

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
JUNE 27, 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
Paul Krueger, Commissioner
Diane Anderson, Commissioner
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Paulette Cross, Deputy City Clerk

Absent: Marc LaBossiere, City Clerk/Finance Director
Lanita Chapman, Commissioner

Others Present: Chris Henderson, Judi Newland, Terri Sherbon, Terry Brown, Clayton Johnson, Mike Lane, Jim Sindelar, Mike Chapman, Butch Herring, Hong Fu, City Tana McKinley; Employees; Bill Rutz, Ron & Winnie Covill, Glenn & Carol Sloan, Citizens; Beverly Bryant, Ponca City News

1. Mayor Homer Nicholson called the meeting to order at 5:33 p.m.
2. Invocation – Bob Innis – Word of Life Christian
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

None.

****CONSENT AGENDA****

The Board of Commissioners found items #4, #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 Krueger. Nays; None. Motion carried.

4. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held June 13, 2011.

5. **RESOLUTION NO. 5909**

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

6.

RESOLUTION NO. 5910

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 #9, FOR THE FISCAL YEAR 2010-11.

7. Consider and vote on annual agreement between the City of Ponca City and Wheatheart Nutrition Project, Inc. to provide a weekday hot lunch program directed at the needs of older citizens at the City-owned Senior Center located at 319 West Grand.
8. Consider and vote on extension of the City's contract with Perico for individual and aggregate re-insurance on the City's health benefit plan for the fiscal year beginning July 1, 2011 at \$200,000.00 individual and \$65,000 aggregating specific.
9. Consider and vote on amendment #2 to the city of Ponca City's Employee Health Plan effective July 1, 2011.
10. Consider and vote on amendment #3 to the City of Ponca City's Employee Health Plan effective July 1, 2011.
11. Consider and vote on renewal addendum to the PRx Plan sponsor PBM Services Agreement with Partners RX Management, LLC effective July 1, 2006.
12. Consider and vote on Fourth Addendum to Administrative Agreement with America's Choice Healthplans dated July 1, 2005.
13. Consider and vote upon a Traffic Commission recommendation to remove the school traffic signal and 20 MPH school speed limit signs on Hartford Avenue at Gibson Place.

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

14. None

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

15. None.

****REPORTS****

16. CITY MANAGER'S REPORT

City Manager Craig Stephenson reported to the Commission that the City had received a Hazard Mitigation Grant from FEMA for acquisition and demolition of repetitive loss of three homes in Ponca City. Stephenson said that the amount awarded was \$285,000.00, and the City's match comes from in-kind services. Stephenson further added that the street division was low bid on the demolition, and the city landfill was low bid on waiving landfill fees. Stephenson stated that these homes had been used for fire and police training before demolition.

Stephenson also informed the Commission that Kraph-Reynolds Construction Co. would be performing sanitary sewer maintenance work on Prospect Avenue west of 14th Street. Stephenson added that the work would require Prospect Avenue to be closed from 10:00

p.m., Tuesday, July 28, 2011, and it is anticipated that the road closing would last up to six hours, and should be open to traffic before dawn on Wednesday, July 29, 2011.

Stephenson also informed the Commission of the new button on the website that translates the City's website into several different languages.

Stephenson advised the Commission of a grant for \$4,000.00 that the City was awarded for the 2012 local government Challenge Grant. Stephenson went on to say that this grant will allow the Ponca Theater to upgrade their sound system.

Stephenson concluded by reminding the Commission and the public that Monday is July 4th, and the fireworks display will be held at approximately 9:50 p.m. at Lake Ponca. Stephenson stated that the City offices would be closed in observance of Independence Day.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

17. Consider and vote on the Charter for the City of Ponca City Group Benefits Plan Committee.

City Attorney Kevin Murphy advised that this item and the amendments passed on the consent agenda is an underwriting effort to comply with the Healthcare Affordability Act passed two years ago.

Murphy introduced Bill Frybridge, a lawyer with McAfee-Taft, who explained to the Commission why this charter is necessary and what changes are being made by reason of it. Frybridge advised that Item #3 is an addendum to the City's healthcare plan for all of the new claims procedures that are required under the Healthcare Reform Act. Frybridge further explained the change in the appeal procedure, and the reason for the establishment of a Charter.

Commissioner Flegler made the motion to approve the Charter of the City of Ponca City Group Benefits Plan Committee. Anderson seconded.

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

18. Consider and vote on an extension of the Letter of Credit for Fox Run Subdivision.

City Attorney Kevin Murphy explained that the two-year Letter of Credit for the Fox Run Subdivision has expired. Murphy stated that during this two-year time period the developer is supposed to finish construction of improvements. Murphy further explained that during this period the economy hit a real hard spot just as the subdivision was beginning development., and that coupled with serious health problems of the developer, resulted in the Fox Run improvements not being constructed within the two-year term of the LOC.

Murphy further added that with the extraordinary circumstances the bank has asked that they be permitted to submit another Letter of Credit that would be good for one year. Murphy went on to say that, the City Engineer has reviewed the amount of the bond and recommends a reduced Line of Credit because some improvements have previously been constructed.

Commissioner Anderson made the motion to approve an extension of the Letter of Credit for Fox Run Subdivision. Krueger seconded.

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

19. Consider and vote on an appeal from the decision of Rural Water District #1 regarding the denial of an application for a rural water meter to be placed on a commercial tract of land legally described as part of the Southeast Quarter of the Southeast Quarter of Section 23, T26N, R3E, located north of the 8700 block of Lake Road.

Development Services Director Chris Henderson explained that there are a number of rural water districts who get their water source from the City of Ponca City. Henderson further advised that it is not the intent of the City of Ponca City and PCUA to promote high-density growth and commercial development outside the corporate limits of the City at the expense of the citizens living within the City limits. Henderson further explained that the contracts with the RWD's stipulate that water meters could not be provided to individuals living on less than 5 acres without the consent of the City Commission. Henderson went on to say that specifically, the contract with Rural Water District #1 reads that the water purchased by the Water District will be used exclusively for agriculture and domestic residential purposes and only for those commercial customers actually being served by the District on the effective date of the last agreement in 2006. Henderson informed the Commission that this agreement signed in 2006 specifically stated that the Water District should ensure that water purchased from the City would not be used by any of its customers for any commercial, industrial, new subdivisions, mobile home courts or other similar high-density developments without the written authority of the City.

Henderson stated that in this particular instance the applicant began the development of an RV Park located in very close proximity to Sun and Fun water park, near Kaw Lake. Henderson stated that the applicant was under the impression that he had already secured a legal water meter from the Water district due to prior agreement with the holder of the meter permit, but was recently informed by RWD#1 representatives that a water meter had not been legally secured at this time, and further, the RWD#1 could not sell him a water meter unless express written permission was secured from the city, as the contract so states. Henderson further added that the applicant has now filed an appeal with the City Commission from the adverse decision of the Water Board, and it is now the decision of the Commission to decide if the applicant will be allowed a meter to service his RV Park.

The applicant Bill Rutz informed the Commission that most of those staying at the park are not long-term. Questions from City Manager and Commissioners were how many acres does he plan to develop into an RV park, and how many RV spaces did he have built on the two acres he has already developed. Rutz answered that he had sixteen spaces on the two acres, and that he has no anticipation of expanding to more than twenty spaces. City Attorney Kevin Murphy advised that when making the motion put limitations on how many spaces will be allowed.

Commissioner Krueger made the motion to approve this item, for no more than twenty lots for non-permanent structures. Flegler seconded.

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

20. Consider and vote on Construction Payment No. 24 to Lambert Construction Company in the amount of \$461,506.33 for construction of the Ponca City Aquatic & Family Center-YMCA.

Assistant City Engineer Mike Chapman gave an update on items that still need to be completed at the Ponca City Aquatic & Family Center-YMCA, and stated that it is getting close to completion. Chapman stated that Lambert Construction is no longer on site, and is pleased with how they are handling the maintenance items.

Commissioner Anderson made the motion to approve Construction Payment No. 24 to Lambert Construction Company in the amount of \$461,506.33 for construction of the Ponca City Aquatic & Family Center-YMCA. Flegler seconded.

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

****CITIZENS COMMENTS****

21. Carol Sloan, 2100 Berkshire Drive, rose and spoke in opposition to the YMCA's restriction of family memberships to only those families where the couple is legally married under Oklahoma Law.

Ron Covill complimented the Commission and thanked them for their help in installation of the signals on the traffic lights that help the visually impaired.

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

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

Mayor Nicholson adjourned the Board of Commissioners at 6:27 p.m.

PASSED IN SESSION AND APPROVED THIS 11TH DAY OF JULY 2011.

MAYOR

ATTEST:

CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
JUNE 27, 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
Diane Anderson, Trustee
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Paulette Cross, Deputy City Clerk

Absent: Marc LaBossiere, Finance Director/City Clerk
Lanita Chapman, Trustee

Others Present: Chris Henderson, Judi Newland, Terri Sherbon, Terry Brown, Clayton Johnson, Mike Lane, Jim Sindelar, Mike Chapman, Butch Herring, Hong Fu, City Tana McKinley; Employees; Bill Rutz, Ron & Winnie Covill, Glenn & Carol Sloan, Citizens; Beverly Bryant, Ponca City News

1. Chairman Homer Nicholson called the meeting to order at 6:27 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2, #3, #4, #5, and #6 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 Krueger. Nays; None. Motion carried.

2. Consider and vote upon the minutes of the regular session held June 13, 2011.

3. **RESOLUTION NO. 796**

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

4. **RESOLUTION NO. 797**

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 contract with Cabiness Engineering in the not-to-exceed amount of \$10,000.00 to provide Engineering, Bidding, and Construction Administration Services for Ash Street Sanitary Sewer Interceptor Section Repair Project.
6. Consider and vote upon authorizing Chairman to submit Monthly Operating Statement to OWRB.

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

7. None.

****NEW BUSINESS****

8. Consider and vote upon construction contract with Third Generation Electrical in the amount of \$171,200.00 for the Meadows Pump Station Emergency Power Improvements Project.

Director of Environmental Services Hong Fu, explained to the Commission that the purpose of this project is to install a 250 Kw diesel standby generator to provide back-up power for the Meadows Pump Station. Fu stated that this project consists of reworking the existing electrical service to accommodate the new 250 Kw diesel generator with automatic transfer switch and main service breaker, and installing new pole-mounted site security lighting.

Trustee Flegler made the motion to approve a construction contract with Third Generation

Electrical in the amount of \$171,200.00 for the Meadows Pump Station Emergency Power Improvements Project. Krueger seconded.

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

9. Trustee Flegler moved to adjourn the Ponca City Utility Authority meeting at 6:50 p.m. Anderson seconded.

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

PASSED IN SESSION AND APPROVED THIS 11TH DAY OF JULY 2011.

CHAIRMAN:

ATTEST:

TRUST SECRETARY