

The McAlester City Council met in a Regular session on Tuesday, April 14, 2020, at 6:00 P.M. after proper notice and agenda was posted, April 9, 2020 at 11:50 A.M.

### **Call to Order**

Mayor Browne explained that the meeting was late starting due to some technical difficulties with the new technology. He added that if more technical difficulties were experienced the meeting would be adjourned and reconvened tomorrow, Wednesday, April 15, 2020 at 5:30 P.M. He then explained the rules for this meeting with the temporary changes that had been made to the State of Oklahoma's Open Meeting Act.

### **Roll Call**

Council Roll Call was as follows:

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

Staff Present: Pete Stasiak, City Manager and Cora Middleton, City Clerk  
Staff Attending via Teleconference: Kirk Ridenour, Economic Development Director; William J. Ervin, City Attorney

Councilwoman Harrison gave the invocation and led the Pledge of Allegiance.

### **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 March 10, 2020, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the March 17, 2020, Emergency Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the March 23, 2020, Emergency Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of the Minutes from the March 25, 2020, Emergency Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- E. Approval of Claims for March 18, 2020 through April 7, 2020. *(Sherri Swift, Chief Financial Officer)* In the following amounts: General Fund - \$113,415.78; Parking Authority - \$107.45; Nutrition - \$2,004.90; Landfill Res./Sub-Title D - \$3,105.00; Tourism Fund - \$5,194.88; SE Expo Center - \$45,348.57; E-911 - \$17,106.95; Economic Development - \$7,458.84; Grants & Contributions - \$300.00 CDBG Grants Fund - \$1,422.00; Fleet Maintenance - \$19,969.12; CIP Fund - \$28,958.44; Technology Fund - \$552.29; Stormwater Fund - \$7,551.19 and Infrastructure Fund - \$216,407.30.

- F. Consider and act upon, receipt of the Permit No. SL000061200101 from the Oklahoma Department of Environmental Quality (ODEQ) for the construction of replacement of existing lift station with one (1) lift station with two (2) 200 GPM pumps and all appurtenances to serve the UPS Lift Station Improvements, Southside – Airport Area, Pittsburg County, Oklahoma. *(Dalton Carlton, Public Works Director)*
- G. Consider and act upon, a Personal Services Agreement with David Wright for hay baling on the Steven Taylor Industrial Park and Hwy 31 west of Indian Nation Turnpike in the amount of \$1,035.00. *(Mel Priddy, Community Services Director)*
- H. Consider and act upon, authorizing the Mayor to sign the Memorandum of Agreement (MOA) No. 697DCM-20-L-00083 between the City of McAlester and the US Federal Aviation Administration. *(Cora Middleton, City Clerk)*
- I. Approval of the Minutes from the March 24, 2020 Regular Meeting of the McAlester City Council. On Tuesday, March 24, 2020, there was no quorum present in the Council Chambers. This statement is only to document for posterity the actions that were or were not taken during this time at the City of McAlester. *(Cora Middleton, City Clerk)*

Councilwoman Harrison requested that items “E, F, G and H” be removed for individual consideration.

A motion to approve the Consent Agenda items “A through D and I” was made by Councilman Smith and seconded by Mayor Browne.

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

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

Mayor Browne declared the motion carried.

**Items removed from Consent Agenda**

- E. Approval of Claims for March 18, 2020 through April 7, 2020. *(Sherri Swift, Chief Financial Officer)* In the following amounts: General Fund - \$113,415.78; Parking Authority - \$107.45; Nutrition - \$2,004.90; Landfill Res./Sub-Title D - \$3,105.00; Tourism Fund - \$5,194.88; SE Expo Center - \$45,348.57; E-911 - \$17,106.95; Economic Development - \$7,458.84; Grants & Contributions - \$300.00 CDBG Grants Fund - \$1,422.00; Fleet Maintenance - \$19,969.12; CIP Fund - \$28,958.44; Technology Fund - \$552.29; Stormwater Fund - \$7,551.19 and Infrastructure Fund - \$216,407.30.

Councilwoman Harrison asked if the claims included that Economic Development funds that would be discussed later.

Mayor Browne stated that this was for actions already taken.

