

The McAlester City Council met in a Regular session on Tuesday, September 8, 2020, at 6:00 P.M. after proper notice and agenda was posted, September 3, 2020, at 3:33 P.M.

John Titsworth gave the invocation and lead the Pledge of Allegiance.

Call to Order

Mayor Browne called the meeting to order.

Roll Call

Council Roll Call was as follows:

Present in Person: Weldon Smith, James Brown, Billy Jack Boatright & John Browne
Present via Teleconference: Cully Stevens, Steve Cox & Zach Prichard
Absent: None
Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager, Sherri Swift, CFO and Cora Middleton, City Clerk

Staff Attending via Teleconference: William J. Ervin, City Attorney

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 citizen 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 August 20, 2020, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the August 25, 2020, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for August 19, 2020 through September 1, 2020. *(Sherri Swift, Chief Financial Officer)* In the following amounts: General Fund - \$247,359.92; Nutrition Fund - \$2,006.19; Tourism Fund - \$5,029.78; SE Expo Center - \$2,155.91; E-911 - \$6,328.51;

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Economic Development - \$8,635.17; Grants & Contributions - \$2,277.01; Fleet Maintenance - \$14,548.42; Dedicated Sales Tax-MPWA - \$500.00; CIP Fund - \$26,343.75; Technology Fund - \$12,835.84; Stormwater Fund - \$9,484.13 and Infrastructure Fund - \$10,409.92.

- D. Consider and act upon, indefinitely postponing Tort Claim filed by Brent Lott. (*Cora Middleton, City Clerk*)
- E. Consider and act upon, indefinitely postponing Tort Claim filed by Robert Schrader. (*Cora Middleton, City Clerk*)
- F. Concur with the Mayor's appointment of Thanita Wiggins to the Cemetery Board as replacement for Mr. John Proctor for a term to expire December 31, 2021. (*John Browne, Mayor*)

Councilman Stevens requested that item "C" be removed for individual consideration.

Councilman Prichard requested that item "E" be removed for individual consideration.

There was no further discussion and a motion to approve the Consent Agenda Items "A, B, D and F" was made by Vice-Mayor Brown. The motion was seconded by Councilman Boatright, and the vote was taken as follows:

AYE: Councilmembers Brown, Boatright, Smith, Stevens, Cox, Prichard & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

Items Removed from Consent Agenda

- C. Approval of Claims for August 19, 2020 through September 1, 2020. (*Sherri Swift, Chief Financial Officer*) In the following amounts: General Fund - \$247,359.92; Nutrition Fund - \$2,006.19; Tourism Fund - \$5,029.78; SE Expo Center - \$2,155.91; E-911 - \$6,328.51; Economic Development - \$8,635.17; Grants & Contributions - \$2,277.01; Fleet Maintenance - \$14,548.42; Dedicated Sales Tax-MPWA - \$500.00; CIP Fund - \$26,343.75; Technology Fund - \$12,835.84; Stormwater Fund - \$9,484.13 and Infrastructure Fund - \$10,409.92.

Councilman Stevens inquired about a payment to Ronnie May.

CFO Swift explained that it was for the Municipal Court and Mayor Browne stated that Mr. May had filled in for the regular Judge.

There was no other discussion, and a motion to approve Item "C", claims was made by Councilman Smith. The motion was seconded by Councilman Boatright, and the vote was taken as follows:

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AYE: Councilmembers Smith, Boatright, Stevens, Cox, Brown, Prichard & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

E. Consider and act upon, indefinitely postponing Tort Claim filed by Robert Schrader.
(Cora Middleton, City Clerk)

Councilman Prichard inquired about postponing the claim and if there was a specific time for the postponement.

Manager Stasiak stated that this gave the City's insurance time to process the Claim.

Clerk Middleton added that there was not a specific time for the postponement and the postponement gave the City's insurance provider time to gather information, speak with individuals as needed and make a determination on the claim.

There was no further discussion, and a motion to approve Item "E", indefinitely postponing Tort Claim filed by Robert Schrader was made by Councilman Prichard. The motion was seconded by Vice-Mayor Brown, and the vote was taken as follows:

AYE: Councilmembers Prichard, Brown, Cox, Boatright, Smith, Stevens & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to address a proposed ordinance was made by Councilman Smith. The motion was seconded by Councilman Boatright, and the vote was taken as follows:

AYE: Councilmembers Smith, Boatright, Brown, Prichard, Stevens, Cox & Mayor Browne
NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was opened at 6:09 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. 2687 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2020-2021; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

AYE: Councilmembers Brown, Smith, Boatright, Prichard, Stevens, Cox & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was closed at 6:10 P.M.

Scheduled Business

1. Presentation and discussion on the McAlester Concrete Clearwells Evaluation performed by Infrastructure Solutions Group LLC. (*Dale Burke, Infrastructure Solutions Group LLC*)

Executive Summary

Presentation and discussion.

