

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
MAY 9, 2011

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  
Diane Anderson, Commissioner  
Lanita Chapman, Commissioner  
Craig Stephenson, City Manager  
Kevin Murphy, City Attorney  
Paulette Cross, Deputy City Clerk

Absent: Marc LaBossiere, City Clerk/Finance Director

Others Present: Tana McKinley, Butch Herring, Jim Fairbanks, Phil Johnston, Dana Bright, Marcy White, Terry Brown, Earl Watkins, Chris Henderson, Mike Lane, City Employees, Rich Cantillon, Beverly Bryant, Ponca City News

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Pastor David Frees – St. Luke’s Church of the Nazarene
3. Pledge of Allegiance

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

4. Character Trait for May - Discernment

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

The Board of Commissioners found items #5, #6, #7, #8, and #9 non-controversial and routine in nature. Commissioner Anderson made the motion to approve the consent agenda. Chapman seconded.

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners special sessions held April 18 and 19, 2011 and regular session held April 25, 2011.

6. **RESOLUTION NO. 5897**

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

7. RESOLUTION NO. 5898

*A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, AMENDING THE OPERATING BUDGETS OF VARIOUS FUNDS, AS OUTLINED ON AMENDMENT #6, FOR THE FISCAL YEAR 2010-11.*

8. RESOLUTION NO. 5899

*A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AND ESTABLISHING THE TERMS OF THE OFFICE THEREOF.*

<u>BOARD OR COMMISSION</u>	<u>NAME</u>	<u>TERM</u>	<u>TERM EXPIRATION</u>
Library Board	Carla Kervin	Appointed	2014
Library Board	Michael D. Schlichting	Appointed	2014
Personnel Board	Robert A. Howard	Re-Appointed	2014
Planning Commission	Ben Evans	Re-Appointed	2014

9. Consider and vote on the Oklahoma Office of Homeland Security Buffer Zone Protection program FY2010 Grant Application.

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

10. None.

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

11. None.

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

12. CITY MANAGER'S REPORT

City Manager Craig Stephenson reminded everyone about the Safety and Awards Banquet, to be held tomorrow, Tuesday, at Wentz Mess Hall, also "Touch a Truck" will be held Saturday, May 14, 2011 behind the Library. Stephenson further informed everyone that the FBI would have a table for child ID.

Stephenson stated that summer is coming, and wanted to remind the public that the City has a Curfew Ordinance for anyone under the age of 18. Stephenson added that the Curfew Ordinance would be enforced from Memorial Day to Labor Day. Stephenson further informed everyone that it is 12:00 a.m. to 6:00 a.m. for those 15 to 17 years of age, and 10:30 p.m. to 6:00 a.m. for those under 15. Stephenson also announced that Ambuc and Wentz swimming pools would open on May 30, 2011. Stephenson addressed public nuisance by saying that with the heat comes the growing season, and the first citywide sweep for high grass and weeds would be Wednesday, May 18, 2011.

Stephenson stated that the City has been notified by OWRB that Ponca City has been chosen by the EPA for a federal audit for the American Recovery Reinvestment Act Program for wastewater projects.

Stephenson added that on behalf of the City of Ponca City he would like to congratulate Skip Jump, Ponca City Fire Department; Randall Tyner and Regeneia Van Arsdale of the Ponca City Police Department upon their graduation from the 25<sup>th</sup> Ponca City Leadership

Class 2011.

Stephenson reminded the Commission that Monday, May 16, 2011 is Ponca City Day at the state capital.

TOURISM BUREAU REVIEW

13. Crystal Bickford, new coordinator for Ponca City Chamber of Commerce, stated that she was very excited to be in this position. Bickford said that her vision for her new position was to increase attendance at local events and attractions while promoting Ponca City locally and on a state level. Bickford gave a brief overview of how the Chamber promotes Ponca City by attending trade shows, advertising in various publications, and distribution of a new visitors guide. Bickford advised that her goal was to go out and visit each attraction and hotel in Ponca City to get a better one-on-one with them.

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

14. Conduct a Public Hearing on the proposed Budget for the Fiscal Year 2011-12.

Craig Stephenson, City Manager, explained that he was filling in for the Finance Director, due to his having had minor surgery and was under the weather. Stephenson gave a brief explanation of the budget process, and advised that there should be a completed budget book for the Commission to adopt by June 13, 2011, which would become effective July 1, 2011. Stephenson informed the Commission that there are thirty funds that self-balance, with a total proposed expenditure of \$94,634,179.00, which are all budgets and authorities. Stephenson further added that the total General Fund appropriations are \$20,804,753.00. Stephenson advised that the full-time staff history for the coming year is down from 394 positions to 390 positions. Stephenson stated that in regard to capital, \$4.7 million has been budgeted for capital items. Stephenson outlined for the Commission some of the larger capital items for the upcoming year, which includes four new marked police cars, upgrade to the E911 software package, new fire pumper truck, new rest rooms for Lake Ponca swim beach area, Phase II for the Ponca City Library, which will complete this project; new floor at Community Gym, and several large infrastructure projects.

Stephenson noted that one of the biggest issues the City is dealing with is the rising cost of fuel. Stephenson iterated that unleaded fuel costs are up 33%, and diesel fuel costs are 16% higher than they were a year ago.

Mayor Nicholson opened the floor to anyone wanting to address the budget. There being no one coming forward he closed the public hearing.

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

None.

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

15. ORDINANCE NO. 6135

***AN ORDINANCE AMENDING THE CITY CODE TO PROVIDE FOR INCREASED ELECTRIC RATES, REPEALING ORDINANCES IN CONFLICT, PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE.***

Philip Johnston, Director of Ponca City Energy, advised that each year in April he is charged with the task of reviewing electric rates to make sure that they will be adequate for the upcoming fiscal year. Johnston went on to say that the results of this year's review show a need for a 3% across the board increase on all electric rates.

Commissioner Anderson made the motion to approve the Ordinance amending the City

Code to provide for increased electric rates, repealing Ordinances in conflict, providing for severability and declaring an effective date. Flegler seconded.

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

16. **ORDINANCE NO. 6136**

***AN ORDINANCE AMENDING THE CITY CODE TO PROVIDE FOR INCREASED COSTS RECOVERY IN CERTAIN SOLID WASTE COLLECTION AND LANDFILL RATES, REPEALING ORDINANCES IN CONFLICT, PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE.***

Hong Fu, Environmental Services Director, gave reasons for sharply increasing costs to solid waste collection and landfill; therefore, staff proposes a 5% increase for recovery of these increased costs.

Commissioner Chapman made the motion to amend the City Code to provide for increased costs recovery in certain solid waste collection and landfill rates, repealing Ordinances in conflict, providing for severability and declaring an effective date. Anderson seconded.

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

17A. **ORDINANCE NO. 6137**

***AN ORDINANCE AMENDING THE CITY CODE IN REGARD TO WASTEWATER FEE CHARGES TO PROVIDE FOR INCREASED COSTS RECOVERY IN ALL ASPECTS OF WASTEWATER COLLECTION, TREATMENT, AND CAPITAL EXPENSES ASSOCIATED THEREWITH AND RECOVERY OF COSTS OF SUPPORT SERVICES FURNISHED BY VARIOUS CITY DEPARTMENTS, REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.***

Hong Fu, Environmental Services Director, explained that the costs for the City's Wastewater Division operation and infrastructure improvement projects have increased creating a need for a 5% increase on all residential, rural, commercial, and industrial customers.

Commissioner Chapman made the motion to amend the City Code in regard to wastewater fee charges to provide for increased costs of recovery in all aspects of wastewater collection, treatment, and capital expenses associated therewith and recovery of costs of support services furnished by various City departments, repealing Ordinances in conflict; providing for severability and establishing effective date. Flegler seconded.

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

17B. **ORDINANCE NO. 6138**

***AN ORDINANCE AMENDING THE CITY CODE IN REGARD TO INDUSTRIAL PRETREATMENT ANNUAL PERMIT FEE TO PROVIDE FOR ADJUSTING THE PERMIT FEE FOR SIGNIFICANT INDUSTRIAL USERS, REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.***

Hong Fu, Environmental Services Director, advised the Commission that the cost of operating a pretreatment program has been impacted by ODEQ's rate increase, which will be 25.3% next fiscal year, and over 30% the following fiscal year. Fu stated that a 5%

increase is being requested in order to partially cover these increasing costs.

Commissioner Flegler made the motion to amend the City Code in regard to Industrial Pretreatment Annual Permit fee to provide for adjusting the permit fee for significant industrial users, repealing Ordinances in conflict; providing for severability and establishing an effective date. Krueger seconded.

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

18. **ORDINANCE NO. 6139**

***AN ORDINANCE AMENDING THE CITY CODE IN REGARD TO WATER FEE CHARGES TO PROVIDE FOR INCREASED COSTS RECOVERY IN ALL ASPECTS OF WATER COLLECTION, TREATMENT, DISTRIBUTION, CAPITAL EXPENSES ASSOCIATED THEREWITH AND RECOVERY OF COSTS OF SUPPORT SERVICES FURNISHED BY VARIOUS CITY DEPARTMENTS, REPEALING ORDINANCES IN CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.***

Hong Fu, Environmental Services Director, advised that the city staff operates, and maintains the City's water system, which includes raw water supply, water treatment, and water distribution. Fu stated that over the years the staff has tried very hard to increase efficiency, minimize costs; however, there are cost increases that are beyond control. Fu gave an example that the chemicals used to treat raw water have increased from a moderate 7% to a very sharp 114%. Fu further added that to partially recover costs a 2% rate increase is being proposed to the City's customers. City Manager Craig Stephenson added that staff has done all they can to minimize increases to the City's customers.

Commissioner Krueger made the motion to amend the City Code in regard to water fee charges to provide for increased costs recovery in all aspects of water collection, treatment, distribution, capital expenses associated therewith and recovery of costs of support services furnished by various City departments, repealing Ordinances in conflict; and establishing an effective date. Commissioner Krueger seconded and stated that he would like to let the citizens know that the City makes small incremental increases each year, instead of putting it off and having to make major increases

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

19. Consider and vote upon entering into an Inter-Local Agreement with Kay County for Street Improvement Project Number STP-136SD(117)CO, Reconstruction and Widening of Waverly Street, Sykes Boulevard to Hubbard Road.

Mike Lane, Traffic Engineering Manager, explained that the Oklahoma Department of Transportation (ODOT) has executed a project agreement with Kay County for the reconstruction and widening of Waverly from Sykes to Hubbard Road. Lane further explained that the section of Waverly from Sykes to Prospect is within the city limits and as such will require City funding for that portion of the project. Lane advised that the City and County have completed engineering plans and right-of-way acquisition on their respective sections of Waverly, and is ready to be advertised for bids. Lane stated that the ODOT would be responsible for the bid advertising, for executing the construction contract with the successful bidder and providing construction inspection and oversight during this project. Lane went on to say that this inter-local agreement with Kay County provides the mechanism by which the city's funds are transferred to ODOT via Kay County prior to the bid advertisement. Lane concluded by stating that this agreement would terminate after the project is completed.

Commissioner Flegler made the motion to approve entering into an Inter-Local Agreement with Kay County for Street Improvement Project Number STP-136SD(117)CO, Reconstruction and Widening of Waverly Street, Sykes Boulevard to Hubbard Road. Chapman seconded.

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

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

20. None.

**RECESS TO PONCA CITY UTILITY AUTHORITY MEETING**

Mayor Nicholson recessed the Board of Commissioners meeting at 6:20 p.m.

21. Commissioner Krueger made the motion to enter into executive session at 6:30 p.m. pursuant to Title 25 Section 307 Oklahoma Statutes for purposes of conferring on matters pertaining to pending litigation. Flegler seconded.

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

22. **RETURN TO REGULAR SESSION**

At 6:49 p.m., the Board of Commissioners returned to regular session with no action being taken.

23. 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.

Mayor Nicholson adjourned the Board of Commissioners at 6:50 p.m.

***PASSED IN SESSION AND APPROVED THIS 23<sup>RD</sup> DAY OF MAY 2011.***

\_\_\_\_\_  
VICE-MAYOR

ATTEST:

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DEPUTY CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES  
PONCA CITY UTILITY AUTHORITY  
MAY 9, 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  
Diane Anderson, Trustee  
Lanita Chapman, Trustee  
Bill Flegler, Trustee  
Craig Stephenson, City Manager  
Kevin Murphy, City Attorney  
Paulette Cross, Deputy City Clerk

Others Present: Beverly Bryant, Ponca City News.

1. Chairman Homer Nicholson called the meeting to order at 6:21 p.m.

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

The Board of Trustees found items #2, #3, #4, and #5 noncontroversial and routine in nature by the governing body and are approved by one motion.

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

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

2. Consider and vote upon the minutes of the regular session held April 25, 2011.

3. **RESOLUTION NO. 791**

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

4. **RESOLUTION NO. 792**

***A RESOLUTION OF THE PONCA CITY UTILITY AUTHORITY, PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGET OF VARIOUS PCUA FUNDS FOR THE FISCAL YEAR 2010-11.***

5. Consider and vote on awarding the contract in the amount of \$33,609.11 to Rick Scott Construction, Inc. of Ponca City, Oklahoma for "Storm Water Improvements – Trench Box Inlet and Grating, Intersection of Prospect Avenue and Turner Street," Project No. PCUA 11-1.

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

6. None

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

None.

7. Trustee Flegler moved to adjourn the Ponca City Utility Authority meeting at 6:25 p.m. Chapman seconded.

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

***PASSED IN SESSION AND APPROVED THIS 23RD DAY OF MAY 2011.***

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VICE-CHAIRMAN:

ATTEST:

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TRUST SECRETARY