

The McAlester City Council met in a Regular session on Tuesday, February 14, 2017, at 6:00 P.M. after proper notice and agenda was posted, February 10, 2017 at 3:07 P.M.

### **Call to Order**

Mayor Browne called the meeting to order.

Cliff House, Lakewood Christian Church gave the invocation and led the Pledge of Allegiance.

### **Roll Call**

Council Roll Call was as follows:

Present: Weldon Smith, Cully Stevens, Travis Read, Robert Karr, Buddy Garvin, Jason Barnett & John Browne

Absent: None

Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; Gary Wansick, Police Chief; Jayme Clifton, Administrative Assistant/Planning Tech; Kirk Ridenour, Economic Development Director; William J. Ervin, City Attorney and Karen Boatright, Deputy 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.*

Raymond Wilson, 1512 Pineywood Drive, McAlester, OK addressed the Council regarding property that he owns that has a structure that has been condemned and two (2) out buildings. He asked that he be allowed to keep the out buildings and informed the Council that he does have access to the property and he furnished a copy of that information to Manager Stasiak.

### **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 10, 2017, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for January 18, 2017 through February 7, 2017. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$125,802.52; Nutrition - \$1,507.37; Landfill Res./Sub-Title D - \$4,200.00; Tourism Fund - \$10,327.85; SE Expo Center - \$21,418.53; E-911 - \$14,393.93; Economic Development - \$25,880.04; Grants & Contributions - \$1,150.00; CDBG Grants Fund - \$518.05; Fleet Maintenance - \$14,601.76; CIP Fund - \$52,757.02; Technology Fund - \$68,636.98 and Stormwater Fund - \$14,615.18.
- C. Accept and place on file, the Oklahomans for Independent Living quarterly report for the months of July through September, 2016. *(Pam Pulchny, Executive Director)*
- D. Accept and place on file, the Oklahomans for Independent Living quarterly report for the months of October through December, 2016. *(Pam Pulchny, Executive Director)*
- E. Accept and place on file, the Pride in McAlester 2nd Quarter Report for the months of October through December, 2016. *(Stephanie Giacomo, Executive Director)*

- F. Accept and place on file, the amended McAlester Main Street 1<sup>st</sup> Quarter Report for the months of July through September, 2016. *(Amy Newman, Executive Director)*
- G. Accept and place on file, the McAlester Main Street 2nd Quarter Report for the months of October through December, 2016. *(Amy Newman, Executive Director)*
- H. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC, Invoice MC-15-02A-07, in the amount of \$3,150 .00 for Professional Services related to Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- I. Consider and act upon, approving a contribution to the Pittsburg County Regional Expo Authority Board in the amount of \$5,000.00. *(Peter Stasiak, City Manager)*
- J. Concur with the Mayor's reappointment of Dr. Mark Sehgal to the McAlester Regional Health Center Board for a term to expire February 28, 2023. *(John Browne, Mayor)*
- K. Concur with the Mayor's appointment of Brandi McWilliams to the Audit & Finance Committee for a term to expire March 31, 2019. *(John Browne, Mayor)*
- L. Concur with the Mayor's reappointment of Teresa Smith to the Ethics Board for a term to expire February, 2020. *(John Browne, Mayor)*
- M. Concur with the Mayor's appointments of T. Shawn Howard (term to expire February, 2018), Kristie Brooks (term to expire February, 2019), Tony Edwards (term to expire February, 2021), and Anthony Washington (term to expire February, 2021) to the Ethics Board. *(John Browne, Mayor)*
- N. Concur with the Mayor's appointment of Heath Stanfield to the Tree Board for a term to expire September, 2018. *(John Browne, Mayor)*
- O. Concur with the Mayor's appointment of Doug Marchant to the Storm Water Committee for a term to expire May, 2019. *(John Browne, Mayor)*

Councilman Read requested that items "L and H" be removed for individual consideration and Councilman Smith requested that item "O" be removed for individual consideration.

A motion was made by Councilman Smith and seconded by Councilman Stevens to approve Consent Agenda items "A through K" and "N".

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

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

NAY: None

Mayor Browne declared the motion carried.

**Items Removed from Consent Agenda**

- L. Concur with the Mayor's reappointment of Teresa Smith to the Ethics Board for a term to expire February, 2020. *(John Browne, Mayor)*
- M. Concur with the Mayor's appointments of T. Shawn Howard (term to expire February, 2018), Kristie Brooks (term to expire February, 2019), Tony Edwards (term to expire February, 2021), and Anthony Washington (term to expire February, 2021) to the Ethics Board. *(John Browne, Mayor)*

Councilman Read commented that he had not received bios for Ms. Smith and he could not vote for someone that he did not know if they met the minimum requirements to serve on the Ethics Board. He stated that the same went to item "M" and he added that some of the boards in the

City had minimum requirements. There was a brief discussion concerning the requirements to serve on the Ethics Board.

Mayor Browne stated that items “L and M” would be pulled.

‘O. Concur with the Mayor’s appointment of Doug Marchant to the Storm Water Committee for a term to expire May, 2019. (*John Browne, Mayor*)

Councilman Smith commented that he had requested this item removed because there was no information on Mr. Marchant in the packet.

Mayor Browne stated that item “O” would be pulled and the bios for the individuals would be gotten and these appointments would be on the next agenda.

A motion was made by Councilman Smith and seconded by Councilman Read to open a Public Hearing to address an Ordinance amending the fiscal year 2016/2017 Operation Budget.

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

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

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:15 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. 2568 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2016-17; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY**

There were no comments from the Council or the citizens and Councilman Smith to close the Public Hearing. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:15 P.M.

### **Scheduled Business**

1. Consider and act upon, an Ordinance amending Ordinance No. 2568 which established the budget for fiscal year 2016-17; 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.

Manager Stasiak addressed the Council explaining that exhibit number 1 and 2 were corrections from a previous amendment. He then reviewed the remaining exhibits with the Council.

### **ORDINANCE NO. 2593**

## **AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2568 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2016-17; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

A motion was made by Vice-Mayor Karr and seconded by Councilman Smith to approve **ORDINANCE NO. 2593**. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

A motion was made by Vice-Mayor Karr and seconded by Councilman Stevens to approve the EMERGENCY CLAUSE.

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

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

NAY: None

Mayor Browne declared the motion carried.

2. Consider and act upon, a “Use Permit After Review” in the “Wyandotte Corridor” for the use of the property at 910 E Wyandotte Avenue as a “barbershop and/or beauty shop”.  
(*Jayme Clifton, Planning Technician*)

Executive Summary

Motion to approve a “Use Permit After Review” in the “Wyandotte Corridor” for the use of the property at 910 E Wyandotte Avenue as a “barbershop and/or beauty shop” and to authorize the Mayor to sign the “Use Permit after Review” approval form.

Jayme Clifton, Planning Tech addressed the Council explaining that the Planning and Zoning Commission had met on January 17, 2017 and voted to recommend the applicant’s request be approved.

Mayor Browne commented that the owner was doing a lot of work on the building and it was going to be nice when it was finished.

There was no further discussion and Councilman Smith moved to approve and authorize the Mayor to sign the “Use Permit After Review” in the “Wyandotte Corridor” for the use of the property at 910 E Wyandotte Avenue as a “barbershop and/or beauty shop”. The motion was seconded by Councilman Read and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, the approval of site and building alterations proposed by Krebs Brewing Company for the leased property at 103 Steven Taylor Boulevard, McAlester, Oklahoma, as detailed in the Triple Net Real Property Lease Agreement between the City of McAlester and Krebs Brewing Company, Inc. (*Kirk Ridenour, Community & Economic Development Director*)

Executive Summary

Motion to approve the site and building alterations for the leased property at 103 Steven Taylor Boulevard, subject to the issuance of a City of McAlester building permit.

Director Ridenour addressed the Council explaining that this was the next phase of the Krebs Brewing expansion project. They were preparing to make improvements to the site and building to prepare for operations and per the lease agreement any improvements/alterations exceeding \$25,000 in value, the tenant must first obtain approval from the City Council. He reviewed the proposed alterations in the packet and added that Krebs Brewing would still need to go through the engineering and building review process.

A motion was made by Councilman Stevens and seconded by Councilman Smith to approve the site and building alterations for the leased property at 103 Steven Taylor Boulevard, subject to the issuance of a City of McAlester building permit. There was no further discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

4. Consider and act upon, acceptance of a bid proposal from Lambert Mechanical, Inc. in the amount of \$36,500.00 for repairs to the HVAC system at the Reserve Bldg. (*Peter Stasiak, City Manager*)

Executive Summary

Staff recommends accepting bid proposal from Lambert Mechanical, Inc. in the amount of \$36,500.00 for repairs to the HVAC system at the Reserve Bldg.

Manager Stasiak addressed the Council explaining that this building was going to be used for training and the heat and air conditioning needed to be gotten running. He added that there would be future improvements.

Councilman Smith asked if all of the interior equipment was in good shape. Manager Stasiak answered that the interior equipment was good this was replacing the outside unit that had been hit by a car.

Mayor Browne asked that a cage be built around the equipment to prevent the copper wiring being stolen.

Councilman Smith moved to accept the bid proposal from Lambert Mechanical, Inc. in the amount of \$36,500.00 for repairs to the HVAC system at the Reserve Bldg. The motion was seconded by Vice-Mayor Karr.

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

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

Mayor Browne declared the motion carried.

5. Consider and act upon, authorization of payment to KATCON, Inc., Final Invoice Payment #8, in the amount of \$ 24,461.72 for Construction Services related to Washington Avenue Pavement Reconstruction Project and accept the project as complete. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve payment to KATCON, Inc., Final Invoice Payment #8 in the amount of \$ 24,461.72 for Construction Services related to Washington Avenue Pavement Reconstruction Project and accept the project as complete.

Manager Stasiak addressed the Council commenting that the final payment in the amount of \$24,461.72 will finalize the Washington Street project. He explained that of that amount \$14,776.13 would consume the remaining fund balance in the Series 2014 Project Account and the City would cover the remaining \$9,685.59 with monies from the General Fund.

Dale Burke, P.E., President Infrastructure Solutions Group, LLC addressed the Council informing them that the final inspection had been done and all items on the punch list had been addressed.

A motion was made by Councilman Smith and seconded by Councilman Garvin to approve the payment to KATCON, Inc., the final Invoice Payment #8 in the amount of \$24,461.72 for Construction Services related to Washington Avenue Pavement Reconstruction Project and accept the project as complete.

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

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

Mayor Browne declared the motion carried.

6. Consider and act upon, authorization for the Mayor to sign a Professional Services Agreement between the City of McAlester and Meshek & Associates, PLC in connection with the Master Drainage Plan and Street Sweeper as recommended by the Stormwater Advisory Committee. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve authorization for the Mayor to sign a Professional Services Agreement between the City of McAlester and Meshek & Associates, PLC in connection with the Master Drainage Plan and Street Sweeper as recommended by the Stormwater Advisory Committee.

Manager Stasiak addressed explaining that this was a request to sign a Professional Services agreement to complete the Master Stormwater Study. He added that this study covers about 26.9 miles of drainage within the City. He commented that this would prioritize areas that were flooding and what the recommendations were to improve those areas. He stated that it would give the City a timeline on how to correct all of the problems related to Stormwater drainage.

Councilman Stevens asked about the time it would take to complete the study and Manager Stasiak informed the Council that estimated at eighteen (18) months. He added that there would be numerous public meetings to update the citizens on how the study was progressing.

Councilman Read moved to approve and authorize the Mayor to sign a Professional Services Agreement between the City of McAlester and Meshek & Associates, PLC in connection with the Master Drainage Plan and Street Sweeper as recommended by the Stormwater Advisory Committee. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

7. Consider and act upon, authorization for the purchase of one new and unused 2017 Freightliner M2-106 Truck with Tymco 600BAH Sweeper for the Streets Department on State of Oklahoma Vehicle Contract SW035T pursuant to section 2-275 of the McAlester City Code, and authorizing the Mayor to sign a loan agreement for the financing of this piece of equipment in the amount of \$238,734.00. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve authorization of the purchase of one new and unused 2017 Freightliner M2-106 Truck with Tymco 600BAH Sweeper for the Streets Department on State of Oklahoma Vehicle Contract SW035T pursuant to section 2-275 of the McAlester City Code, and authorizing the Mayor to sign a loan agreement for the financing of this piece of equipment.

Manager Stasiak addressed the Council explaining that the City's street sweeper was currently down and the repair would not be economic. He added that the Storm Water Advisory Committee was recommending that the City purchase a new Street Sweeper and storm water revenue be used to repay the loan.

Mayor Browne commented about the amount of debris that went into the City's storm water system.

A motion was made by Councilman Smith and seconded by Councilman Read to authorize the purchase of one new and unused 2017 Freightliner M2-106 Truck with Tymco 600BAH Sweeper for the Streets Department on State of Oklahoma Vehicle Contract SW035T pursuant to section 2-275 of the McAlester City Code, and authorize the Mayor to sign a loan agreement for the financing of this piece of equipment in the amount of \$238,734.00.

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

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

NAY: None

Mayor Browne declared the motion carried.

8. Discussion and possible action on an Outer Marker Land Lease between the Federal Aviation Administration and City of McAlester. (*Joe Ervin, City Attorney*)

Executive Summary

Discussion and possible action.

Attorney Ervin addressed the Council reminding them that the leasing of the Outer Marker site from the citizen that owned the land where this equipment was located had been approved about three (3) months previous. He stated that the City leased this property for about \$2,600.00 a year with the FAA only reimburses the City for about \$600.00 a year. He explained that the FAA had removed any reimbursement to the City in the lease. He added that this equipment was vital to the airport.

A motion was made by Councilman Smith and seconded by Vice-Mayor Karr to approve an Outer Marker Land Lease between the Federal Aviation Administration and City of McAlester. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

9. Discussion and presentation of Comparison Report conducted on 10 Oklahoma cities comparable in size (population) to the City of McAlester. (*Weldon Smith, Councilman Ward One*)

Executive Summary

Discussion.

Councilman Smith distributed copies of the Comparison Project to the Council. He explained that the population of the City had been adjusted by the population of the penitentiary. He then reviewed all of the different points of comparison used in the project. During this review Manager Stasiak commented that the each of the cities budgeted differently which made this comparison difficult and the amount of the City's bond indebtedness may contribute to difficulties in comparing McAlester to the other communities in this project.

There was a brief discussion concerning the leak at the Water Treatment Plant, the new meters that were scheduled to be installed in the south side of McAlester and how those meters could eventually answer why the City had 56% of water produced that was not being billed.

Mayor Browne thanked Councilman Smith, the City Manager and Ms. Hooper for the work that had been done on this compilation of information.

### **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 stated that he did not have anything to report for this meeting but he asked that everyone be cautious traveling in the construction on the bypass.

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

Councilman Garvin commented on the cleanup that had been done on the Seventh street canal. He then asked that the Police Department patrol the bypass more during the construction to help keep the citizens safe

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

## **Mayor's Comments and Committee Appointments**

Mayor Browne congratulated McAlester Main Street on their "Chocolate Tour" of the Downtown and Old Town shopping areas. He encouraged everyone to be patient and continue to shop on the Bypass. He added that the construction was a thirteen (13) month project.

### **Recess Council Meeting**

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

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

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

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 6:59 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 7:00 P.M.

A motion was made by Councilman Smith and seconded by Vice-Mayor Karr to recess 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 investigation more particularly: The Council Sub-Committee investigation into a possible complaint regarding the conduct of a council employee.

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

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

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:00 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 investigation more particularly: The Council Sub-Committee investigation into a possible complaint regarding the conduct of a council employee.

The Regular Meeting was reconvened at 7:28 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 investigation more particularly: The Council Sub-Committee investigation into a possible complaint regarding the conduct of a council employee. Only that matter was discussed, no action was taken, and the Council returned to open session at 7:28 P.M., and this constituted the Minutes of the Executive Session.

### **Reconvene into Open Session**

- Consideration and possible action regarding the Sub-Committee investigation of a council employee.

Councilman Smith moved to approve the Sub-Committee report, investigation of a Council employee. The motion was seconded by Vice-Mayor Karr and the vote was taken as follows:

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

NAY: None



Mayor Browne declared the motion carried

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 Karr.

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

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

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:30 P.M.

ATTEST:

\_\_\_\_\_  
John Browne, Mayor

\_\_\_\_\_  
Karen Boatright, Deputy City Clerk