

The McAlester City Council met in a Regular session on Tuesday, September 24, 2019, at 6:00 P.M. after proper notice and agenda was posted, September 20, 2019 at 1:50 P.M.

Call to Order

Mayor Browne called the meeting to order.

Mother Jamie Koch, All Saints Episcopal Church gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Travis Read, James Brown, Maureen Harrison, Zach Prichard & John Browne

Absent: Cully Stevens,

Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager; Toni Ervin, Asst. City Manager; Jayme Clifton, Community Development Director; Stephanie Giacomo, Grant Writer/Public Information Officer; Kirk Ridenour, Economic Development Director; Brett Brewer, Fire Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Recognition and Awards

Mayor Browne presented Johnny Reich as September Employee of the Month. Mr. Reich received a Certificate of Appreciation, a plaque, a portfolio and one (1) paid day off.

Sean Voskuhl addressed the Council thanking the City for their interest in the AARP Community Grant Challenge.

JoAnn Vermillion addressed the Council commenting about her excitement to see McAlester's application for the grant and also about the Arvest Park project.

Mayor Browne stated that the money received from AARP would be matched by the City to make continued improvements to Arvest Park.

AARP Representatives then presented the City of McAlester with an honorary check in the amount of \$5,000.00.

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.

Assistant Manager Ervin addressed the Council informing them that the City had received the CAFR Award for excellence in accounting for the fifth (5th) year in a row. She briefly explained the process to receive the award and how it became more stringent each year.

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 August 27, 2019, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the September 10, 2019, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for September 4, 2019 through September 17, 2019. *(Toni Ervin, Asst. City Manager)* General Fund - \$178,265.73; Parking Authority - \$140.77; Nutrition - \$2,683.43; Landfill Reserve/Sub-Title D - \$3,047.50; Educational Fund - \$44,224.34; Tourism Fund - \$730.75; SE Expo Center - \$10,069.96; E-911 - \$15,057.21; Economic Development - \$12,288.48; CDBG Grants Fund - \$8,388.00; Fleet Maintenance - \$7,412.17; Worker's Compensation - \$1,750.00; CIP Fund - \$6,065.64; Technology Fund - \$22,600.00; Stormwater Fund - \$64,460.08; Infrastructure Fund - \$69,275.96 and MRHC-Cancer Center Fund - \$44,224.34.
- D. Consider and act upon, to concur with Oklahoma Municipal Assurance Group (OMAG) recommendation to deny Claim No. 206861-ME. *(Cora Middleton, City Clerk)*
- E. Consider and act upon, authorizing the Mayor to sign a Memorandum of Understanding with Inframark, LLC for receipt of a check in the amount of \$28,421.30 per the 2019-2020 contract as payment for the remaining Water Treatment Plant chemicals as of June 30, 2019. *(Peter Stasiak, City Manager)*

Councilwoman Harrison requested that Item D be removed for individual consideration.

A motion to approve the Consent Agenda items "A, B, C and E" was made by Councilman Smith and seconded by Councilman Read.

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

AYE: Councilmembers Smith, Read, Brown, Harrison, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

Items Removed from Consent Agenda

- D. Consider and act upon, to concur with Oklahoma Municipal Assurance Group (OMAG) recommendation to deny Claim No. 206861-ME. (*Cora Middleton, City Clerk*)

Councilwoman Harrison asked if there had been any successful Tort Claims filed and how could a citizen file a successful Tort Claim.

Attorney Ervin commented that he had read the report and OMAG's adjuster's determination. He stated that each claim should be considered individually, he then explained the process.

Councilwoman Harrison asked how long OMAG had been the City's insurance provider.

Manager Stasiak stated four (4) or five (5) years.

Attorney Ervin commented that he had been informed by the City Clerk that claimants were notified, in writing, if their claim was denied.

Mayor Browne commented that if the City were unaware of a problem, they would not be liable, only when the City became aware of the problem and failed to act would they be liable.

Manager Stasiak commented that the Council only saw the denials. They did not see the claims that were paid by the City's insurance. He then encouraged all citizens to install backflow preventers on their sewer lines.