- F. Consider and act upon, receipt of the Permit No. SL000061200101 from the Oklahoma Department of Environmental Quality (ODEQ) for the construction of replacement of existing lift station with one (1) lift station with two (2) 200 GPM pumps and all appurtenances to serve the UPS Lift Station Improvements, Southside – Airport Area, Pittsburg County, Oklahoma. *(Dalton Carlton, Public Works Director)*

Councilwoman Harrison asked if there was a funding amount that went with this item or was this something that the City was thinking about doing?

Manager Stasiak explained that this was the permit authorizing the City to proceed with the project.

- G. Consider and act upon, a Personal Services Agreement with David Wright for hay baling on the Steven Taylor Industrial Park and Hwy 31 west of Indian Nation Turnpike in the amount of \$1,035.00. *(Mel Priddy, Community Services Director)*

Councilwomen Harrison asked why the City had went with the high bid when normally they went with the lowest bid.

Manager Stasiak explained that this bid was to pay the City for the hay that was baled.

H. Consider and act upon, authorizing the Mayor to sign the Memorandum of Agreement (MOA) No. 697DCM-20-L-00083 between the City of McAlester and the US Federal Aviation Administration. *(Cora Middleton, City Clerk)*

Councilwoman Harrison asked if the building was empty and if there had been any renovations done to the building.

Manager Stasiak explained that there was a small area in the building that was leased for equipment and the work done on the building was mainly maintenance.

There were no other comments and a motion to approve Items “E through H” was made by Councilman Brown. The motion was seconded by Councilwoman Harrison, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to address an ordinance amending Fiscal year 19/20 and the proposed 5-year Capital Improvement Plan Program for FY 2020/2021-2024/2025 for the City of McAlester was made by Councilman Smith. The motion was seconded by Mayor Browne, and the vote was taken as follows:

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

Mayor Browne 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 OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2656 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2019-20; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

**A PUBLIC HEARING ON THE PROPOSED 5 YEAR CAPITAL IMPROVEMENT PROGRAM FOR FY 2020/2021-2024/2025 FOR THE CITY OF MCALESTER.**

There were no comments.

A motion to close the Public Hearing was made by Councilman Smith and seconded by Councilwoman Harrison. There was no discussion, and the vote was taken as follows:

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

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

### **Scheduled Business**

1. Discussion and possible action to adopt a McAlester Area Local Economic Disaster Relief Program. *(Zach Prichard, Ward Six Councilman)*

Executive Summary

Discussion and possible action on a program designed for small business economic disaster relief via a loan or grant program funded by Economic Development Funds.

Mayor Browne commented that there had been a lot of discussion on this this previously and he asked if Councilman Prichard had anything to add.

Councilman Prichard stated that if this program was adopted Economic Development staff would be tasked with implementing it and he hoped for quick turnaround.

Mayor Browne commented that he felt this proposed program was premature. He stated that he had researched what the Federal Government had put in place. He reviewed the programs that were available through the Federal Government and stated that the Federal Government would be more capable of paying and having a much quicker turn around than the City could. He commented that even before the decline of the oil and gas industry the City was having to supplement its' bond payments because the sales tax receipts were not enough to cover them. He stated that even though this Economic Development money the City may have to go back to the citizens asking to repurpose the funds. He added that with the possibility of laying employees off, the City could not spend the money when they did not know how the City would get through this decline.

Councilwoman asked Mayor Browne to clarify the programs that were being offered by the Federal Government. She inquired about the amount of available funds for the proposed program.

Mayor Browne reviewed the programs being offered by the Federal Government.

Manager Stasiak stated that the available amount to fund the program was \$700,000.00.

Councilwoman Harrison asked that letter "e" in the Eligibility section of the program be clarified.

Councilman Prichard explained that this referenced the "CARES Act", which was approved by the Federal Government and was part of the payroll protection program.

There was discussion concerning who would write the grants, possibly borrowing forms from local lenders, citizens having equal access to the program, how the funds would be distributed, the program helping businesses that were not deemed essential and the money in the Economic Development account not being used for anything.

Attorney Ervin expressed his concerns with the proposed program. He commented that the application process was short, the program would have to be with the Authority since the loans would be beyond the fiscal year, it would have to be administered by the City or Authority, it was problematic for the City to loan money to businesses outside of the City, and would need to restrict to businesses within the City limits.

Councilman Smith commented on the priorities of the City, not knowing if there was a gap that needed to be filled and the City having a financial problem in the City at this time. He stated that this was not a time to be tapping into funds. He commended Councilmen Prichard and Stevens for proposing this program.

There was discussion concerning how the City staff would be able to handle the applications, if employees would need to be hired, partnering with local banks, where the funds would come from, what the Economic Development funds were used for and if any of the local businesses had applied for Economic Development funds prior to this pandemic.

Mayor Browne commented that if not going to payrolls what would it be used for, if all of the Economic Development money was spent there would not be funding for an Economic Development Director or for the groups in D.C. that helped protect the Ammunition Plant.

There was discussion concerning the balance in the Economic Development fund, tabling to allow time to review, and the importance of helping local businesses.

A motion to not adopt the proposed plan was made by Councilman Smith. The motion was seconded by Mayor Browne.

Before the vote, there was discussion concerning possible legal issues that might exist, having money available for economic development, how applications from family or friends would be handled, when the government mandate was set to end, this program being a drop in the bucket and not solving problems.

Vice-Mayor Stevens asked Mayor Browne to clarify the motion.

Mayor Browne restated the motion as “a motion to not adopt the plan.”

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

AYE: Councilmembers Smith, Harrison, Cox, Brown & Mayor Browne

NAY: Councilmembers Prichard & Stevens

Mayor Browne declared the motion carried.

2. Consider and act upon, an Ordinance amending Ordinance No. 2566 which established the budget for fiscal year 2019-2020; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Sherri Swift, Chief Financial Officer*)

Executive Summary

Motion to approve the budget amendment ordinance.

Manager Stasiak addressed the Council reviewing the exhibits for the amendment. He explained that Exhibit A-1 was to move \$500,000.00 to the General Fund from the Emergency Fund and Exhibit A-2 moved the funds and A-3 was for the Economic Development fund transfer for the economic relief program.

### **ORDINANCE NO. 2683**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2656 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2019-20; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

Councilman Smith moved to approve **ORDINANCE NO. 2683**, amending Fiscal Year 2019/2020, transferring funds from the Emergency Fund to the General Fund, Exhibits A-1, and A-2. The motion was seconded by Mayor Browne, and the vote was taken as follows:

AYE: Councilmembers Smith, Cox, Brown, Harrison & Mayor Browne

NAY: Councilman Prichard & Stevens

Mayor Browne declared the motion carried.

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

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

NAY: Councilman Stevens

Mayor Browne declared the motion carried.

3. Discussion and possible action to award any city employee an additional 80 hours of sick leave should he/she contract the COVID19 virus or be quarantined due to contact with someone who has been diagnosed positive for the virus. (*John Browne, Mayor*)

Executive Summary

Motion to approve the award of additional sick leave to any city employee that has been positively diagnosed with the COVID19 virus or due to being placed under quarantine after coming in contact with someone that has been diagnosed positive for the virus.

Mayor Browne explained that Governor Stitt had put this out for State employees and asked that Cities follow suit. He explained that this additional leave would only be available to a City employee if he or she contracted COVID-19 or be exposed to the virus through contact with someone that had tested positive and had to be quarantined.

There was discussion concerning part-time employees ability to receive the leave, only working employees would be eligible for the additional leave, if this would be available to retirees, the cost of furnishing the additional leave and what fund would cover the cost of the additional leave.

There was no further discussion, and a motion to approve the award of an additional eighty (80) hours of sick leave to any city employee that contracted the COVID-19 virus or had to be quarantined due to contact with someone that had tested positive for the virus was made by Mayor Browne. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

4. City of McAlester Financial update. (*Peter Stasiak, City Manager*)

Executive Summary  
Discussion and update.