Manager Stasiak addressed the reviewing the storage capacities of the City's Water Treatment Plant. He explained the various scenarios and how each could affect the City.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council reviewing the status of the Clearwells at the City's Water Treatment Plant. During his review he informed the Council that the Clearwells were constructed in the early 1980s when the Water Treatment Plant was constructed, and the west basin had been offline for at least three (3) years because of an excessive leak. He explained that the leak was because of the exterior concrete wall cracking, the deterioration of the expansion/construction joints and the estimated water loss was 259,000 gallons per day. Mr. Burke reviewed several pictures that depicted the condition of both Clearwells and commented that to repair either of the wells, they had to be completely dry. Mr. Burke reviewed the options for repair or replacement of the Clearwells and included the cost, advantages, and disadvantages of each option.

There was discussion concerning the various options, their costs, what the main issues currently were, how much water was currently being lost, the length of warranty for the work done, how long this process could take, the balance in the Infrastructure Fund, funding options, the City's ability to fund a new Water Treatment Plant, the ideal capacity of the clear wells, how the cost of treating water was calculated and getting the longest warranty possible.

There was no action on this item.

2. Consider and act upon, authorization for Staff to initiate a loan between MPWA, an authority of the City, and First National Bank to fund Clear Well Improvements identified as MC-19-27 by Infrastructure Solutions Group, LLC. (*Sherri Swift, Chief Financial Officer*)

Executive Summary

Staff recommends First National Bank, based on the interest rates and term of the loan. 10yr at 2.73%

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CFO Swift addressed the Council explaining that staff had contacted three (3) local banks for possible financing options for the Clear Well Improvement Project. She stated that the banks had been asked to furnish proposals for ten (10), twelve (12) and fifteen (15) year terms for an estimated amount of \$900,000.00. She added that First National Bank had provided the best option for the City's needs at an interest rate of 2.73% for ten (10) years.

After a brief discussion concerning what percentage rate had been offered, the length of the proposed loan and if any funds had been previously allocated for the clear wells, a motion to authorize staff to initiate a loan between the McAlester Public Works Authority, an authority of the City of McAlester, and First National Bank for ten (10) years at 2.73% interest, to fund Clear Well Improvements identified as MC-1-27 by Infrastructure Solutions Group, LLC was made by Councilman Smith and seconded by Vice-Mayor Brown. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Smith, Brown, Boatright & Mayor Browne

NAY: Councilmembers Prichard, Stevens & Cox

Mayor Browne declared the motion carried.

3. Consider and act upon, authorizing the City Manager to accept a grant award from the Oklahoma Highway Safety Office in the amount of \$43,270.00 to implement the McAlester Traffic Enforcement Program. (*Stephanie, Giacomo, Grants Administration*)

Executive Summary

Staff recommends acceptance of the grant award and conditions and authorizing the City Manager to execute the agreement with the Oklahoma Highway Safety Office.

Mayor Browne commented that this grant would allow the officers to work over-time to do traffic control.

Captain Parker stated that this would aid in traffic enforcement and safety and would be reimbursed one hundred percent (100%). He added that it also would help purchase equipment and training.

There was a brief discussion concerning the number of contacts that were required with the grant and if this had increased the amount of danger that the officers were exposed to.

A motion to accept the grant award and conditions and authorize the City Manager to execute the agreement with the Oklahoma Highway Safety Office was made by Councilman Smith. The motion was seconded by Councilman Boatright, and the vote was taken as follows:

AYE: Councilmembers Smith, Boatright, Stevens, Cox, Brown & Mayor Browne

NAY: Councilmember Prichard

Mayor Browne declared the motion carried.

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4. Consider and act upon, a resolution supporting an application to the WaterSMART Water and Energy Efficiency Grants for Fiscal Year 2021. *((Stephanie, Giacomo, Grants Administration))*

Executive Summary

Staff recommends adoption of the resolution authorizing submittal of a grant application and cost sharing a minimum of \$500,000.00 towards the project.

Manager Stasiak addressed the Council explaining that this was a grant opportunity to replace the water line from the Buffalo Water Tank to Carl Albert Parkway and improvement to three (3) of the water towers for a total projected cost of \$936,000.00. He stated that this a 50/50 matching grant.

Vice-Mayor Brown left the meeting at 7:12 P.M.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC added that this would help increase the usage of the water towers and fall into one of the critical needs of the City's water infrastructure.

Grant Writer Giacomo addressed the Council clarifying that the percentages that would be shared between the City and the grant at 53% and 47% respectively.

Mayor Browne called for a recess at 7:14 P.M. to allow Vice-Mayor Brown to come back to the meeting.

Vice-Mayor Browne returned to the meeting at 7:15 P.M.

Manager Stasiak gave a brief recap of the project that was planned for this grant.

