

Council Chambers
Municipal Building
June 13, 2017

The McAlester City Council met in a Regular session on Tuesday, June 13, 2017, at 6:00 P.M. after proper notice and agenda was posted, June 9, 2017 at 10:46 A.M.

Call to Order

Mayor Browne called the meeting to order.

William J. Ervin gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

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

Absent: Robert Karr

Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; David Horinek, Public Works Director; Jayme Clifton, Community Development Director; 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 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 May 9, 2017, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for May 17, 2017 through June 6, 2017. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$130,648.44; Nutrition - \$1,602.06; Employee Retirement - \$12,608.61; State Forfeiture Fund - \$425.00; Tourism Fund - \$11,328.92; SE Expo Center - \$8,679.34; E-911 - \$9,477.08; Economic Development - \$9,835.76; Grants & Contributions - \$9,273.00; Fleet Maintenance -

\$11,677.07; CIP Fund - \$29,586.60; Technology Fund - \$7,452.84 and Stormwater Fund - \$37,042.30.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the Consent Agenda. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

Councilman Smith moved to open a Public Hearing to address three (3) Ordinances. The motion was seconded by Councilman Read and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:03 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.

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 106, ARTICLE II, SECTION 106-28. METER INSTALLATION FEE AND CHAPTER 48 FEES, CHARGES AND SERVICE RATES, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 15, 2017.

CONSIDER AND ACT UPON AN ORDINANCE AMENDING MCALESTER CITY CODE CHAPTER 10, ANIMALS, ARTICLE I III, DIVISION 1, SECTION 10-22 96, DEFINITIONS; SECTION 10-23 97, PERMITTED NUMBER OF DOMESTIC FOWL; SECTION 10-24 98, ENCLOSURE REQUIREMENTS; AND PROVIDING FOR REPEALER AND SEVERABILITY.

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

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

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:03 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.

CFO Ervin addressed the Council reviewing the exhibits for the Budget amendment. During her review, she explained that exhibits 1 and 2 dealt with the transfer of funds for under budgeted Dedicated Sales tax Revenue, exhibit 3 was appropriating fund for Bond Fund activity and carry over Capital Outlay, and exhibit 4 was to appropriate funds for additional Retiree payouts.

There was a brief discussion concerning the additional employee retirements.

CFO Ervin explained that exhibit 5 was to update the Gifts, Grants & Contributions Fund to reflect the money that had been donated.

ORDINANCE NO. 2602

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 Councilman Smith and seconded by Councilman Read to approve **ORDINANCE NO. 2602**, amending the fiscal year 2016/2017 Budget.

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

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

NAY: None

Mayor Browne declared the motion carried.

Councilman Read moved to approve the EMERGENCY CLAUSE. The motion was seconded by Councilman Stevens, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

2. Consider and act upon, an Ordinance amending Chapter 106, Article II, Section 106-28. Meter Installation Fee and Chapter 48 Fees, Charges, and Service Rates; 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 section of the Code had not been updated since 1974. She stated that the cost of the meters and labor had been calculated and surrounding areas had been surveyed to see what their meter installation fee was. She added that she had worked with the Utility Maintenance Superintendent to gather the information and update the rate.

Dalton Carlton, Utility Maintenance Superintendent addressed the Council explaining the new meter set up and the cost associated with each part of the meter.

There was discussion concerning the cost of the meters, who would be charged this installation fee, when the installation fee would be charged, the rates of the surrounding communities and water districts, how this could affect developers, who would pay the installation fee at a rental unit if the meter had been pulled and the rate being excessive.

There was no further discussion, and a motion to approve the ordinance amending the installation fee of meters was made by Councilman Smith. The motion was seconded by Councilman Barnett and the vote was taken as follows:

AYE: Councilman Smith & Barnett

NAY: Councilman Stevens, Read, Garvin & Mayor Browne

Mayor Browne declared the motion failed.

3. Consider and act upon, an Ordinance amending the McAlester “Domestic Fowl” ordinance to remove geese from the definitions, include the prohibition of geese within the City of McAlester, and change the section numbers to reflect the new Code of Ordinances. *(Gary Wansick, Chief of Police)*

Executive Summary

Motion to approve an ordinance amending the McAlester “Domestic Fowl” ordinance to remove geese from the definitions, include the prohibition of geese within the City of McAlester, and change the section numbers to reflect the new Code of Ordinances.

Deputy Chief Miller addressed the Council concerning the “Domestic Fowl” ordinance explaining that the Ordinance had not addressed geese and a citizen had contacted the Police Department to report how bothersome geese were.

ORDINANCE NO. 2603

CONSIDER AND ACT UPON AN ORDINANCE AMENDING MCALESTER CITY CODE CHAPTER 10, ANIMALS, ARTICLE I III, DIVISION 1, SECTION 10-22 96, DEFINITIONS; SECTION 10-23 97, PERMITTED NUMBER OF DOMESTIC FOWL;

SECTION 10-24 98, ENCLOSURE REQUIREMENTS; AND PROVIDING FOR REPEALER AND SEVERABILITY.

A motion was made by Councilman Stevens and seconded by Councilman Read to approve **ORDINANCE NO. 2603**, amending Chapter 10 of the Code of Ordinances to prohibit domestic geese within the City limits.

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

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

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, accepting Change Order #2 from KATCON Inc. for Weather Days only. There will be no increase or decrease in the contract amount, only an extension in days for the duration of the contract, and authorizing the Mayor to sign the Change Order to Katcon, Inc. for these weather days. (*Kevin Hardwick, Sr. Engineering Tech*)

Executive Summary

The recommendation is to accept the Change Order with Katcon, Inc. for the Weather Days, to repair a portion of Tributary "B" canal wall and floor.

David Horinek, Public Works Director addressed the Council explaining that this Change Order addressed the sixteen (16) days that the Contractor had not been able to work due to rain and drainage of the surrounding area that flowed into the canal. He added that there would not be any change in the cost and that the project would be finished.

A motion was made by Councilman Read and seconded by Councilman Stevens to accept and authorize the Mayor to sign the Change Order #2 to Katcon, Inc. for Weather days only. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, Building Demolition & Site Clearance Contract with Henry Moss dba Moss Trucking in the sum of \$3,469.00 for 344 E Tyler Avenue. (*Jayme Clifton, George Estrada, Community & Economic Development*)

Executive Summary

Motion to award Building Demolition & Site Clearance Contracts with Henry Moss dba Moss Trucking in the sum of \$3,469.00 for 344 E Tyler Avenue and to authorize the Mayor to execute the respective Notice of Awards and Building Demolition & Site Clearance Contracts with Henry Moss dba Moss Trucking.

Jayme Clifton, Community Development Director addressed the Council explaining that this was the last property that had been condemned. She stated that this had been bid out, the City had received two (2) bids and Henry Moss had been the lowest bid.

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There was no discussion, and Councilman Stevens moved to award Building Demolition & Site Clearance Contracts with Henry Moss dba Moss Trucking in the sum of \$3,469.00 for 344 E Tyler Avenue and to authorize the Mayor to execute the respective Notice of Awards and Building Demolition & Site Clearance Contracts with Henry Moss dba Moss Trucking. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

6. Consider and act upon, approval and acceptance of the proposal from LBR Inc. as Airport consultant for McAlester Regional Airport. (*George Marcangeli, Special Projects Engineer*)

Executive Summary

The City of McAlester Airport Consultant Selection Committee recommends that the City Council contract with LBR Inc., Stillwater, Oklahoma to provide airport consulting, professional engineering, construction management, project administration services and environmental services for the McAlester Regional Airport. These services are subject to FAA funding.

