

Council Chambers
Municipal Building
July 26, 2016

The McAlester City Council met in a Regular session on Tuesday, July 26, 2016, at 6:00 P.M. after proper notice and agenda was posted, July 25, 2016 at 2:11 P.M.

Call to Order

Mayor Browne called the meeting to order.

Rev. Anthony Washington gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Robert Karr, Buddy Garvin, Jason Barnett & John Browne

Absent: Travis Read

Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, CFO; William J. Ervin, City Attorney and Cora Middleton, City Clerk

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.

There were no citizen comments.

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 June 28, 2016, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for July 6, 2016 through July 19, 2016. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$139,874.55; Parking Authority - \$113.97; Nutrition - \$1,296.62; Landfill Res./Sub-Title D - \$6,405.00; Tourism Fund - \$1,135.17; SE Expo Center - \$2,488.72; E-911 - \$13,351.82; Economic Development -

\$9,373.07; Grants & Contributions - \$750.00; Fleet Maintenance - \$9,255.03; Worker's Compensation - \$941.68; CIP Fund - \$18,350.00 and Technology Fund - \$38,436.16.

- C. Consider and act upon, a request from Savanna Public School, to partner with them for the rental fee for the use of the Southeast Expo Center for their ACT Testing on September 27, 2016. (*Jerry Lynn Wilson, EXPO Center Manager*)
- D. Consider and act upon, a request from Eastern Oklahoma State College, E.O.S.C., to partner with them for the rental fee for the use of the Southeast Expo Center for their ACT Prep event, November 30, 2016. (*Jerry Lynn Wilson, EXPO Center Manager*)

A motion was made by Vice-Mayor Karr and seconded by Councilman Barnett to approve the Consent Agenda. There was no discussion, and the vote was taken as follows:

AYE: Councilman Karr, Barnett, Smith, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

Scheduled Business

1. Discussion on possible City participation for funding of ball fields in the Town of Alderson. (*Jason Barnett, Councilman Ward Six*)

Executive Summary

Discussion

Aaron Heathcock, President McAlester Sertoma Club addressed the Council concerning a request to help fund a multi-sports complex. He informed them that property was available to purchase in the Krebs/Alderson area and the group was currently trying to raise the funds to secure the purchase of the land. Mr. Heathcock reviewed the McAlester Sertoma Club's goals and potential plans for the sports complex, and the possible economic impact the complex could have for the area.

Zach Prichard, 520 S. 2nd Street, addressed the Council expressing his concerns about the proposed sports complex.

After a lengthy discussion among the Council, Mr. Heathcock, Attorney Ervin and Manager Stasiak concerning the cost of the complex, the available land, what types of tournaments could be held at the complex, how busy the complex would be, possible economic benefits of having this type of complex in the area, the various funding avenues that group was looking at and the Club looking at City owned property west of the Industrial Park as a possible location for the complex, Mayor Browne recommended that the Sertoma Club research the proposed use of the City owned property and then come back to the Council once the information concerning the pros and cons of using that property were gathered.

There was no vote on this item.

2. Discussion and possible action to approve a Contract for Services between the City of McAlester, the McAlester Chamber of Commerce, the McAlester Defense Support Services, Inc. and the McAlester Defense Support Association. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve and act upon authorizing the Mayor to sign a Contract for Services between the City of McAlester, the McAlester Chamber of Commerce, the McAlester Defense Support Services, Inc. (MDSS) and the McAlester Defense Support Association (MDSA).

Mayor asked that this item be pulled until a full Council was available and commented that on the need for public input and possibly having a workshop to review and consider this item in more detail.

3. Consider and act upon, accepting Change Order #1 from KATCON, Inc. on the Swan Lane Drainage Improvements Project for 20 additional work days due to those lost as a result of rain delays. (*Peter Stasiak, City Manager*)

Executive Summary

The recommendation is to accept Change Order #1 from KATCON, Inc. for 20 additional work days due to rain or conditions too wet to work. Completion date will be rescheduled from June 22nd to July 12th as a result of this change order. There is no change in contract price.

Manager Stasiak commented that this Change Order was the result of rain and that it added twenty (20) days to the project.