Councilman Smith moved to approve RESOLUTION NO. 20-15, authorizing the submittal of an application to the WaterSMART Water and Energy Efficiency Grant program from the Bureau of Reclamation for fiscal year 2021 and cost sharing a minimum of \$500,000.00. The motion was seconded by Councilman Boatright.

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

AYE: Councilmembers Smith, Boatright, Brown, Prichard, Stevens, Cox & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, accepting the bid amount of \$91,248.53 from Bates Instrumentation, LLC. and authorize the Mayor to sign the Notice of Award for the Wade Watts Sidewalk Project. *(Dalton Carlton, Public Works Director)*

Executive Summary

The recommendation is to accept the bid from Bates Instrumentation, LLC for a total amount of \$91,248.53 and authorize the Mayor to sign the Notice of Award for the Wade Watts Sidewalk Project.

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Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council explaining that bids for this project had been received and opened on August 27, 2020 at 2:00 P.M. with four (4) of the six (6) contractors that had received plans and specifications for this project submitting bids. He stated that of those four (4) Bates Instrumentation, LLC had been the lowest most qualified contractor to submit a bid.

John Titsworth, 1010 Douglas addressed the Council questioning the need for sidewalks when the City's water system was in dire need of repair.

After a brief discussion concerning the walkability of the City, the two (2) areas of the City that heavy foot traffic had worn trails into the grass along the roads, the distance of the sidewalks from the curbs and where the funds would be coming from, a motion to accept the bid in the amount of \$91,248.53 from Bates Instrumentation, LLC and authorize the Mayor to sign the Notice of Award for the Wade Watts Sidewalk Project was made by Councilman Smith. The motion was seconded by Councilman Prichard, and the vote was taken as follows:

AYE: Councilmembers Smith, Prichard, Stevens, Cox, Brown & Mayor Browne

NAY: Councilmember Boatright

Mayor Browne declared the motion carried.

6. Consider and act upon, authorizing the purchase of a 2019 Western Star 4700SB Roll Off truck from Premier Truck Sales in Tulsa. (*Dalton Carlton, Public Works Director*)

Executive Summary

Motion to approve and authorize the purchase of a 2019 Western Star 4700SB Roll Off truck on State Contract SW035T and SW197 from Premier Truck Sales for the state bid price of \$168,690.00.

Manager Stasiak addressed the Council explaining that this was to replace the truck that is used in the City's recycling program and moves the sludge from the Water Treatment Plant to the landfill. He stated that this truck travels to Durant a couple of times a week and moves the sludge several times a week. He added that this truck was around twenty (20) years old and was constantly having mechanical issues.

John Titsworth, 1010 Douglas addressed the Council commenting that the money spent on the purchase of a new truck could be used on the City's water system. He stated that it would be more economical for the City to contract with a local business that had trucks that could transport the recycling products once a week and use the City's dump trucks to move the sludge to the landfill.

After a brief discussion concerning the cost to contract with a trucking company and the overall cost for the City to purchase and operate a Roll Off truck a motion to postpone this item was made by Vice-Mayor Brown. The motion was seconded by Councilman Boatright, and the vote was taken as follows:

AYE: Councilmembers Brown, Boatright, Stevens, Cox, Prichard, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

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7. Consider and act upon, declaring certain vehicles surplus property in accordance with the Code of Ordinances Sec 2-410 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2-411. (*Toni Ervin, Assistant City Manager*)

Executive Summary

Motion to declare certain vehicles surplus and authorize the disposal of them.

Manager Stasiak addressed the Council explaining that the City had several vehicles that were no longer in service because of the cost of repairs or they were no longer safe to operate. He stated that the vehicles that were still running would be taken to the local auto auction and the others would be listed on a surplus website. He added that with the Council approved purchase of several new vehicles previously, these would be with either new vehicles or with later model vehicles that the City already owns.

There was no other discussion, and a motion to declare certain vehicles surplus and authorize their disposal was made by Councilman Smith. The motion was seconded by Vice-Mayor Brown, and the vote was taken as follows:

AYE: Councilmembers Smith, Brown, Cox, Boatright, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

8. Consider and act upon, authorizing the purchase of one new and unused 2020 Police Pursuit Dodge Charger for \$25,918.00 on State of Oklahoma Vehicle Contract SW035 pursuant to Section 2-382 of the McAlester City Code. (*Kevin Hearod, Police Chief*)

Executive Summary

Motion to approve the purchase of one new and unused 2020 Dodge Charger.

Chief Hearod addressed the Council explaining that this vehicle would replace a 2017 Charger that had been totaled in an accident in July of this year. He stated that the insurance settlement on the totaled vehicle was \$17,941.00.

