council

AGENDA REPORT

Meeting Date: February 10, 2015 Item Number: 9
Department: _____
Prepared By: Millie Vance, Certified Account Code: _____
Date Prepared: CDBG Grant Writer Budgeted Amount: _____
February 3, 2015 Exhibits: _____

Subject

Discussion on CDBG process, eligible projects, Public Hearing process and related CDBG rules and regulations.

Recommendation

Discussion.

Discussion

Approved By

Department Head
City Manager

P. Stasiak

Initial

PS

Date

Council Chambers
Municipal Building
January 27, 2015

The McAlester Airport Authority met in Regular session on Tuesday January 27, 2015 at 6:00 P.M. after proper notice and agenda was posted January 22, 2015.

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

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

- Approval of the Minutes from the January 13, 2015, Regular Meeting of the McAlester Airport Authority. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item B, regarding claims ending January 20, 2015. (*Toni Ervin, Chief Financial Officer*) in the amount of \$ 1715.96.

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

AYE: Trustees Titsworth, Karr, Garvin, Barnett, Smith, 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. Read.

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

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

Chairman Steve Harrison declared the motion carried.

Steve Harrison, Chairman

ATTEST:

Cora Middleton, Secretary

Council Chambers
Municipal Building
January 27, 2015

The McAlester Public Works Authority met in Regular session on Tuesday January 27, 2015 at 6:00 P.M. after proper notice and agenda was posted January 22, 2015.

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

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

- Approval of the Minutes from the January 13, 2015, Regular Meeting of the McAlester Public Works Authority. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item B, regarding claims ending January 20, 2015. (*Toni Ervin, Chief Financial Officer*) in the amount of \$ 220,258.07.
- Confirm action taken on City Council Agenda Item F, authorization of payment to Carstensen Contracting, Inc. "Contractor's Application for Payment #1", in the amount of \$107,902.90 for the construction of road and infrastructure improvements related to CIP#2 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)
- Confirm action taken on City Council Agenda Item G, authorization of payment to Lot Maintenance of Oklahoma, Inc., Invoice # 033396, in the amount of \$17,900.00, for video of sewer mains in Sixth Street and South Avenue, related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)
- Confirm action taken on City Council Agenda Item 1, with respect to a refunding opportunity pertaining to the Authority's Utility System Revenue Bonds, Series 2002 and calling an election for such purpose and other provisions related thereto. (*Peter Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item 2, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; 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 4, acceptance of the Status Report for the McAlester Public Works Authority's "Water System Operation and Maintenance

Agreement” with Severn Trent Environmental Services., Inc. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

- Confirm action taken on City Council Agenda Item 5, authorizing the Mayor to sign an Agreement for Engineering Services with Tetra Tech for the preparation of an engineering computer model of the City’s water distribution system. This computer model will be used in conjunction with the Corrective Action Plan being proposed to meet the requirements of a Consent Order issued by the Oklahoma Department of Environmental Quality. *(John Modzelewski, P.E., City Engineer and Public Works Director)*

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

AYE: Trustees Titsworth, Karr, Garvin, Barnett, Smith, 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, the motion was seconded by Mr. Read. There was no discussion and the vote was taken as follows:

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

NAY: None

Chairman Harrison declared the motion carried.

ATTEST:

Steve Harrison, Chairman

Cora Middleton, Secretary