

The McAlester City Council met in a Regular session on Tuesday, September 10, 2019, at 6:00 P.M. after proper notice and agenda was posted, September 6, 2019 at 9:27 A.M.

Call to Order

Vice-Mayor Stevens 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, James Brown & Maureen Harrison
Absent: Travis Read, Zach Prichard & John Browne
Presiding: Cully Stevens, Vice-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

Vice-Mayor Stevens recognized Michelle Whiting as August Employee of the Month. Ms. Whiting received a certificate of appreciation, a plaque, a portfolio and one paid day off.

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.

Thanita Wiggins and Jerald Wiggins, 804 Great Oaks Drive addressed the Council expressing their concerns about the North Town Cemetery.

Greg Rolan, 1521 S. 4th addressed the Council expressing his concerns about the North Town Cemetery.

Cecil Lee addressed the Council also expressing his concerns about the North Town Cemetery.

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 13, 2019, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*

- B. Approval of Claims for August 21, 2019 through September 3, 2019. *(Toni Ervin, Assistant City Manager)* In the following amounts: General Fund - \$103,556.73; Nutrition - \$1,4739.64; Tourism Fund - \$6,455.59; SE Expo Center - \$10,006.05; E-911 - \$2,374.45; Economic Development - \$11,227.22; Fleet Maintenance - \$7,2747.36; CIP Fund - \$117,884.34; Technology Fund - \$1,093.92; Stormwater Fund - \$20,901.13 and Infrastructure Fund - \$28,599.79.

- C. Consider and act upon, a request by Anne Brooks, on behalf of Eastern Oklahoma State College, to partner with them for the rental fee and use of the McAlester Expo Center, for their 12th Annual 8th Grade Career & College Expo. *(Billy Sumner, EXPO Manager)*

- D. Consider and act upon, concurrence with Oklahoma Municipal Assurance Group (OMAG) recommendation to deny Claim No. 206859-LR. *(Cora Middleton, City Clerk)*

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

AYE: Councilmembers Smith, Brown, Harrison & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens declared the motion carried.

A motion to open a Public Hearing to address two (2) ordinances was made by Councilwoman Harrison and seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

AYE: Councilmembers Harrison, Smith, Brown & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens declared the motion carried and the Public Hearing was opened at 6:17 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 COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING THE CODE OF ORDINANCES, CHAPTER 62, SECTION

364. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR, REPEALING ALL CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATION OF THE ZONING DISTRICT FOR THE S/2 S/2 OF LOT 2 (AKA S/2 S/2 SW/4 NW/4) IN SECTION 19, TOWNSHIP 5 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, PITTSBURG COUNTY, STATE OF OKLAHOMA LESS AND EXCEPT A TRACT OF LAND, FROM R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-3 MULTIPLE-FAMILY DWELLING DISTRICT.

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

AYE: Councilmembers Brown, Smith, Harrison & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens declared the motion carried and the Public Hearing was closed at 6:18 P.M.

Scheduled Business

1. Consider and act upon, an ordinance amendment of the City of McAlester designating the Environmental Projects Coordinator as the Floodplain Administrator. (*David Horinek, Public Works Director*)

Executive Summary

Motion to pass and approve an Ordinance Amendment to designate the Environmental Projects Coordinator as the Floodplain Administrator.

Director Horinek addressed the Council explaining that this amendment would designate the position of Environmental Projects Coordinator as the Floodplain Administrator.

There was a brief discussion concerning certification, how long it would take to complete the courses and if it were possible to take classes while working.

ORDINANCE NO. 2666

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING THE CODE OF ORDINANCES, CHAPTER 62, SECTION 364. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR, REPEALING ALL CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

A motion to approve **ORDINANCE NO. 2666**, amending section 62-364 was made by Councilman Smith and seconded by Councilwoman Harrison. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Smith, Harrison, Brown & Vice-Mayor Stevens
NAY: None

Vice-Mayor Stevens declared the motion carried.

A motion to approve the EMERGENCY CLAUSE was made by Councilman Brown and seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

AYE: Councilmembers Brown, Smith, Harrison & Vice-Mayor Stevens
NAY: None

Vice-Mayor Stevens declared the motion carried.