A motion was made by Councilman Garvin and seconded by Vice-Mayor Karr to accept Change Order #1 from KATCON, Inc. on the Swan Lane Drainage Improvements Project for 20 additional work days due to those lost as a result of rain delays. There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Karr, Barnett, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, acceptance of the Certificate of Substantial Completion and the Contractors Final Pay Estimate from KATCON, Inc. on the Swan Lane Drainage Improvements Project and authorizing the Mayor to sign the Certificate of Substantial Completion and the Contractors Final Pay Estimate for \$54,916.00. (*Peter Stasiak, City Manager*)

Executive Summary

The recommendation is to accept the Certificate of Substantial Completion and the Contractors Final Pay Estimate from KATCON, Inc. in the amount of \$54,916.00 and authorizing the Mayor to sign both documents.

Manager Stasiak informed the Council that there were no other Change Orders for this project and the project had come in as budgeted.

A motion was made by Vice-Mayor Karr and seconded by Councilman Smith to accept the Certificate of Substantial Completion and the Contractors Final Pay Estimate from KATCON,

Inc. on the Swan Lane Drainage Improvements Project and authorize the Mayor to sign the Certificate of Substantial Completion and the Contractors Final Pay Estimate for \$54,916.00. There was no discussion, and the vote was taken as follows:

AYE: Councilman Karr, Smith, Garvin, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, accepting Change Order #10 for a deduction in the amount of (\$13,986.00) from T. McDonald Construction Inc. for CIP#3, Second Street Improvements, and authorizing the Mayor to sign the Change Order to T. McDonald Construction Inc. for the full amount. (*Peter Stasiak, City Manager*)

Executive Summary

The recommendation is to agree upon the Change Order #10 in the amount of (\$13,986.00), for CIP#3, Second Street Improvements and authorizing the Mayor to sign the change order for the full amount.

Manager Stasiak informed the Council that this was the completion of the 2nd Street Project and the Dale Burke, President Infrastructure Solutions Group, LLC was available to answer any questions.

Mr. Burke addressed the Council explaining that all items were complete, the Change Order was a deduction in cost and the project had finished less than bid.

Councilman Smith moved the accept Change Order #10 for a deduction in the amount of (\$13,986.00) from T. McDonald Construction Inc. for CIP#3, Second Street Improvements, and authorize the Mayor to sign the Change Order to T. McDonald Construction Inc. for the full amount. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Karr, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

6. Consider and act upon, acceptance of the Certificate of Substantial Completion and the Contractors Final Pay Estimate No. 17 from T. McDonald Construction, Inc. on CIP#3, Second Street Improvements and authorizing the Mayor to sign the Certificate of Substantial Completion and the Contractors Final Pay Estimate No. 17 for \$162,177.71. (*Peter Stasiak, City Manager*)

Executive Summary

The recommendation is to accept the Certificate of Substantial Completion and the Contractors Final Pay Estimate from T. McDonald Construction, Inc. in the amount of \$162,177.71 and authorizing the Mayor to sign both documents.

Dale Burke, President Infrastructure Solutions Group, LLC addressed the Council explaining that the 2nd Street Project was complete.

Manager Stasiak inquired about the Contractor's Certification and two (2) year Guarantee beginning once the project was completed.

A motion was made by Councilman Smith and seconded by Vice-Mayor Karr to accept the Certificate of Substantial Completion and the Contractors Final Pay Estimate No. 17 from T. McDonald Construction, Inc. on CIP#3, Second Street Improvements and authorize the Mayor to sign the Certificate of Substantial Completion and the Contractors Final Pay Estimate No. 17 for \$162,177.71.

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

AYE: Councilman Smith, Karr, Garvin, Barnett & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

7. **TABLED FROM JUNE 14TH MEETING:** Consider and act upon, approval and adoption of the Application, Leasing Guidelines, Rules and Regulations, and Waiver of Liability Release Form to be implemented for the use of the Fox-Sheehan Memorial Firing Range. (*Gary Wansick, Chief of Police*)

Executive Summary

Staff recommends approval and adoption of the Leasing Guidelines and Waiver of Liability Release Form to be implemented for the use of the Fox-Sheehan Memorial Firing Range.

Police Chief Wansick addressed the Council commenting that he had been asked to bring a more detailed package to the Council. He explained that he had worked with the City Attorney and the CFO to develop the guidelines.

Attorney Ervin informed the Council that they had been careful to address the concerns that Councilman Read had expressed and he added that the documents could be changed as needed.

Manager Stasiak commented that a tremendous amount of work had went into this project and that the City had a nice facility.

Councilman Garvin asked that the Railroad be asked to clear the right-of-way.

There was no further discussion, and a motion was made by Councilman Smith and seconded by Vice-Mayor Karr to approve and adopt the Application, Leasing Guidelines, Rules and Regulations, and Waiver of Liability Release Form to be implemented for the use of the Fox-Sheehan Memorial Firing Range. The vote was taken as follows:

AYE: Councilman Smith, Karr, Barnett, Garvin & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

8. Discussion and update on Financials. (*Toni Ervin, Chief Financial Officer*)

Executive Summary
Discussion.

CFO Ervin addressed the Council informing them that the City had received the CAFR award for the second year. She reminded them that this was a national award and not many cities received this recognition.

Manager Stasiak commented that this added about twenty-five (25) pages to the City's financial reports.

CFO Ervin then reviewed the City's financial status as of June 30, 2016 for the Council and updated them on the revenues and expenditures of the various funds. She added that revenue shortfalls the expenses had been decreased to keep the City within the fiscal year budget.

There was no vote on this item.

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.

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that the deed to the Carl Albert Federal Court House was being mailed to the City, and the Filter #5 Project at the Water Treatment Plant had been two (2) months ahead of schedule but when tested, the Anthracite had failed. He informed the Council that he would be leaving on vacation on Sunday, July 31st and would be out for eleven (11) days. He added that in his absence Mel Priddy would be the Acting City Manager.

Remarks and Inquiries by City Council

Vice-Mayor Karr inquired about the next Storm Water Drainage System Advisory Board meeting and commented that a matter that had been brought to his attention concerning hedges had not been a Code violation but an issue between neighbors.

Manager Stasiak stated that the next Storm Water Drainage System Advisory Board meeting had not been schedule at this time. Mayor Browne commented that group was waiting for information on the study.

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

Mayor's Comments and Committee Appointments

Mayor Browne commented on a young McAlester lady that was the Miss Oklahoma Region International and would be competing at the next level.

Recess Council Meeting

Mayor Browne 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 Karr.

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

AYE: Councilman Smith, Karr, Garvin, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:38 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:39 P.M.

A motion was made by Councilman Smith and seconded by Vice-Mayor Karr for an Executive Session in accordance with 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: In the Matter of The Successor Trustee of the Perpetual Care Fund of McAlester Oklahoma (CV-16-38 In The District Court of The State of Oklahoma) and in accordance with Title 25, Sec. 307.B., to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: 2016-2017 Goals and Objectives of City Manager Peter Stasiak.

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

AYE: Councilman Smith, Karr, Garvin, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:40 P.M.

Executive Session

Recess into Executive Session in compliance with Title 25 Section 307 B.4 and 307.B.1 et.seq. Oklahoma Statutes, to wit:

1. 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: In the Matter of The Successor Trustee of the Perpetual Care Fund of McAlester Oklahoma (CV-16-38 In The District Court of The State of Oklahoma).
2. Proposed executive session pursuant to Title 25, Sec. 307 (B) (1), to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: 2016-2017 Goals and Objectives of City Manager Peter Stasiak.

Reconvene into Open Session

The Regular Meeting was reconvened at 8:07 P.M. Mayor Browne reported that the Council had recessed the Regular Meeting for an Executive Session in accordance with 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: In the Matter of The Successor Trustee of the Perpetual Care Fund of McAlester Oklahoma (CV-16-38 In The District Court of The State of Oklahoma) and in accordance with Title 25, Sec. 307.B., to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: 2016-2017 Goals and Objectives of City Manager Peter Stasiak. Only those matters were discussed, no action was taken and the Council returned to open session at 8:07 P.M., and this constituted the Minutes of the Executive Session.

- Consider and act upon, motion to approve 2016-2017 Goals and Objectives of the City Manager.

A motion was made by Councilman Smith and seconded by Vice-Mayor Karr to approve the 2016-2017 Goals and Objectives of the City Manager. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Karr, Garvin, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

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 Councilman Garvin.

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

AYE: Councilman Smith, Garvin, Karr, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 8:07 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk