

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
DECEMBER 27, 2011

Southwest Business Products E815989JB

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  
Lanita Chapman, Commissioner  
Diane Anderson, Commissioner  
Craig Stephenson, City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Finance Director/City Clerk

Absent: Paul Krueger, Commissioner

Others Present: Chris Henderson, Mike Lane, Sherri Tapp, Butch Herring, Terry Brown, Sandra Hover, Craige Baird, Phil Johnston, Earl Watkins, Sam Whitecotton, City staff; citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Chaplain Michael Schlichting, Salvation Army
3. Pledge of Allegiance

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

None.

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

The Board of Commissioners found #4, #5, #6, #7, and #8 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.

4. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held December 12, 2011.

5. RESOLUTION NO. 5944

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

6. RESOLUTION NO. 5945

***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 #5, FOR THE FISCAL YEAR 2011-12.***

7. Consider and vote on a contract award for road construction materials to the lowest bidder available for January 1, 2012 through June 30, 2012.
8. Consider and vote upon awarding the contract to Evans & Associates in the amount of \$500,719.81 for Project Number GEN 12-3, Mill & Asphalt Overlay of Ash, Fourth, Patton, and Standing Bear.

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

9. None.

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

10. Mayor Nicholson said that he hoped everyone had a wonderful Christmas with lots of friends and family and everyone had safe travels. Nicholson further added that 2012 will be another great year for Ponca City, and he looks forward to sharing it with all the wonderful Ponca City citizens.

Commissioner Anderson echoed Mayor Nicholson's comments and wished everyone a safe New Year's Eve.

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

11. CITY MANAGER'S REPORT

City Manager Craig Stephenson reported that Monday, January 2, 2012 the City offices would be closed for the New Year Holiday.

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

None.

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

None.

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

- 12A. Consider and vote on the 2011-2012 and 2012-2013 Collective Bargaining Agreement (CBA) between the City Of Ponca City and the International Association of Firefighters, Local 2479 and authorizing the Mayor to sign the contract.

Human Resources Director Terry Brown reviewed the changes in the IAFF Collective Bargaining Agreement for the Commission. Brown advised that there were two major areas of change, one being wages, and the other a signing bonus.

Commissioner Chapman made the motion to approve the 2011-2012 and 2012-2013 Collective Bargaining Agreement (CBA) between the City Of Ponca City and the International Association of Firefighters, Local 2479 and authorizing the Mayor to sign the contract. Flegler seconded.

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

12B. Conduct Signing Ceremony.

13. Consider and vote upon receipt of Fiscal Year 2010-11 Annual Financial Statements and Accompanying Independent Auditor's Report for the City of Ponca City, Oklahoma from Archambo & Mueggenborg, PC for the Fiscal Year Ended June 30, 2011.

Commissioner Flegler made the motion to approve the receipt of Fiscal Year 2010-11 Annual Financial Statements and Accompanying Independent Auditor's Report for the City of Ponca City, Oklahoma from Archambo & Mueggenborg, PC for the Fiscal Year Ended June 30, 2011. Anderson seconded.

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

14A.

ORDINANCE NO. 6148

***AN ORDINANCE AMENDING SECTION 9-8D-2 OF THE CITY CODE MODIFYING RATE FOR LEASING BROADBAND CAPACITY BY PERMITTING CITY MANAGER OR DESIGNEE TO NEGOTIATE RATES FOR CUSTOMERS PURCHASING TEN OR MORE MEGABYTES OF CAPACITY AND REPEALING PARAGRAPH B OF THE EXISTING ORDINANCE RELATING TO INSTALLATION CHARGES; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.***

Commissioner Anderson made the motion to approve an Ordinance amending Section 9-8D-2 of the City Code modifying rate for leasing broadband capacity by permitting City Manager or Designee to negotiate rates for customers purchasing ten or more megabytes of capacity and repealing Paragraph B of the existing Ordinance relating to installation charges; repealing Ordinances in conflict; providing for severability and declaring an emergency. Flegler seconded.

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

14B. Consider and vote on 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.

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

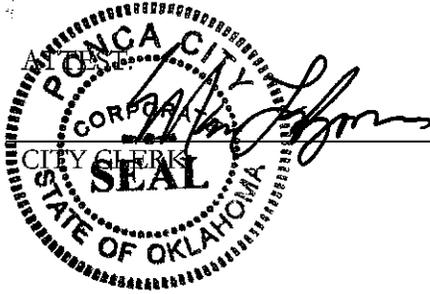
15. None.

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

Roll: Yeas; Flegler, Anderson, Nicholson, and Chapman. Nays; None. Motion carried.  
Mayor Nicholson recessed the Board of Commissioners meeting at 5:59 p.m.

PASSED IN SESSION AND APPROVED THIS 9<sup>TH</sup> DAY OF JANUARY 2012.

Norman Welchen  
MAYOR



MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES  
PONCA CITY UTILITY AUTHORITY  
DECEMBER 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  
Bill Flegler, Trustee  
Lanita Chapman, Trustee  
Diane Anderson, Trustee  
Craig Stephenson, City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Secretary

Absent: Paul Krueger, Trustee

Others Present: Chris Henderson, Sherri Tapp, Butch Herring, Sandra Hover, Craige Baird, Phil Johnston, Earl Watkins, City staff; citizens; Beverly Bryant, Ponca City News

1. Chairman Homer Nicholson called the meeting to order at 6:00 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 Flegler made the motion to approve the consent agenda. Chapman seconded.

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

2. Consider and vote upon the minutes of the regular session held December 12, 2011.
3. **RESOLUTION NO. 813**

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

4. 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.
5. Consider and vote upon authorizing Chairman to submit Monthly Operating Statement to OWRB.
6. Consider and vote on purchase of a Backyard Mini Derrick Machine in the amount of \$155,000.00 from Nesco LLC, Bluffton, Indiana.

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

7. None.

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

8. Consider and vote on receipt of Fiscal Year 2010-11 Annual Financial Statements and accompanying Independent Auditor's Report for the Ponca City Utility Authority from Archanbo & Mueggenborg, PC for the Fiscal Year ended June 30, 2011.

Trustee Flegler made the motion to approve the receipt of Fiscal Year 2010-11 Annual Financial Statements and accompanying Independent Auditor's Report for the Ponca City Utility Authority from Archanbo & Mueggenborg, PC for the Fiscal Year ended June 30, 2011. Anderson seconded.

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

9. Consider and vote on a salvage agreement in the amount of \$250,000.00 with McGill's Equipment of Houston, Texas for the removal of Engines, Generators and Related Equipment at the Ponca City Diesel Plant.

Trustee Flegler made the motion to approve a salvage agreement in the amount of \$250,000.00 with McGill's Equipment of Houston, Texas for the removal of Engines, Generators and Related Equipment at the Ponca City Diesel Plant. Anderson seconded.

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

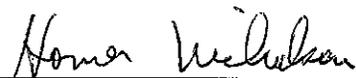
10. Trustee Flegler made the motion to adjourn the Ponca City Utility Authority. Anderson seconded.

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

Chairman Nicholson adjourned the Ponca City Utility Authority at 6:11p.m.

*PASSED IN SESSION AND APPROVED THIS 9<sup>TH</sup> DAY OF JANUARY 2012.*



  
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CHAIRMAN