Manager Stasiak addressed the Council commenting that he would try to furnish them with a picture of the City's current financial status. He stated that through March the year was seventy-five percent (75%) over, the revenue in the General Fund was about 5% under budget and the expenses were about 3% under budget, the revenue in the MPWA was 5.9% under budget and the expenses were 6.8% under budget. He stated that it was difficult to predict what was happening because the only real time information was for the period of February 16<sup>th</sup> through March 15<sup>th</sup> and that was about when everything got shut down. He stated that the sales tax as of March 15<sup>th</sup> was under budget 10.3%. He commented that was indicative of what was being seen with the downfall of the oil and gas industry. He added the previous two (2) months sales tax was also under budget. He informed the Council that there were about four thousand (4,000.) businesses that disbursed sales tax to the City. He reviewed how he and staff had reviewed the area businesses and attempted to forecast sales tax receipts for the coming fiscal year. He stated that based on those estimates, the General Fund and the MPWA would have a \$3.138 million deficit and this number could grow to \$3.5 million. He explained that the bulk, of the City's expenditures, was payroll and benefits. He informed the Council, that in an effort to help address this deficit, the City had offered an early retirement program and thirteen (13) employees had signed up, and there were eight (8) vacant positions for a total of twenty-one (21). He added that material and supplies had been cut year after year and were probably as low as they could get. He commented that going forward, the proposal was for an additional thirty-two (32) furloughs. He stated that those employees would remain City employees, they would be eligible for unemployment and the additional federal program. He commented that the bulk of the employees would be kept whole. He added that the City would continue to pay for the employees' insurances premiums and there would not be any part-time employees. He commented that he had not seen this type of numbers and the City would be focusing on the core services. He then reviewed the areas of the City that would be at risk. He stated that it was his intent to present a preliminary balanced budget at the next Council meeting on April 28, 2020.

There was discussion regarding what areas of the City the budget cuts would include, how this would affect the Capital Outlay, if any employees had requested a salary reduction, the status of the 14<sup>th</sup> Street Retail project, if cannibalization of stores could be an issue, and a possible dramatic increase in sales tax.

There was no action taken on this item.

**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 stated that he had received an email from the Collins organization stating that their plans were completed, and they would be setting up a meeting to move forward on the approval of the plans. He added that things were moving quickly, and the project was coming together.

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

Councilman Smith thanked the medical personnel, the City employees, truck drivers, clerks and stockers in the grocery stores and everyone that was working through this to help keep everything going. He then commented that the Round-a-bout was very nice.

Councilwoman Harrison expressed appreciation for all the workers in the essential areas and commended Councilmen Prichard and Stevens for their proposal.

Vice-Mayor Stevens thanked Manager Stasiak and the City employees and all the area businesses that were working to help during the pandemic. He commented that he wished the City would do more to help the local businesses.

Councilman Cox thanked the City employees especially the Fire, EMTs and Police Department. He commented that he felt there were still ways to help the community.

Councilman Brown commended Councilmen Prichard and Stevens for their proposal. He commended the front-line workers and first responders. He then thanked the City employees.

Councilman Prichard stated that the Council vote had not gone the way of the people and urged them to contact the City Council.

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

Mayor Browne stated that because a vote did not go a certain way did not mean it was against people. He thanked all the people that were working, social distancing and staying home. He commented that Oklahoma was expected to reach the peak somewhere between April 21<sup>st</sup> and April 24<sup>th</sup>. He encouraged everyone to consider those they came in contact with during this time.

### **Recess Council Meeting**

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

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

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

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:31 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 7:33 P.M.

Mayor Browne asked Vice-Mayor Stevens if he was willing to pull this item since it did not fit within the Open Meeting Act.

Vice-Mayor Stevens stated that it was his understanding that after speaking with the Mayor that the City Attorney and Mayor had decided this was illegal and should be pulled.

**Executive Session**

*Recess into Executive Session in compliance with Section Title 25 Section 307 B.1 et.seq. Oklahoma Statutes, to wit:*

- Consider and Act to convene in executive session pursuant to Title 25 O.S. § 307(B)(1) for confidential communications between a public body and its attorney to discuss the employment, hiring, appointment, promotion, demotion, termination, disciplining or resignation of all city employees.

**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 Councilwoman Harrison.

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

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

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:35 P.M.

ATTEST:

\_\_\_\_\_  
John Browne, Mayor

\_\_\_\_\_  
Cora Middleton, City Clerk