

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
MARCH 11, 2013

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  
R. Mark Macy, Commissioner  
Steve Hermann, Commissioner  
Lanita Chapman, Commissioner  
Diane Anderson, Commissioner  
Craig Stephenson, City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Finance Director/City Clerk

Absent: None

Others Present: Terry Brown, Earl Watkins, Butch Herring, Mike Lane, Chris Henderson, Jim Sindelar, Tana McKinley, Hong Fu, Jim Fairbanks, City staff; citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:31 p.m.
2. Invocation – Rev. David Frees-St. Luke’s Nazarene
3. Pledge of Allegiance

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

4. Presentation: Arbor Week

**\*\*CHARTER ITEM\*\***

5. Election of Vice-Mayor in accordance with provisions of Section 60 of the City Charter.

Commissioner Macy made the motion to nominate Commissioner Chapman for Vice-Mayor. Anderson seconded.

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

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

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

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

6. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held February 25, 2013.

7.

RESOLUTION NO. 6021

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

8.

RESOLUTION NO. 6022

*A RESOLUTION ACKNOWLEDGING CITY OPTIONS FOR BRIDGE INSPECTIONS FOR COMPLIANCE WITH NATIONAL BRIDGE INSPECTION STANDARDS, APPROVING CITY STAFF'S ACTIONS IN UTILIZING OPTION NUMBER 1 FOR SELECTING ENGINEERING FIRM TO PERFORM INSPECTIONS AND DESIGNATING ENGINEERING FIRM FOR INSPECTIONS FOR INSPECTION CYCLE OF APRIL 2013 TO APRIL 2016.*

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

9. None.

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

10. Commissioner Chapman questioned the opening date of the Lake Ponca Bridge. City Manager Stephenson responded that it would be some time in April.

Commissioner Macy complimented the Park and Recreation Department for their work on the new dog park.

Mayor Nicholson wanted everyone to enjoy weather and hoped there was more to come.

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

11. CITY MANAGER'S REPORT

Reminder that Poetry entries are being sought from Ponca City poets' for the first ARBOR Day Poetry Contest. The deadline for receiving entries is Wednesday, March 13, 2013.

Spring Clean Up begins Saturday, April 6, 2013 and goes through Saturday, April 13, 2013.

City staff has been working with OMPA staff to address their new power generation facility they are building at Highway 11 and 'W' Street in Kay County. One of the issues that OMPA needs to have addressed is a water supply for the power generation portion of the project. The two staffs have worked out the details and now the OMPA Board will be taking action on the agreement this Thursday and if approved it will appear on the next regular City Commission meeting agenda on March 25, 2013. This agreement is very similar to the one between the City of Ponca City and Phillips 66. The basis of the agreement is that the City of Ponca City will build the necessary transmission line of approximately 7 miles. It will be tied into the City's industrial park pump station. OMPA will reimburse the City for the engineering and construction cost of the line. The maximum required water volume will be approximately .5 Million Gallons a Day (MGD).

We have received word from the Department of Wildlife Conservation that we will be receiving extra funds for the Lake Ponca Restroom project. The total grant amount is now

\$577,500.00, with \$433,125.00 the federal share and \$144,375.00 being the local match which will come from the Hotel/Motel Fund. This project is scheduled to be completed by mid May 2013.

The City of Ponca City as a Community and as a Business received the 2012 Oklahoma Certified Healthy Community Certificate of Merit.

The Staff is working on placing a photo gallery on the City's web page with information on the animals located at Animal Control for adoption. This will include missing animals if someone's animal is missing, along with adoption information. This is an effort to continue to increase the number of animals being adopted annually. It should be available this week.

I want to give you the date of this year's Safety Banquet, it will be May 2, 2013, and begin around 11:00 a.m.

We will be receiving quotes on the necessary improvements for the quiet zone this week. Once they are received staff will then need to work with BNSF on scheduling the improvements, as they have to provide a flagman while the contractor will be working in their right-of-way, which is 100 feet.

12. **OKLAHOMA MUNICIPAL POWER AUTHORITY UPDATE**

None.

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

13A. Conduct a Public Hearing on Subparagraph (B) Hereof.

Community Development Director Chris Henderson introduced the topic. Spring Village II was originally platted of record in 2008 intended for smaller homes. The owner of the subdivision has initiated legal action to reduce the width of the rear utility easement for a portion of the lots and to move electric and gas services to the front yard for easier access. The front yard building line or setback, normally intended to create defined open space and a previous (grass) service, is now also a platted utility easement measuring 25 feet in width in order to allow all utilities to occupy this limited space. This will leave the rear easement platted at a 20 foot width for phone and cable services. Henderson concluded by saying that the Ordinance if approved, would close the platted utility easement in the Spring Village II Subdivision allowing for larger homes to be built.

Mayor Nicholson opened the floor for the Public hearing. Nicholson asked if there was anyone who would like to speak for or against the ordinance authorizing the closing of a platted utility easement in the Spring Village II. There was no one to speak for or against it. Mayor Nicholson closed the Public Hearing.

13B.

**ORDINANCE NO. 6165**

***AN ORDINANCE AUTHORIZING THE PARTIAL CLOSING OF A PLATTED UTILITY EASEMENT IN THE SPRING VILLAGE II SUBDIVISION TO THE CITY OF PONCA CITY, MORE PARTICULARLY DESCRIBED BELOW, LOCATED SOUTH OF THE 4500 BLOCK OF CASCADE DRIVE, PONCA CITY, KAY COUNTY, OKLAHOMA***

Commissioner Chapman made the motion authorizing the partial closing of a platted utility easement in the Spring Village II Subdivision to the City of Ponca City, more particularly described below, located south of the 4500 block of Cascade Drive, Ponca City, Kay County, Oklahoma. Macy seconded.

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

14A. Conduct a Public Hearing on Subparagraph (B) Hereof.

Community Development Director Chris Henderson introduced the topic. Fox Run Estates was originally platted of record in 2008 intended for smaller homes. The owner of the subdivision has initiated legal action to reduce the width of the rear utility easement for all of the lots and to move electric and gas services to the front yard for easier access. The front yard building line or setback, normally intended to create defined open space and a previous (grass) service, is now also a platted utility easement measuring 25 feet in width in order to allow all utilities to occupy this limited space. This will leave the rear easement platted at a 20 foot width for phone and cable services. Henderson concluded by saying that the Ordinance if approved, would close the platted utility easement in the Fox Run Estates allowing for larger homes to be built.

Mayor Nicholson opened the floor for the Public hearing. Nicholson asked if there was anyone who would like to speak for or against the Ordinance authorizing the closing of a platted utility easement in the Fox Run Estates. There was no one to speak for or against it. Mayor Nicholson closed the Public Hearing.

14B.

ORDINANCE NO. 6166

***AN ORDINANCE AUTHORIZING THE PARTIAL CLOSING OF A PLATTED UTILITY EASEMENT IN THE FOX RUN ESTATES SUBDIVISION TO THE CITY OF PONCA CITY, MORE PARTICULARLY DESCRIBED BELOW, LOCATED EAST OF THE 2500-2700 BLOCK OF LA CANN DRIVE, PONCA CITY, KAY COUNTY, OKLAHOMA.***

Commissioner Chapman made the motion to approve the Ordinance authorizing the partial closing of a platted utility easement in the Fox Run Estates Subdivision to the City of Ponca City, more particularly described below, located east of the 2500-2700 block of LA Cann Drive, Ponca City, Kay County, Oklahoma. Anderson seconded.

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

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

None.

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

15.

ORDINANCE NO. 6167

*AN ORDINANCE AMENDING SECTION 9-8A-6 OF THE CITY CODE TO PROVIDE FOR COLLECTION OF FEES FOR BULK WATER SALES; INCREASING THE RATE THEREFORE; PROVIDING FOR AUTOMATIC FILL STATION AND PROVIDING METHODOLOGY OF COLLECTION; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.*

Commissioner Hermann made the motion to approve the Ordinance amending Section 9-8a-6 of the City Code to provide for collection of fees for bulk water sales; increasing the rate therefore; providing for automatic fill station and providing methodology of collection; repealing Ordinances in conflict; providing for severability and establishing an effective date. Macy seconded.

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

16. Consider and vote on a construction contract with Sober Brothers, Inc. in the amount of \$468,291.04 for the installation of Raw Water Transmission Line.

Commissioner Anderson made the motion to approve the construction contract with Sober Brothers, Inc. in the amount of \$468,291.04 for the installation of Raw Water Transmission Line. Chapman seconded.

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

17. Consider and vote upon awarding the contract in the amount of \$85,027.37 to Parathon Construction, LLC of Edmond, Oklahoma for "War Memorial Park, Walking Trails Reconstruction – Phase I" Project No. GEN 13-6.

Commissioner Hermann made the motion to award the contract in the amount of \$85,027.37 to Parathon Construction, LLC of Edmond, Oklahoma for "War Memorial Park, Walking Trails Reconstruction – Phase I" Project No. GEN 13-6. Macy seconded.

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

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

18. None.

19. The motion to adjourn was made by Commissioner Macy and seconded by Commissioner Chapman

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

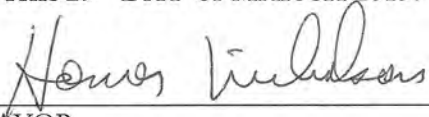
Mayor Nicholson adjourned the Board of Commissioners meeting at 6:11 p.m.

PASSED IN SESSION AND APPROVED THIS 25<sup>TH</sup> DAY OF MARCH 2013.



ATTEST:

  
CITY CLERK

  
MAYOR

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES  
PONCA CITY UTILITY AUTHORITY  
MARCH 11, 2013

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  
Steve Hermann, Trustee  
R. Mark Macy, Trustee  
Diane Anderson, Trustee  
Lanita Chapman, Trustee  
Craig Stephenson, City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Secretary

Absent: None

Others Present: Terry Brown, Earl Watkins, Butch Herring, Mike Lane, Chris Henderson, Tana McKinley, Hong Fu, Jim Fairbanks, City staff; citizens; Beverly Bryant, Ponca City News.

City Manager Stephenson stated that Trustee Hermann and Trustee Anderson were counted as both present and absent on the minutes for February 25<sup>th</sup>, 2013. The minutes will be corrected to read Hermann and Anderson as absent.

1. Chairman Homer Nicholson called the meeting to order at 6:11 p.m.

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

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

Trustee Macy made the motion to approve the consent agenda. Chapman seconded.

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

2. Consider and vote upon the minutes of the regular session held February 25, 2013.
- 3.

**RESOLUTION NO. 855**

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

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

4. None.

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

None.

- Trustee Macy made the motion to adjourn the meeting of the Ponca City Utility Authority. Hermann seconded.

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

Chairman Nicholson adjourned the PCUA Board of Trustees at 6:14 p.m.



*PASSED IN SESSION AND APPROVED THIS 25<sup>TH</sup> DAY of MARCH 2013.*

*Henry Nicholson*

CHAIRMAN:

ATTEST:

*Wm. Johnson*

TRUST SECRETARY