Director Horinek introduced Oliver Skimbo, Environmental Projects Coordinator to the Council.

2. Consider and act upon, an Ordinance amending the general zoning ordinance and accompanying map thereto known as General Zoning Ordinance No. 1843 (1989), by changing the classification of the zoning districts for The S/2 S/2 of Lot 2 (Aka S/2 S/2 SW/4 NW/4) in Section 19, Township 5 North, Range 15 East of the Indian Base and Meridian, Pittsburg County, State of Oklahoma less and except a Tract Of Land, from R-1B Single-family Residential District to R-3 Multiple-family Dwelling District. (*Jayme Clifton, Community Development Director*)

Executive Summary

Motion to act upon and approve the above Ordinance changing the classification of the zoning districts for the property identified in the Ordinance from R-1B Single-family Residential District to R-3 Multiple-family Dwelling District and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council explaining that the applicant was requesting a zoning change in order to construct a development consisting of twenty-four (24) three (3) bedroom market rate apartments. She added that the Planning Commission had met on August 20, 2019 and voted seven (7) to one (1) to recommend that the applicant's rezoning request be approved.

There was discussion concerning the halting of the previously approved housing development and the screening between the property owner and the proposed new development.

ORDINANCE NO. 2667

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATION OF THE ZONING DISTRICT FOR THE S/2 S/2 OF LOT 2 (AKA S/2 S/2 SW/4 NW/4) IN SECTION 19, TOWNSHIP 5 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, PITTSBURG COUNTY, STATE OF OKLAHOMA LESS AND EXCEPT A TRACT OF LAND, FROM R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-3 MULTIPLE-FAMILY DWELLING DISTRICT.

There was no further discussion, and a motion to approve **ORDINANCE NO. 2667**, rezoning a tract of land from R-1B (Single-Family Residential District) to R-3 (Multi-Family Dwelling District) was made by Councilman Smith. The motion was seconded by Councilman Brown, and the vote was taken as follows:

AYE: Councilmembers Smith, Brown, Harrison & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens declared the motion carried.

3. Consider and act upon, authorizing and approving a work order for Professional Services to Infrastructure Solutions for the Roundabout at 5th and Washington. (*David Horinek, Public Works Director*)

Executive Summary

Motion to approve the work order for professional services for the design and construction services to be provided by Infrastructure Solutions Group.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council explaining that this was an amendment to the original work order.

Councilwoman Harrison asked about the need for a Round-About and where it would be located.

Mr. Burke explained that Round-Abouts were becoming more prevalent in the U.S., and they were safer than regular intersections.

Manager Stasiak explained that it would be located at the intersection of 5th Street and Washington Ave.

Vice-Mayor Stevens inquired about the difference in cost and if it cost more for construction oversight.

Mr. Burke stated that it would be a little more expensive because of the amount of curbing.

Manager Stasiak explained that the City had received a donation from a private donor that would cover much of the additional cost.

There was no further discussion, and a motion to approve a Work Order for Professional Services for the design and construction services of Infrastructure Solution Group, LLC for a Round-About at 5th Street and Washington Ave. was made by Councilman Smith. The motion was seconded by Councilman Brown, and the vote was taken as follows:

AYE: Councilmembers Smith, Brown, Harrison & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens declared the motion carried.

4. Consider and act upon, authorizing the Mayor to sign Change Order #2 from Built Right Construction, LLC in a reduction amount of \$19,068.40 for the Downtown Streetscape Project. *(Kirk Ridenour, Economic Development Director)*

Executive Summary

Staff recommends approval of Change Order #2 for the Downtown Streetscape Project.

Director Ridenour addressed the Council explaining that this was the second Change Order for this project. He stated that there had been a lot of changes with this resulting in a deduction. He added that it had been projected that a retaining wall would have to be constructed but after the crew got into the area it was found that a retaining wall was already there. He then distributed photos of the construction area.

After a brief discussion concerning what funds this deduction would be applied to, a motion to approve Change Order #2 for the Downtown Streetscape Project was made by Councilwoman Harrison. The motion was seconded by Councilman Brown, and the vote was taken as follows:

AYE: Councilmembers Harrison, Brown, Smith & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens declared the motion carried.

5. Discussion and possible action, on approval of certain costs related to the Fire Department. *(Brett Brewer, Fire Chief)*

Executive Summary

Motion to approve the purchase of one 2020 F450 4x4 chassis.

Chief Brewer addressed the Council explaining that the Fire Department was asking to purchase a 2020 Ford Cab and Chassis to remount a 2012 ambulance on. He added that Freedom Ford had agreed to provide the Cab and Chassis at the 2019 State Bid price of \$36,057.00.

After a brief discussion of where the purchase would be made, a motion to approve the purchase of one 2020 F450 4X4 Chassis was made by Councilman Brown. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Brown, Smith, Harrison & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens declared the motion carried.

6. Consider and act upon, to approve the Mayor to sign an Assignment of Deposit Account with the Bank N.A. to secure a business loan to Lovera's Handcrafted Foods. *(Kirk Ridenour, Economic Development Director)*

Executive Summary

Staff recommends approval of signing the Assignment of Deposit Account.

Director Ridenour addressed the Council explaining that he had been working with Lovera's for the past few months concerning an expansion project they were wanting to do to increase their

production capabilities. He explained that the proposed project would require a loan that Lovera's did not have the capacity to secure. He added that The Bank NA had requested that the City actually secure at least a portion of the loan. He then introduced Shawn Duffy with Lovera's Cheese Company.

Mr. Duffy introduced himself and presented the Council with a power point slide show. During the presentation he reviewed the impact that Lovera's cheese production had on the local economy. He explained how production and sales had increased and changed since 2015. He also explained how Lovera's planned to continue their growth. Mr. Duffy briefly reviewed the planned improvements and improvements that had already been accomplished.

There was discussion regarding the process, if there were any procedures in place for the City do follow, what the Bank was requesting, the City earning interest on the CD that was used for collateral, if this was going to be something that happens in the future, if the City of Krebs had been approached about this, addressing projects individually, the LEAD Committee drafting guidelines for this process, how economic development did not stop at the city limit line, why the Krebs City Council did not agree to help, why the partner did not secure the loan, having regulations in place before doing something like this, what Lovera's gross sales in cheese were last year, why they were not able to save for the expansion, how Lovera's paid at time of purchase for the milk that was used in production, funding business outside of City limits, in the future and currently helping to fund entities outside of city limits, why the Bank NA selected McAlester over the County, having more structure for this process before moving forward on this project and how long before the LEAD Committee could have some guidelines drafted for the Council to consider.

Councilman Brown moved to postpone this request indefinitely, until the Council had guidelines for follow.

Vice-Mayor Stevens commented that he would like to see more structure in place.

The motion to postpone was seconded by Councilwoman Harrison. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Brown, Harrison, Smith & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens 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 updated the Council on the bridges on Carl Albert Parkway. He stated that ODOT was evaluating those structures and they were scheduled to be replaced in 2023. He added that the first Public Hearing would be at the end of the year.

Remarks and Inquiries by City Council

Councilman Smith commented on the flyers advertising Pride In McAlester's Fall Cleanup next month.

Councilwoman Harrison that TJ's Grill at North Main and Ashland was expanding. She announced that the Old Town Flea Market would be Saturday, September 21st. She then thanked the citizens that had addressed the Council regarding the North Town Cemetery.

Councilman Brown did not have any questions for the evening.

Mayor's Comments and Committee Appointments

Vice-Mayor Stevens did not have any comments for the evening.

Recess Council Meeting

Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Brown.

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

AYE: Councilmembers Smith, Brown, Harrison & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens declared the motion carried and the meeting was recessed at 7:07 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:09 P.M.

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 Brown.

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

AYE: Councilmembers Smith, Brown, Harrison & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens declared the motion carried, and the meeting was adjourned at 7:09 P.M.

ATTEST:

Cully Sevens, Vice-Mayor

Cora Middleton, City Clerk