

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
DECEMBER 12, 2011

Southwest Business Products E1113067LD

Pursuant to notice as required by law, the Ponca City Board of Commissioners met in regular session at 5:30 p.m. in the Commission Chamber at City Hall, 516 E. Grand, with Mayor Homer Nicholson presiding:

Present: Homer Nicholson, Mayor  
Paul Krueger, Commissioner  
Bill Flegler, Commissioner  
Lanita Chapman, Commissioner  
Diane Anderson, Commissioner  
Craig Stephenson, City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Finance Director/City Clerk

Absent: None.

Others Present: Chris Henderson, Rob Dick, Steve Sullivan, Phil Johnston, Terry Brown, Butch Herring, Dwaine Vincent, Don Bohon, Randy Tyner, Tana McKinley, Hong Fu, Sherry Bowers, City staff; Brian Hermanson, Jeff Clark, Steve Crank, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Pastor Alan Popken, First Church of God
3. Pledge of Allegiance

**\*\*CEREMONIES AND PROCLAMATIONS\*\***

4. Character Trait for December: Benevolence

**\*\*CONSENT AGENDA\*\***

The Board of Commissioners found #5, #6, #7, and #8 non-controversial and routine in nature. Commissioner Flegler made the motion to approve the consent agenda. Chapman seconded.

Roll: Yeas; Flegler, Chapman, Nicholson, Krueger, and Anderson. Nays; None. Motion carried.

5. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held November 28, 2011 and work session held December 5, 2011.

6. RESOLUTION NO. 5942

***A RESOLUTION APPROPRIATING MONEY FOR THE PAYMENT OF CLAIMS AGAINST THE CITY OF PONCA CITY, OKLAHOMA.***

7. RESOLUTION NO. 5943

***A RESOLUTION AMENDING THE CITY OF PONCA CITY'S DEFINED BENEFIT RETIREMENT PLAN.***

8. Consider and vote to award the bid in the amount of \$44,730.00 to Boyer & Sons, Inc. of Winfield, Kansas for April 8, 2011 storm-related repairs to the terminal building roof at the Ponca City Regional Airport.

**\*\*ITEMS REMOVED FROM THE CONSENT AGENDA\*\***

9. None.

**\*\*COMMUNICATIONS FROM MAYOR AND COMMISSIONERS\*\***

10. Commissioner Anderson encouraged all to help fellow citizens in need during this holiday season.

**\*\*REPORTS\*\***

11. CITY MANAGER'S REPORT

City Manager Craig Stephenson reported the following to the Commission:

The reconstruction of Waverly Street, between Sykes Boulevard and Hubbard Road, has been delayed until mid-January, in order for the City to move two underground electrical lines and AT&T to move 2,500 feet of line.

Attucks Community Alliance is hosting their Decadent Holiday Treats on Saturday December 17, from 11:30 to 1:00.

City Offices will be closed Friday December 23 and Monday, December 26 for the Christmas Holidays. They will also be closed on January 2, 2012, in observance of the New Year's Day Holiday.

Starting December 19, 2011, the Christmas tree recycling area will be open for the drop-off of Christmas trees. Then, on January 18, 2011, the area will be closed, so that the old Christmas trees can be turned into mulch for gardening and landscape usage. The mulch will be available free to the public, and those interested will need to bring their own shovels and containers for transporting the mulch. The mulch will be available from January 20, 2012, until it is gone. Note: Please be sure and remove all lights and ornaments from the Christmas trees before bringing them to the Christmas Tree Recycling area.

**\*\*PUBLIC HEARINGS\*\***

- 12A. Conduct a Public Hearing on Subparagraph (B) Hereof.

Commissioner Flegler asked to be removed from this item, as he has a business relationship with this customer.

Development Services Director Chris Henderson informed the Commission that this petition is a zoning request by Consolidated Oil Well Services to locate their corporate offices on a 40-acre tract of land located at the corner of West South Avenue and Flormable. Henderson went on to say that the land in question is a portion of a larger 150 acre tract that until recently was undeveloped. Henderson stated that the City's recreational facility now sits at

the northeast corner of this same tract. Henderson added that the Consolidated Oil Complex would consist of an office complex, a shop building, and a large open yard in which to park their trucks.

Henderson further added that the 40-acres would be completely fenced for security purposes. Henderson advised that the petition originally requested zoning to be I-2 Moderate Industrial, but upon review of the City's zoning ordinance the proposed use can be permitted as I-1 Light Industrial District instead.

This being a Public Hearing Mayor Nicholson invited anyone who would like to speak for or against this Ordinance to come forward. There being no one to make any comments, Mayor Nicholson closed the public hearing.

12B.

**ORDINANCE NO. 6147**

***AN ORDINANCE ZONING REAL PROPERTY DESCRIBED AS PART OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 2 EAST, MORE PARTICULARLY DESCRIBED BELOW, LOCATED AT 2301 WEST SOUTH AVENUE I-1 LIGHT INDUSTRIAL DISTRICT, AND DIRECTING THE DEVELOPMENT SERVICES DIRECTOR TO CHANGE THE OFFICIAL ZONING MAP OF THE CITY ACCORDINGLY, AND DIRECTING THE CITY CLERK TO FILE OF RECORD.***

Consider and vote on an Ordinance zoning property described as a 40-Acre Tract located in the southwest corner of the Southeast Quarter of Section 29, Township 26 North, Range 2 East, to the City of Ponca City, located at 2301 West South Avenue, R-1 Single Family Residential to I-1 Light Industrial.

Commissioner Chapman made the motion to approve an Ordinance zoning property described as a 40-Acre Tract located in the southwest corner of the Southeast Quarter of Section 29, Township 26 North, Range 2 East, to the City of Ponca City, located at 2301 West South Avenue, R-1 Single Family Residential to I-1 Light Industrial. Krueger seconded.

Roll: Yeas; Chapman, Krueger, Nicholson, and Anderson. Nays; Flegler recused. Motion carried.

13A. Conduct a Public Hearing on Subparagraph (B) Hereof.

Community Development Services Director Chris Henderson explained to the Commission that this item was first presented to the Commission in 2008. Henderson stated that this property is located at the corner of Lansbrook and Prospect. Henderson further explained that the applicant received approval for a zoning change to R-3, and approval of a Special Use Permit. Henderson further advised that since special use permits are only good for a period of one year, if construction has not commenced then the permit is invalid. Henderson went on to add that the applicant would now like to once again seek approval for a Special Use Permit.

Henderson advised that the development plan shows that the parking lot has been placed strategically on the north side of the building as far away from the nearby residences, and the construction type will be residential so that it blends in with the neighborhood. Henderson

stated that the best use for this property is a low traffic generating office, such as the one that is proposed.

This being a Public Hearing the Mayor opened the floor to anyone who would like to speak for or against this Special Use Permit. There being no one coming forward the Mayor closed the Public Hearing.

- 13B. Consider and vote on a petition for a Special Use Permit in the R-3 Multi-Family Residential District for an Optometry Office located at 502 Lansbrook.

Commissioner Anderson made the motion to approve a Special Use Permit in the R-3 Multi-Family Residential District for an Optometry Office located at 502 Lansbrook. Flegler seconded.

Roll: Yeas; Anderson, Flegler, Nicholson, Krueger, and Chapman. Nays; None. Motion carried.

**\*\*UNFINISHED BUSINESS\*\***

None.

**\*\*NEW BUSINESS\*\***

14. Consider and vote on an amendment to agreement for sewer service outside corporate limits amending Osage Nation Agreement dated August 24, 2009.

Commissioner Flegler made the motion to approve an amendment to agreement for sewer service outside corporate limits amending Osage Nation Agreement dated August 24, 2009. Chapman seconded.

Roll: Yeas; Flegler, Chapman, Nicholson, Krueger, and Anderson. Nays; None. Motion carried.

**\*\*CITIZENS COMMENTS\*\***

15. None.

**RECESS TO PONCA CITY UTILITY AUTHORITY MEETING**

16. The motion to recess to the Ponca City Utility Authority meeting was made by Flegler and seconded by Chapman.

Roll: Yeas; Flegler, Chapman, Nicholson, Anderson, and Krueger. Nays; None. Motion carried.

Mayor Nicholson recessed the Board of Commissioners meeting at 6:12 p.m.

**RETURN TO REGULAR SESSION**

Commissioner Krueger made the motion to enter into executive session at 6:19 p.m. pursuant to Title 25 Section 307 Oklahoma Statutes and Flegler seconded, for purpose of discussion on the following:

- A. Appointment of a Police Chief
- B. Recess to regular session to take any action necessary.

The Commission recessed the executive session and returned to regular session at 6:35pm. Mayor Nicholson thanked those for waiting for the Commission to return. Mayor Nicholson stated that they have been through the process of advertising for the job of Police Chief. Nicholson advised that they had many applicants, had gone through the interview process, and had come up with a selection. Mayor Nicholson explained that this is a Mayoral appointment, and at this time would like to appoint Captain Don Bohon as the new Chief of Police of the City of Ponca City. Mayor Nicholson then called for the vote of the Commission to appoint Captain Bohon the new Chief of Police.

Roll: Yeas; Nicholson, Krueger, Anderson, Chapman, and Flegler. Nays; None. Motion approved.

- C. Reconvene into Executive Session. Returned to executive session at 6:38 pm
  - D. Negotiations with the International Association of Fire Fighters (I.A.F.F.)
17. At 7:21 p.m., the Board of Commissioners returned to regular session with no action being taken.

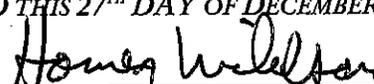
Commissioner Flegler made the motion to adjourn the regular session of the Board of Commissioners. Chapman seconded.

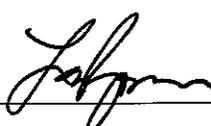
Roll: Yeas; Flegler, Chapman, Nicholson, Krueger, and Anderson. Nays; None. Motion carried.

18. Mayor Nicholson adjourned the Board of Commissioners at 7:21 p.m.



PASSED IN SESSION AND APPROVED THIS 27<sup>TH</sup> DAY OF DECEMBER 2011.

  
MAYOR





MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES  
PONCA CITY UTILITY AUTHORITY  
DECEMBER 12, 2011

Pursuant to notice as required by law, the Board of Trustees of the Ponca City Utility Authority met in regular session at 5:30 p.m. in the Commission Chamber at City Hall, 516 E. Grand, with Chairman Homer Nicholson presiding.

Present: Homer Nicholson, Chairman  
Paul Krueger, Trustee  
Bill Flegler, Trustee  
Lanita Chapman, Trustee  
Diane Anderson, Trustee  
Craig Stephenson, City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Secretary

Absent: None.

Others Present: Chris Henderson, Rob Dick, Steve Sullivan, Phil Johnston, Terry Brown, Butch Herring, Dwaine Vincent, Don Bohon, Randy Tyner, Tana McKinley, Hong Fu, Sherry Bowers, City staff; Brian Hermanson, Steve Crank, citizens; Beverly Bryant, Ponca City News.

1. Chairman Homer Nicholson called the meeting to order at 6:13 p.m.

**\*\*CONSENT AGENDA\*\***

The Board of Trustees found items #2, #3, and #4 noncontroversial and routine in nature by the governing body and are approved by one motion.

Trustee Flegler made the motion to approve the consent agenda. Chapman seconded.

Roll: Yeas; Flegler, Chapman, Nicholson, Krueger, and Anderson. Nays; None. Motion carried.

2. Consider and vote upon the minutes of the regular session held November 28, 2011.

3. **RESOLUTION NO. 812**

***A RESOLUTION APPROPRIATING MONEY FOR THE PAYMENT OF CLAIMS AGAINST THE PONCA CITY UTILITY AUTHORITY OF PONCA CITY, OKLAHOMA.***

4. Consider and vote upon Change Order No.4 in the add amount of \$20,841.83 to construction contract with Clarke Well & Equipment, Inc. for the two new water wells project.

**\*\*ITEMS REMOVED FROM THE CONSENT AGENDA\*\***

5. None.

**\*\*NEW BUSINESS\*\***

6. Consider and vote on awarding contract in the amount of \$118,332 to Milsoft Utility Solutions, Abilene, Texas for purchase of Milsoft IVR and Milsoft DisPatch OMS.

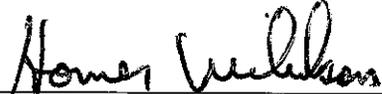
Trustee Flegler made the motion to award a contract in the amount of \$118,332 to Milsoft Utility Solutions, Abilene, Texas for purchase of Milsoft IVR and Milsoft DisPatch OMS. Anderson seconded.

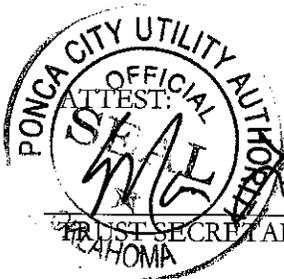
- Trustee Flegler made the motion to adjourn the Ponca City Utility Authority. Chapman seconded.

Roll: Yeas; Flegler, Chapman, Nicholson, Krueger, and Anderson. Nays; None. Motion carried.

Chairman Nicholson adjourned the Ponca City Utility Authority at 6:18 p.m.

*PASSED IN SESSION AND APPROVED THIS 27<sup>TH</sup> DAY OF DECEMBER 2011.*

  
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CHAIRMAN:

  
\_\_\_\_\_  
TRUST SECRETARY