Public Works Director Horinek addressed the Council explaining that the Airport consultant agreement renewed every five (5) years and that LBR, Inc. had served the City well over the past fifteen (15) years. He explained that five (5) requests for proposal had been sent out and five (5) were received and opened on May 1, 2017. He added that the Airport Selection Committee reviewed all of the proposals and LBR, Inc. had received the highest rating.

There was a brief discussion concerning all of the proposals not being included in the packet and how the consultant was paid.

A motion to accept and approve the proposal from LBR, Inc. to provide airport consulting, professional engineering, construction management, project administration services and environmental services for the McAlester Regional Airport. These services are subject to FAA funding was made by Councilman Read and seconded by Councilman Smith.

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

AYE: Councilman Read, Smith, Stevens, 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 reported that the asphalt laydown machine had lost its' electronics and wiring harness while it was being moved last week. He stated that the machine was thirty-one (31) years old and a new smaller machine would cost about \$190,000.00. He added that staff would be reviewing this and bringing a proposal to the Council in the future. He reported that the MCC Controls replacement project at the Water Treatment plant was moving forward and that by the end of the summer all four (4) pumps should be available for use.

Manager Stasiak informed the Council that the employee to run the Residuals Handling program had been hired and the program was in use. He added that the boxes were working and material was being hauled to the landfill. He explained that the two (2) drying beds were being cleaned out and that material was also being taken to the landfill.

Manager Stasiak commented that he had been in touch with Mr. Heathcock and the item would be brought back in July with the requested information. He stated that concrete panel replacement project on "A" Street and V. Hubert Smith Drive had been completed and the contractor would be moving to 5th Street on the hill and would be there for one (1) to two (2) weeks. He then informed the Council that the drainage canal project by TH Rogers had been completed.

Councilman Read commented about the canal running into Walls, the potential flooding and mosquito issues and if there was anything that could be done.

Manager Stasiak stated that was part of the Stormwater plan and he would address the matter with Meshek and get Director Horinek involved and report back to the Council.

Mayor Browne inquired about the Stormwater Committee's recommendation for Mr. Patel's property and when that would be addressed.

Manager Stasiak informed the Council that bids for that project had been opened today and the contract would be brought to the next Council meeting.

Remarks and Inquiries by City Council

Councilman Stevens asked when the Economic Development and Education bonds were scheduled to expire and if there were any plans to address this.

Manager Stasiak stated that those would expire September 2018 and the goal was to start on that issue in July. It was the intention to get a program together to bring to the voters.

Councilman Garvin commented about a defective trash truck in the Fifth Ward that was leaving a mess and asked if the City could contact Allied about the problem.

Manager Stasiak stated that Allied had been contacted about the problem and they were addressing both the trucks and the cleaning of the streets.

Councilman Garvin commented about the number of people that are running stop signs around the City and he asked that everyone watch.

Mayor's Comments and Committee Appointments

Mayor Browne commented that he had put the Ball field matter on the Mayor's Facebook page to get the citizen's opinions and he would bring that information to the meeting when the ball fields were addressed. He stated that downtown this past weekend there was a fund raiser for a child that has cancer and they raised \$9,000.00. He added that a week from Thursday, Habitat for Humanity was having their trivia night and he encouraged everyone to participate in that.

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

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

NAY: None

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

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:42 P.M.

A motion was made by Councilman Read and seconded by Councilman Smith to recess the Regular Meeting for an Executive Session in accordance with Title 25, Section 307.B.4, for Confidential communications between a public body and its attorney concerning pending investigations, claims, or actions. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried, and the Regular Meeting was recessed at 6:42 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 pending investigations, claims, or actions.

Reconvene into Open Session

The Regular Meeting was reconvened at 7:19 P.M. Mayor Browne reported that the Council had recessed the Regular Meeting for an Executive Session in accordance with Title 25, Section 307.B. 4, for Confidential communications between a public body and its attorney concerning pending investigations, claims, or actions. Only those matters were discussed, no action was taken, and the Council returned to open session at 7:19 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 Karr. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:19 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk