

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
JUNE 13, 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
Bill Flegler, Commissioner
Diane Anderson, Commissioner
Lanita Chapman, Commissioner
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, City Clerk/Finance Director

Absent: Paul Krueger, Commissioner

Others Present: Jim Sindelar, Rhonda Skrapke, Terri Sherbon, Terry Brown, Tana McKinley, Chris Henderson, David VanBuskirk, Butch Herring, Sherri Tapp, Phil Johnston, Mike Lane, Mike Chapman, City staff; Drake Rice, OMPA; David Myers, PCDA; citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Bob Innis – Word of Life Christian
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for June: Joyfulness

****CONSENT AGENDA****

The Board of Commissioners found items #5, #6, #7, #8, #9, #10, #11, #12, and #13, non-controversial and routine in nature. Commissioner Flegler made the motion to approve the consent agenda. Anderson seconded.

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held May 23, 2011.

6. **RESOLUTION NO. 5904**

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

7. RESOLUTION NO. 5905

A RESOLUTION DESIGNATING CERTAIN CITY EMPLOYEES AS PURCHASING OFFICERS WITH AUTHORITY TO MAKE PURCHASES AGAINST CITY AND MUNICIPAL TRUST APPROPRIATIONS.

8. RESOLUTION NO. 5906

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.

9. RESOLUTION NO. 5907

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>
Animal Control Commission	Ron Freeland	Appointed	2014
Board of Adjustment	Kelly Murphy	Re-Appointed	2014
Ponca City Development Authority	Jodie Cline	Re-Appointed	2014
Ponca City Development Authority	Larry Murphy	Re-Appointed	2014
Traffic Commission	James Kanelakos	Re-Appointed	2014

10. Consider and vote on a one year lease agreement between Ponca City Alternative Sports Association and the City of Ponca City to continue to operate a BMX track in Dan Moran Park.
11. Consider and vote on an agreement for engineering services with Professional Engineering Consultants for preparation of plans and specifications for the installation of guard rail at the at the Box Culvert on Highland Avenue, 189 feet east of Irving Street.
12. Consider and vote on the Change Order No. 1, in the add amount of \$24,380.95, and the final payment in the amount of \$35,280.75 to Hembree and Hodgson Construction, LLC for work completed on "Street Improvement Project – Concrete Pavement Reconstruction of Sections of Shirlee, Clarke, and Donahoe" Project No. GEN 11-1.
13. Consider and vote on the Oklahoma Municipal Assurance group as the City of Ponca City's agent for buildings & contents insurance, boiler & machinery insurance and electronic data processing insurance for the policy period of July 1, 2011 through June 30, 2012.

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

14. None.

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

15. Commissioner Anderson reminded all that two events were coming up on the following weekend, a rodeo on Saturday & Blues and BBQ at Attucks Park.

****REPORTS****

16. CITY MANAGER'S REPORT

City Manager Craig Stephenson advised that City staff had scheduled twice last week to upgrade the City's broadband service, which in turn would upgrade our Wi-Fi Site, and on both attempts, AT&T failed to deliver the necessary equipment to our location. Stephenson further said that it is tentatively scheduled for Monday, June 20, 2011, at 10:00 p.m. in the evening.

Stephenson also announced that the multi-cultural rodeo would be held on June 18, 2011 from 4:00 p.m. to 11:00 p.m. at the rodeo grounds sponsored by the Ponca Network Group and Attucks Alliance.

Stephenson further informed the Commission that the Oklahoma Community Institute or OCI would hold their one-day board retreat in Ponca City at City Hall on June 23, 2011. Stephenson said they always hold their retreat in the community of the incoming Chairman, and the incoming Chairman is Commissioner Diane Anderson.

Stephenson also announced that the Ponca City Police Department had review of their re-accreditation status, and they are one of few police departments to be accredited.

Freewheel Oklahoma will be this Friday June 17, 2011, Stephenson stated, and they would be making their way through Ponca City on their way to their evening stop in Tonkawa.

Stephenson went on to say that Ponca City Energy should finish re-building of transmission line that starts at Waverly and runs to the east just south of Hartford.

Stephenson concluded by saying that last week staff met with representatives from the Principal Financial Group, which is responsible for our defined benefit group. Stephenson advised that according to Principle the City's plan is 90% funded.

17. OKLAHOMA MUNICIPAL POWER AUTHORITY UPDATE

Drake Rice, OMPA, informed commissioners of new cities coming into the OMPA client base. Rice continued, informing commissioners on a variety of other matters.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

18A.

ORDINANCE NO. 6141

AN ORDINANCE AMENDING SECTION 10-5-1 OF THE CITY CODE AMENDING THE DEFINITION OF FIREWORKS AS ESTABLISHED BY THE INTERNATIONAL FIRE CODE, 2009 VERSION, WHICH THE CITY HAS ADOPTED BY REFERENCE PURSUANT TO ORDINANCE NO. 6131, SO AS TO CLEARLY INCLUDE CERTAIN DEVICES WITHIN THE DEFINITION OF FIREWORKS IF THEY REQUIRE AN OPEN FLAME REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

Commissioner Flegler made the motion to approve an Ordinance amending section 10-5-1 of the City Code amending the definition of fireworks as established by the International Fire Code, 2009 Version, which the City has adopted by reference pursuant to Ordinance No. 6131, so as to clearly include certain devices within the definition of fireworks if they require an open flame repealing ordinances in conflict; providing for severability and declaring an emergency. Chapman seconded.

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

- 18B. Consider and vote upon the Emergency Clause of the Ordinance.

Commissioner Flegler made the motion to approve the Emergency Clause of the Ordinance. Chapman seconded.

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

19. **RESOLUTION NO. 5908**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA APPROVING THE OPERATING BUDGETS OF THE VARIOUS CITY FUNDS, MORE SPECIFICALLY DELINEATED AS EXHIBITS 1, 2, AND 3 ATTACHED HERETO FOR THE FISCAL YEAR 2011-12.

Commissioner Anderson made the motion to approve the operating budgets of the various city funds, more specifically delineated as exhibits 1, 2, and 3 attached hereto for the fiscal year 2011-12. Flegler seconded.

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

20. Consider And Vote On Awarding A Contract To Sooner Construction Company Of North Central Oklahoma In The Amount Of \$148,000 For The Remodel Of The Ponca City Senior Center 2011-0031 and on Change Order #1, Reducing The Contract Price And Scope Of The Ponca City Senior Center 2011-0031 Project From \$148,000 To \$77,300.

Commissioner Flegler made the motion to award a contract to Sooner Construction Company Of North Central Oklahoma in the amount of \$148,000 for the Remodel of the Ponca City Senior Center 2011-0031 and On Change Order #1, Reducing The Contract Price And Scope Of The Ponca City Senior Center 2011-0031 Project From \$148,000 To \$77,300. Chapman seconded.

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

****CITIZENS COMMENTS****

21. Gloria Galasso, 314 E. Grand Avenue, expressed dissatisfaction as a lesbian couple with Ponca City Aquatic & Family Center – YMCA rate structure and definition of family.

Jesse Mannering, 1417 Reveille expressed dissatisfaction with the Ponca City Aquatic & Family Center – YMCA rate structure and definition of family and encouraged all to find a solution that is good for all.

Bill Miller, 109 S. Stephen, expressed irritation with the current loud noises set up to help keep birds from eating grass seed at the Ponca City Aquatic & Family Center – YMCA.

Michelle Carter, 116 S. Stephen, echoed complaints of Mr. Miller about loud gunshot sounds at the nearby Ponca City Aquatic & Family Center – YMCA.

Mike Chapman, Assistant City Engineer, explained efforts to stop birds from eating grass seed at the Ponca City Aquatic & Family Center – YMCA.

RECESS TO PONCA CITY UTILITY AUTHORITY MEETING

Mayor Nicholson recessed the Board of Commissioners meeting at 6:41 p.m.

RETURN TO REGULAR SESSION

22. Receive Ponca City Development Authority Review.

David Myers from the PCDA gave an update on unemployment, which is at 6% currently in the Ponca City area. Kay County and the State of Oklahoma are around 7.5%. Myers reminded all that PCDA cannot incentivize retail by statute, but that PCDA is focusing on jobs. Myers informed all that he was in the Dorado Foods plant this morning, and that a large amount of work has been done. Myers stated that it is close to completion and nearing hiring for production.

Myers then reviewed a listing of PCDA contacts recently, and a summary of active leads. Myers concluded, noting that damage from the recent storm that damaged the industrial park is being worked through and repairs made, and gave a building-by-building update.

23. Commissioner Flegler made the motion to enter into executive session at 6:55 p.m. pursuant to Title 25 Section 307 Oklahoma Statutes for purposes of conferring on matters pertaining to Economic Development upon finding that the matter to be discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business. Anderson seconded

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

24. At 7:26 p.m., the Board of Commissioners returned to regular session with no action being taken.

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

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

Mayor Nicholson adjourned the Board of Commissioners at 7:26 p.m.

PASSED IN SESSION AND APPROVED THIS 27TH DAY OF JUNE 2011.

MAYOR

ATTEST:

CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
JUNE 13, 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
Bill Flegler, Trustee
Diane Anderson, Trustee
Lanita Chapman, Trustee
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Paul Krueger, Trustee

Others Present: Tana McKinley, Chris Henderson, Butch Herring, Sherri Tapp, City staff; David Myers, PCDA; citizens; Beverly Bryant, Ponca City News.

1. Chairman Homer Nicholson called the meeting to order at 6:41p.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, and Chapman. Nays; None. Motion carried.

2. Consider and vote upon the minutes of the regular session held May 23, 2011.

3. **RESOLUTION NO. 794**

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. 1 to construction contract with Howard-Estruct, JV for the Water Treatment Plant Lime System Improvement Project in the deduct amount of \$1899.00, acknowledge that the Project is complete and authorize final payment..
5. Consider and vote on write-off of Ponca City Utility Authority accounts with delinquent balances to bad debt expense and transfer uncollectible accounts to Credit Bureau Services Association for further collection.

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

6. None.

****NEW BUSINESS****

7. **RESOLUTION NO. 795**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE CITY OF PONCA CITY UTILITY AUTHORITY APPROVING THE OPERATING BUDGETS OF THE WATER, PONCA CITY ENERGY, SOLID WASTE, LANDFILL CLOSURE, SOLID WASTE DEPRECIATION RESERVE,

***UTILITY BILLING, WASTEWATER, STORMWATER AND TECHNOLOGY SERVICES FUNDS ,
MORE SPECIFICALLY DELINEATED AS EXHIBITS 1, 2, AND 3 ATTACHED HERETO FOR
THE FISCAL YEAR 2011-12.***

Trustee Chapman made the motion to approve the Resolution of the Board of Trustees of the Ponca City Utility Authority approving the operating budgets of the Water, Ponca City Energy, Solid Waste, Landfill Closure, Solid Waste Depreciation Reserve, Utility Billing, Wastewater, Stormwater and Technology Services Funds , more specifically delineated as exhibits 1, 2, and 3 attached hereto for the fiscal year 2011-12. Flegler seconded.

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

8. Trustee Flegler moved to adjourn the Ponca City Utility Authority meeting at 6:45 p.m. Anderson seconded.

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

PASSED IN SESSION AND APPROVED THIS 27TH DAY OF JUNE 2011.

CHAIRMAN:

ATTEST:

TRUST SECRETARY