

Council Chambers  
Municipal Building  
March 28, 2017

The McAlester City Council met in a Regular session on Tuesday, March 28, 2017, at 6:00 P.M. after proper notice and agenda was posted, March 27, 2017 at 2:58 P.M.

### **Call to Order**

Mayor Browne called the meeting to order.

Pastor Glenn Myer gave the invocation and led the Pledge of Allegiance.

### **Roll Call**

Council Roll Call was as follows:

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

Absent: Weldon Smith

Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; Gary Wansick, Police Chief; 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.*

Brecken Wagner addressed the Council thanking them, the Mayor and Councilman Stevens for allowing him the opportunity to speak. He then informed the Council about the growing number of children that are diagnosed with Autism every year.

### **Recognition and Awards**

Mayor Browne read a proclamation declaring April 1st through 8th, 2017, as “Autism Awareness Week” and April 2, 2017 as “Autism Day” in the City of McAlester, Oklahoma.

### **Consent Agenda**

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

- A. Approval of the Minutes from the February 28, 2017, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)

- B. Approval of Claims for March 8, 2017 through March 21, 2017. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$203,303.49; Parking Authority - \$83.90; Nutrition - \$3,547.57; Tourism Fund - \$2,896.99; SE Expo Center - \$24,990.90; E-911 - \$17,794.24; Economic Development - \$1,329.49; Fleet Maintenance - \$11,659.75; CIP Fund - \$34,610.00 and Technology Fund - \$2,746.94.
- C. Concur with the Mayor's appointment of Doug Marchant to the Storm Water Committee for a term to expire May, 2019. *(John Browne, Mayor)*
- D. Consider and act upon, receipt of the Permit No. WL000061170120 from the Oklahoma Department of Environmental Quality (ODEQ) for replacement of 1,740 linear feet of 6" PVC potable water line and all appurtenances to serve the City of McAlester. *(Peter Stasiak, City Manager)*
- E. Concur with the Mayor's appointment of Russell Liles to the Expo Authority Board for a term to expire June, 2019. *(John Browne, Mayor)*
- F. Consider and act upon, authorizing the Mayor to sign an agreement between Oklahoma Department of Transportation and the City of McAlester for permission to construct landscaping on the highway right-of-way surrounding the McAlester Bomb Display. *(Peter Stasiak, City Manager)*

Councilman Read requested that Consent Agenda Item "E" be removed for individual consideration.

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

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

Mayor Browne declared the motion carried.

**Items Removed from Consent Agenda**

- E. Concur with the Mayor's appointment of Russell Liles to the Expo Authority Board for a term to expire June, 2019. *(John Browne, Mayor)*

Councilman Read inquired about Mr. Liles' residency and commented that he would like to see that information for all appointments.

A motion was made by Councilman Read and seconded by Vice-Mayor Karr to concur with the Mayor's appointment of Russell Liles to the Expo Authority Board for a term to expire June, 2019.

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

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

NAY: None

Mayor Browne declared the motion carried.

A motion was made by Councilman Read and seconded by Councilman Stevens to open a Public Hearing addressing three (3) proposed Ordinances.

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

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

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:10 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 CHAPTER 106, ARTICLE II, SECTION 106-48. DAMAGING, DISTURBING, ETC., SYSTEM PROPERTY GENERALLY. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 2017.**

**AN ORDINANCE AMENDING ORDINANCE 2265, SECTION 102-36(a)(14) OF MCALESTER CODES REGULATING THE TRAFFIC VIOLATIONS BUREAU SCHEDULE OF FINES; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR A SEVERABILITY CLAUSE.**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER ESTABLISHING THE POSSESSION OF CHICKENS OR LAYING HENS WITHIN THE CITY OF MCALESTER, OKLAHOMA; ESTABLISHING MCALESTER CITY CODE CHAPTER 10, ANIMALS, ARTICLE I, SECTION 10-22, PERMITTED NUMBER OF CHICKENS OR LAYING HENS; SECTION 10-23, COOP AND RUN REQUIREMENTS; AND PROVIDING FOR REPEALER AND SEVERABILITY.**

There were no comments from the Council or the audience and a motion was made by Councilman Read to close the Public Hearing. The motion was seconded by Vice-Mayor Karr and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:11 P.M.

**Scheduled Business**

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

Executive Summary

Discussion.

CFO Ervin addressed the Council updating them on the upcoming dates concerning the CIP and the Budget. She then reviewed the General Fund Revenue and Expenditures, the Public Works Revenue and Expenditures and stated that the Sales tax was continuing to be watched. CFO Ervin reviewed the Use Tax and the Franchise Tax.

There was a brief discussion concerning the possible impact that the Highway project could have on the City's sale tax.

There was no vote on the item.

2. Consider and act upon, an Ordinance amending Chapter 106, Article II, Section 106-48. Damaging, Disturbing, etc., System property generally, repealing all conflicting ordinances; providing for a severability clause; and establishing an effective date. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve the amendment of the ordinance.

CFO Ervin addressed the Council explaining that this was to put something in place to help recoup the repair or replacement cost when a meter is damaged.

There was a brief discussion regarding intentional damage to the water meters, and if those instances were turned into the Police Department.

**ORDINANCE NO. 2596**

**AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 106, ARTICLE II, SECTION 106-48. DAMAGING, DISTURBING, ETC., SYSTEM PROPERTY GENERALLY. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 2017.**

A motion was made by Vice-Mayor Karr and seconded by Councilman Read to approve **ORDINANCE NO. 2596**, amending Section 106-48, addressing the damaging of water meters. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, an Ordinance 2265, Section 102-36(a)(14) of the McAlester Codes regulating the traffic violations bureau schedule of fines; repealing all conflicting ordinances; providing for a severability clause. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to approve the amendment of the ordinance.

CFO Ervin addressed the Council explaining that this would address the cost of parking tickets. She added that the cost of McAlester's parking tickets was not in line with other communities and needed to be revised. She added that parking in a Fire Lane offense had been left alone.

### **ORDINANCE NO. 2597**

**AN ORDINANCE AMENDING ORDINANCE 2265, SECTION 102-36(a)(14) OF McALESTER CODES REGULATING THE TRAFFIC VIOLATIONS BUREAU SCHEDULE OF FINES; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR A SEVERABILITY CLAUSE.**

There was no further discussion, and a motion was made by Councilman Stevens to approve **ORDINANCE NO. 2597**, amending section 102-36(a)(14), changing the cost of a parking ticket. The motion was seconded by Councilman Read and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, an ordinance regulating the possession of chickens, laying hens, and roosters within the City of McAlester. (*Gary Wansick, Chief of Police*)

Executive Summary

Motion to approve an ordinance regulating the possession of chickens, laying hens, and roosters within the City of McAlester.

Police Chief Wansick addressed the Council explaining that the idea, to limit the number of chickens allowed per household, had been brought to him by the Animal Control Officer. He informed the Council that he had seen where the City of Edmond had recently passed an ordinance that limited the number of chickens and prohibited roosters within the city limits. He added that he thought it would be remiss in addressing just chickens and should address all fowl in the city limits of McAlester.

Mayor Browne commented that he would personally like to have this tabled until the second meeting in April and address the other fowl within the City limits. He added that there was a peacock in Second Ward that was very obnoxious.

Councilman Read asked about the permit period and the cost. Chief Wansick informed him that the cost was \$2.00 per chicken and the permit was good for one (1) year.

There was no further discussion, and Mayor Browne moved to table this item until the second meeting in April. The motion was seconded by Councilman Read and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

5. **POSTPONED FROM THE MARCH 14<sup>TH</sup> MEETING;** Discussion and possible action, on approval of certain costs related to the Fire Department Funds to be used from the City of McAlester Fire Department's portion of the county quarter cent excise tax for the fire services. (*Brett Brewer, Fire Chief*)

Executive Summary

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

Mayor Browne commented that this item was being pulled.

6. Consider and act upon, to authorize the exchange of a 2015 Ford Escape for a 2017 Ford Explorer with an increase in cost of \$2,884.00 or to declare 2015 Ford Escape surplus and authorize its disposal in the manner previously described. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Staff recommends the exchange of the 2015 Ford Escape and replacement with a 2017 Ford Explorer at a price of \$26,389.00. The price difference will be an additional \$2,884.00 in cost.

CFO Ervin addressed the Council explaining that the 2015 Ford Escape had been in and out of the shop and qualified under the "Lemon Law". She stated that the City had received additional information from Ford this morning and now instead of the 2017 Ford Explorer was recommending a 2017 Escape SE. She informed the Council that the swap had to use the MSRP of one vehicle to the MSRP of the other vehicle, the difference would be \$2,490.00 and there was a time limit for this exchange transaction to occur. She added that Arvest Bank had been made aware of the situation and was willing to exchange the collateral.

Manager Stasiak clarified the difference between the two (2) Escapes was \$2,490.00 and Mayor Browne clarified that CFO Ervin was asking that the 2015 Ford Escape be declared surplus.

There was no further discussion, and a motion was made by Councilman Read to declare the 2015 Ford Escape as surplus and authorize its exchange for a 2017 Ford Escape SE for an additional cost of \$2,490.00. The motion was seconded by Councilman Stevens, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

## **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 requested that citizens' slowdown in the construction areas around the City, he commented that there was a Panel replacement crew working on Electric and that there were three (3) new projects coming up. He informed the Council that one of the projects would be on South Street east of 5<sup>th</sup> Street, the second project was on V. Hubert Smith at "A" Street and the third project was on Stonewall.

He asked the Council to send any comments they had on the CIP 5-Year Plan that had been presented at the last meeting, to him. He informed them that the 5-Year Airport Program had been added to the CIP and it would be presented to them in two (2) weeks. He explained that most of those programs would be covered by the FAA. He added that in 2018 the FAA wanted to redo the runway, which was a \$3.4 million project.

Vice-Mayor Karr asked if they were going to extend the runway. Manager Stasiak commented that it was not an extension just a runway overhaul and there wasn't any room to extend the runway because of the highway and the school.

Manager Stasiak informed the Council that the possibility of E911 moving to the Emergency Response Center by the County Jail was being looked and if that occurred the work stations would need to be upgraded, which would cost around \$365,000.00. He added that those funds were in the E911 Fund Balance.

He explained that he and Ms. Ervin were focusing on the 2017/2018 Budget and in the next week would be working on the revenue side. He added that the preliminary budget would be presented at the second meeting in April.

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

Councilman Read commented that there was only one public tornado shelter in McAlester and it had been locked on Sunday during the Tornado warning. He stated that the City needed to look into other buildings that could serve as public shelters.

Manager Stasiak stated that the new Fire Station on Village had a safe room that could hold approximately fifty (50) people.

Councilman Read asked about the old National Guard Armory, the old Federal Courthouse or any building that had a basement that could be used as a shelter.

Vice-Mayor Karr commented on the new restaurant that was opening on the west side of town and that it was good to see that happen.

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

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

Mayor Browne asked that everyone keep the family of the young Police officer that was slain in Tecumseh, in their thoughts and prayers and to also keep your thoughts and prayers for our guys that have to go out there every day.

### **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 Stevens.

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

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

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 6:39 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 6:40 P.M.

### **Adjournment**

There being no further business to come before the Council, Councilman Read 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 Read, Karr, Stevens, Garvin, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 6:41 P.M.

ATTEST:

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John Browne, Mayor

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Cora Middleton, City Clerk