There was no other discussion, and a motion to authorize the purchase Vehicle Contract SW035, pursuant to Section 2-382 of the McAlester City Code was made by Vice-Mayor Brown. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Brown, Smith, Boatright, Prichard, Stevens, Cox & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

9. Consider and act upon, an Ordinance amending Ordinance No. 2687 which established the budget for fiscal year 2020-2021; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Sherri Swift, Chief Financial Officer*)

Executive Summary

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A motion to approve the budget amendment ordinance.

CFO Swift addressed the Council explaining that this ordinance was to amend fiscal year 2020-2021 budget appropriating funds for merit increases and half of the clothing allowance. She then reviewed each of the exhibits for the ordinance.

ORDINANCE NO. 2694

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2687 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2020-2021; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion to approve **ORDINANCE NO. 2694**, amending fiscal year 2020/2021 Budget was made by Councilman Smith. The motion was seconded by Vice-Mayor Brown.

Before the vote, Councilman Boatright inquired about the amount that was going into the Nutrition Fund.

Manager Stasiak explained that \$2,470.00 was being transferred into Nutrition from the General Fund.

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

AYE: Councilmembers Smith, Boatright, Prichard, Stevens, Cox, Brown & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

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

AYE: Councilmembers Smith, Brown, Prichard, Stevens, Cox, Boatright & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

Mayor Browne commented that the City was moving closer to getting the employees back to whole.

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.

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City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that the City had advertised for the Animal Control position and had received four (4) qualified applications and should have a decision this week. He stated that the Police Department was conducting testing for a couple of positions, the Tourism Department was working on the sign west of town, and the "Move to McAlester" draft plan. He informed the Council that the preliminary sales tax receipts for September was \$1.26 million, \$265,000.00 over budget and use tax had come in strong also. He added this was what was allowing the City to bring back employees, reinstate benefits that had been taken away and forgo furlough days. He commented that the Budget was at 210 employees and were currently at 187. He commented that the City was evaluating the positions that had been opened because of the early retirements. He updated the Council on the Asphalt Overlay Project, he stated that the PPE Program for area businesses was supplying two hundred (200) masks and three (3) bottles of sanitizer and thirty-five (35) businesses had participated in the program with seven (7) more pending. He stated that the City was working on the Rural Water District rates and was putting together a work group of accountants, Auditors, Water Districts, and other individuals as determined by the Council.

Remarks and Inquiries by City Council

Vice-Mayor Brown inquired about the City working to recruit replacements for the businesses that were leaving the community.

Manager Stasiak commented that the City did not replace businesses, that developers were the groups that determined what businesses came into a community and he did not know what would be going into the Stage or JC Penney locations.

Councilman Boatright commented that the "Old Town Festival" had been held this past weekend and had been very successful.

Councilmen Smith, Stevens, Cox, and Prichard did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne stated that the McAlester/Krebs City wide Garage Sale had been slated for the first weekend of October and the number to call and register was 918-424-9600. He commented that he had met with the Pastor that had spoken at the last meeting and had a very good discussion. He then asked Manager Stasiak to have traffic control address a parking issue at 436 W. Adams.

Recess Council Meeting

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

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

AYE: Councilmembers Smith, Brown, Boatright, Prichard, Stevens, Cox & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:52 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:54 P.M.

A motion to recess the Regular meeting for an Executive Session in accordance with Title 25, Section 307.B.2, to discuss negotiations concerning employees and representatives of employee groups: FOP, was made by Councilman Smith and seconded by Vice-Mayor Brown. There was no discussion, and the vote was taken as follows:

AYE: Councilmembers Smith, Brown, Stevens, Cox, Boatright, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:54 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.2 et.seq. Oklahoma Statutes, to wit:

- Proposed Executive Session pursuant to Title 25, Sec. 307(B)(2), to discuss negotiations concerning employees and representatives of employee groups: FOP

Reconvene into Open Session

Take any action as a result from Executive Session

The Regular Meeting was reconvened at 8:11 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.2, to discuss negotiations concerning employees and representatives of employee groups: FOP. Only that matter was discussed, no action was taken, and the Council returned to open session at 8:11 P.M., and this constituted the Minutes of the Executive Session.

- Consider and act upon the proposed FOP Memorandum of Understanding (MOU).

Manager Stasiak explained the motion would be “to accept the language put forth by the FOP in conjunction with Furlough days and uniform allowance for fiscal year 2020/2021 contract and direct staff to put in the form of a Memorandum of Understanding (MOU) for the FOP’s consideration, changing the date and presenting to the Council for final consideration.

A motion was made by Councilman Smith and seconded by Vice-Mayor Brown. There was no discussion, and the vote was taken as follows:

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AYE: Councilmembers Smith, Brown, Boatright, Prichard, Stevens, Cox & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

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 Boatright.

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

AYE: Councilmembers Smith, Boatright, Stevens, Cox, Brown, Prichard & Mayor Browne
NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 8:14 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk