

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
JANUARY 11, 2010

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

Others Present: Chris Henderson, Butch Herring, Terry Brown, Jim Fairbanks, Rob Dick, Clayton Johnson, Tana McKinley, Rod Alexander, City staff; citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:32 p.m.
2. Invocation – Bob Innis, Word of Life
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for January: Punctuality

****CONSENT AGENDA****

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

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held December 28, 2009.

6. **RESOLUTION NO. 5817**

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

7. **RESOLUTION NO. 5818**

9. Consider and vote upon request for authorization to advertise for bids for “Street Improvement Project – Reconstruction of Meadow Lane from Prospect Avenue to Crawford Avenue”. Project No. GEN 10-2.

10. Consider and vote upon Change Order No. 3 for roof repair projects for the additional amount of \$1,797.50 to contract with Craig Wilson Enterprises, Inc., Tulsa, Oklahoma bringing the contract amount to \$437,147.50.
11. Consider and vote on Change Order No. 4 for roof repair projects for the additional amount of \$4,875.00 to contract with JL & Associates, Pawhuska, Oklahoma bringing the contract amount to \$248,356.00.
12. ****ITEMS REMOVED FROM THE CONSENT AGENDA****

Commissioner Krueger asked that Item #8 “to consider and vote on addendum No. 5 between the City of Ponca City and Yamaha Motor Corporation, USA for an extension of the Golf Cart Lease Agreement and new carts” be removed for further discussion.

Commissioner Krueger stated his concerns with this agreement was that many golf courses and country clubs are moving away from gas powered golf carts and going to electric powered golf carts.

Rod Alexander, Golf Pro for Wentz Golf Course, explained to the Commission that he had talked with the golf cart companies in regard to gas carts vs. electric carts and their emissions. Alexander stated that his findings were that the Yamaha Company, which had submitted the best bid, uses the California State Law of Emissions or the EDP Law, which is the strictest in the nation.

Alexander further added that in going forward they would need to take into consideration the cost of the conversion of the cart barn to accommodate electric golf carts, so the best decision at this time would be to stay with the gas powered golf carts.

Commissioner Krueger made the motion to approve the addendum No. 5 between the City of Ponca City and Yamaha Motor Corporation, USA for an extension of the Golf Cart Lease Agreement and new carts. Flegler seconded.

Robert Dick, Assistant Public Works Director, further explained to the Commission that after the agenda had been posted, Yamaha contacted him and instead of addendum #5 to the lease, Yamaha asked that a new lease be signed. Dick explained that the previous lease was written in 1994, and has been continuously updated every four years through addendums 1-4. Dick added that the new contract would essentially have same terms and conditions, and after the City Attorney reviews the contract and approves it, would like to proceed with a new contract.

Mayor Nicholson addressed Commissioners Krueger and Flegler, since they had made the motion to approve Addendum No. 5, and if they had no objections to a new lease contract, would call for the vote. There being no objections, Nicholson called for the vote.

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

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

13. Commissioner Anderson stated that next week there would be celebrations in honor of Dr. Martin Luther King, and asked that everyone participate in the activities.

****REPORTS****

14. CITY MANAGER'S REPORT

City Manager Craig Stephenson noted that Mayor Nicholson was running unopposed in the Mayor's race.

Stephenson then reminded everyone that Wednesday, January 13, 2009 is the last day the City will accept Christmas trees to be turned into mulch for gardening and landscaping. Stephenson further added that the mulch would be available January 15, 2009 for pickup, but you must furnish your own equipment to transport the mulch.

Stephenson advised that the census kick-off will be January 15, 2009 at 10:00 a.m. at the Garfield County Courthouse in Enid, and that some individuals from Ponca City would be attending.

Stephenson stated that City staff would be meeting this week with the Federal Government, the Railroad Assn., Oklahoma Department of Transportation, and the BNSF to evaluate the quiet zone in Ponca City. Stephenson explained that they would perform a diagnostic review of the railroad corridor through Ponca City to determine what improvements might be necessary to designate a quiet zone between Prospect and Grand Avenue. Stephenson added that this subject was brought before the Commission last fall, but because it is hard to schedule a time that the Federal Government can meet with all the other organizations involved, it has just been recently that this meeting could be scheduled.

Stephenson informed that Commission that there would be no work session next Monday, January 18, 2009, and the next work session would be February 1, 2009, and one of the topics to be discussed would be the upcoming budget for 2010-2011. Stephenson also advised the Commissioners that they would be asked at this time if they have any items or issues that they would like to be looked at prior to preparation of the budget.

Stephenson asked that the Commissioners clear their calendars for April 19 & 20th, as these are the proposed days for the budget workshops with the Commissioners. Stephenson also informed the Commission that City staff would kick-off their budget meetings on January 21, 2009.

Stephenson advised that Commissioner Anderson, Phil Johnston, and he would be attending a media training sponsored by OMPA at Edmond, and another meeting to mark on their calendars is Monday, March 22, 2009 for OML's Legislative Forum at the Oklahoma House of Representatives at the Capital.

Stephenson concluded by telling the Commission that this past weekend there were three water main breaks due to the severely cold weather and there were about sixty (60) turn-offs in the city due to frozen pipes

Mayor Nicholson followed-up by commenting on the responsiveness of City staff in regards to the water leaks and frozen pipes, and his appreciation for the services they render.

****PUBLIC HEARINGS****

- 15A. Conduct a Public Hearing on Subparagraph (B) Hereof.

Chris Henderson, Development Services Director, advised the Commission that this item is an annexation petition by the owner of a piece of property located east of town near the Woodridge sub-division. Henderson further advised the Commission that the owner of this property started building a very large home in October 2007. Henderson added that during construction he contacted the utility department and asked if he could tie on to City utilities, which were located on the edge of his property. Henderson stated that it is City policy that your property must be in the City limits in order to have City utilities. Henderson explained that it has taken two years for this house to be completed, and now that it is completed, the owner is petitioning to be annexed into the City limits.

Mayor Nicholson opened the Public Hearing for anyone who would like to speak for or against the annexation of this property. There being no one to speak for or against the annexation, Mayor Nicholson closed the Public Hearing.

- 15B. ORDINANCE NO. 6113

AN ORDINANCE AUTHORIZING EXTENDING THE CORPORATE LIMITS OF THE CITY OF PONCA CITY, AND DESIGNATING THE AREAS OR TRACTS INCLUDED IN SUCH EXTENSION, REPEALING ALL ORDINANCES IN CONFLICT OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Commissioner Flegler made the motion to approve the extending corporate limits of the City of Ponca City, and designating the areas or tracts included in such extension, repealing all ordinances in conflict or parts of ordinances in conflict herewith; and establishing an effective date. Krueger seconded.

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

- 15C. Consider and vote on the Emergency Clause of the Ordinance.

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

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

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

16. Consider and vote on an application for a rural water meter to be placed on a tract of land containing less than 5 acres legally described as part of the Northwest Quarter of Section 2-T26N-R2E, located south of 1400 Coleman Road.

Commissioner Flegler made the motion to approve an application for a rural water meter to be placed on a tract of land containing less than 5 acres legally described as part of the Northwest Quarter of Section 2-T26N-R2E, located south of 1400 Coleman Road. Krueger seconded

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

17. Consider and vote on a final plat for Blocks 1 and 2 of Trinity Addition, located north of the 2300 block of East Prospect Avenue.

Commissioner Chapman made the motion to approve a final plat for Blocks 1 and 2 of Trinity Addition, located north of the 2300 block of East Prospect Avenue. Flegler seconded.

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

****CITIZENS COMMENTS****

18. None.

19. The motion was made by Anderson to adjourn the Board of Commissioners meeting. Flegler seconded.

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

Mayor Nicholson adjourned the meeting at 6:11 p.m.

PASSED IN SESSION AND APPROVED THIS 25TH DAY OF JANUARY 2010.

MAYOR

ATTEST:

CITY CLERK