A motion was made by Councilman Read and seconded by Councilman Smith to concur with Oklahoma Municipal Assurance Group (OMAG) recommendation to deny Claim No. 206861-ME.

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

AYE: Councilmember Read, Smith, Brown, Prichard & Mayor Browne

NAY: Councilmember Harrison

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to address an ordinance adopting the "Moving McAlester Forward 2040 Comprehensive Plan" was made by Councilman Read and seconded by Councilman Smith.

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

AYE: Councilmembers Read, Smith, Brown, Harrison, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:22 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 ADOPTING THE MOVING MCALESTER FORWARD 2040 COMPREHENSIVE PLAN FOR THE CITY OF MCALESTER, DATED SEPTEMBER 2019, AND AMENDING SECTION 62-7 COMPREHENSIVE PLAN; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

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

AYE: Councilmembers Smith, Read, Brown, Harrison, Prichard & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:22 P.M.

Scheduled Business

1. Presentation of the McAlester Regional Health Center Quarterly Update. *(David Keith, McAlester Regional Health Center)*

Executive Summary
Presentation.

David Keith, CEO McAlester Regional Health Center addressed the Council updating them on the Hospital's activities and financial status as of their fourth (4th) quarter. He stated that the audit had not been completed at this time. Mr. Keith introduced the members of his administrative staff attending the meeting, Jim Frasher, Vice-President of Finance; Darryl Linnington, Regional Director of Financial Planning and Analysis; Shawn Howard, Vice-President of Support Services; Kim Stout, Vice-President Nursing and Operations; Dr. Tim Cathey, Vice-President of Medical Affairs; Jeff Warmuth, Director of Property Management and Chris Plunkett, SE Clinic Administrator/Director of Marketing. During the review and update each of the Hospital's Administrative staff discussed their areas expertise.

Throughout this update there was discussion concerning the Hospital's cash levels, yearly revenues, how quickly a patient would be seen at the Emergency Department, handling mental illness, if there was an inhouse lab, need for funding for mental illness, the proposed Mental Health Consortium, the Hospital's Sports Medicine program, Occupational Therapy, the Hospital's Residency program and how it affected the Hospital's recruitment.

There was no action taken on this item.

2. Consider and act upon, an ordinance adopting the Moving McAlester Forward 2040 Comprehensive Plan for the City of McAlester, dated September 2019, and amending

Section 62-7 Comprehensive plan; repealing all conflicting ordinances, and providing for severability. *(Jayme Clifton, Community Development Director)*

Executive Summary

Motion to act upon and approve the above ordinance adopting the Moving McAlester Forward 2040 Comprehensive Plan for the City of McAlester, dated September 2019, and amending Section 62-7 Comprehensive plan; repealing all conflicting ordinances, and providing for severability, and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council presenting the final version of the Moving McAlester Forward 2040 Comprehensive Plan. She explained that the Planning Commission had reviewed the proposed ordinance to adopt the Plan on September 17, 2019 and voted unanimously to recommend the Plans adoption to the City Council.

Councilwoman Harrison asked if all of the changes had been made and if this was a replacement to the 1996 Plan or something that the Council needed to accept.

Director Clifton explained that there had been an initial plan adopted in 1978. That plan had been updated in 1996 and this new plan had been originally presented to Council on August 13, 2019. She added that this proposed plan would update the 1996 plan and this was the formal adoption. She stated that the action plan was being developed and this plan would be implemented per the recommendations made by the Public.

There was discussion concerning the input received from all groups including the public, reviewing the land development codes and moving forward with the recommendations from the public and the other plans that the City has.

ORDINANCE NO. 2668

AN ORDINANCE ADOPTING THE MOVING MCALESTER FORWARD 2040 COMPREHENSIVE PLAN FOR THE CITY OF MCALESTER, DATED SEPTEMBER 2019, AND AMENDING SECTION 62-7 COMPREHENSIVE PLAN; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

A motion to approve **ORDINANCE NO. 2668**, adopting the Moving McAlester Forward 2040 Comprehensive Plan for the City of McAlester was made by Councilman Read. The motion was seconded by Councilman Prichard, and the vote was taken as follows:

AYE: Councilmembers Read, Prichard, Harrison, Smith, Brown & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, accepting the bid amount of \$28,000 from Sunrise Construction, LLC for the Canal Wall Mitigation Program (Phase 1) Sandy Creek Tributary D (C St. to 4th St.) and authorize the Mayor to sign the notice of award for Canal Wall Mitigation Program – Phase I Sandy Creek Tributary D (C ST to 4th ST). *(Robert Vaughan, Infrastructure Solution Group)*

Executive Summary

The recommendation is to accept the bid amount of \$28,000 from Sunrise Construction for the Canal Wall Mitigation Program (Phase 1) Sandy Creek Tributary D (C St. to 4th St.) and authorize the Mayor to sign the notice of award for Canal Wall Mitigation Program – Phase I Sandy Creek Tributary D (C ST to 4th ST).

Robert Vaughan, P.E. Branch Manager for Infrastructure Solutions Group, LLC addressed the Council explaining that the City had advertised this project for bids. He stated that five (5) bids had been received and opened on Tuesday, September 17, 2019. He added that out of those bids the apparent low bidder had a mathematical error in their bid and once they had been made aware of the error, they voluntarily withdrew their bid. This had made Sunrise Construction, LLC the low bidder with a bid of \$28,000.00.

There was no other discussion, and a motion to accept the bid from Sunrise Construction, LLC in the amount of \$28,000.00 for the Canal Wall Mitigation Program (Phase 1) Sandy Creek Tributary D (C St. to 4th St.) and authorize the Mayor to sign the notice of award for Canal Wall Mitigation Program – Phase I Sandy Creek Tributary D (C ST to 4th ST) was made by Councilman Prichard. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Prichard, Smith, Read, Brown, Harrison & 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 informed the Council that he had approved an Emergency Change Order in the amount of \$17,100.00 for a problem found at 2nd Street and Choctaw Avenue in the Streetscape project. He explained that it was related to the Storm Drainage in that area. He added that it was discovered that a lot of the Storm Drainage was not connected and even with this additional amount the project was still below budget. He then reviewed his monthly report updating the Council on the Sales and Use tax receipts, he updated them on the twenty-inch (20") and thirty-inch (30") water line projects, the progress on Arvest Park and he finished with a detailed review of the Asphalt overlay and street reconstruction in each Ward.

There was a brief discussion concerning how the streets were selected for repair or maintenance, using traffic counts and how low traffic roads would be addressed.

Remarks and Inquiries by City Council

Councilman Read inquired about the railroad crossings at “A” and “D” Streets, commenting that “A” Street had been done and he asked Manager Stasiak to remind A-OK Railroad about the “D” Street intersection.

Manager Stasiak commented that he had been in contact with them and they informed him that they would get it on their schedule soon.

Councilman Brown asked for an update on the Retail Shopping Center.

Manager Stasiak reported that he had received an email from the developer today saying that most of the agreements were in place and he was anticipated closing within twenty-four (24) to forty-eight (48) hours.

Councilwoman Harrison stated that she had attended the Lt. Governor’s Tourism Summit and had been surprised to see that Old Town was not on the tour. She then thanked the City employees for their work on the North Town Cemetery and commented that the residents were enjoying Connally Park

Councilman Prichard inquired about the pole at Arvest Park and when it would be set. He also asked about the Highway 69 interchange, when construction would begin and how long construction would take.

Manager Stasiak commented that the pole should have already been set but the City had not heard a date from Public Service. Manager Stasiak stated that bidding was scheduled for the Spring and construction possibly in the Summer with one and a half (1 ½) years for construction.

Mayor’s Comments and Committee Appointments

Mayor Browne read a letter from Joe Brawley with PC Care, Inc. thanking the Council for the funding support of \$4,500.00.

Recess Council Meeting

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: Councilmembers Smith, Read, Brown, Harrison, Prichard & Mayor Browne

NAY: None

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

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:41 P.M.

Adjournment

There being no further business to come before the Council, Councilman Brown moved for the meeting to be adjourned. The motion was seconded by Councilman Prichard.

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

AYE: Councilmembers Brown, Prichard, Smith, Read, Harrison & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:41 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk