

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
NOVEMBER 9, 2009

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
Kevin Murphy, City Attorney
Craig Stephenson, City Manager
Paulette Cross, Deputy City Clerk

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

Others Present: Chris Henderson, Rob Dick, Mike Chapman, Clayton Johnson; Terry Brown, Marcy White, Tana McKinley, Jim Fairbanks, Butch Herring, Walt Klinger, City Employees; Troy Lewis, Citizens; Beverly Bryant, Ponca City News

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Carol Reich, Asbury United Methodist Church.
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for November: Initiative

****CONSENT AGENDA****

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

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners work session held October 19, 2009, and regular session held October 26, 2009.
6. **RESOLUTION NO. 5803**

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

7. Consider and vote upon Change Order No. 1 in the deduct amount of \$3,220.00 and the final payment in the amount of \$14,608.77, to Cherokee Builders, Inc. for work completed on “Street Improvement Project –Concrete Pavement Reconstruction.”
8. 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 the northwest corner of the Northwest Quarter of Section 6-T27N-R3E, located at 3101 Canteen Road.
9. Consider and vote upon Change Order No. 1 for Roof Repair Projects for the additional amount of \$5,117.00 to the contract with JL & Associates, Pawhuska, Oklahoma, bringing the contract amount to \$243,481.00.
10. Consider and vote upon Change order No. 2 for Roof Repair Projects for deducting the amount of \$1500.00 to the contract with Craig Wilson Enterprises, Inc., Tulsa, OK, bringing the contract amount to \$435,350.00.
11. Consider and vote on Change Order No. 1 with Entre Prises and payment No. 2 for \$60,284.00 for designing and building the rock-climbing wall at the Ponca City Aquatic & Family Center-YMCA.

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

12. None.

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

13. Mayor Nicholson talked about two big events of the day. The first big event of the day, Nicholson informed the Commission, was at NOC in the Renfro Center, where Senator David Myers was presented an award for his leadership in helping to promote and characterize education. The second event, Nicholson added, was the presentation from Ponca City Development Authority to the University Multispectral Lab, the final of four checks for \$500,000.00 for bringing higher paying jobs to Ponca City.

****REPORTS****

14. CITY MANAGER’S REPORT

City Manager Craig Stephenson reminded everyone that Wednesday is Veterans Day, and that the Veterans Day Parade was held on Saturday. Stephenson also advised that City crews began putting up the Christmas Decorations this week, and this will continue for the next two weeks.

Stephenson went on to say that the autumn leaf collection would be from November 16, 2009 to January 22, 2010. Stephenson further advised that bagged leaves would be picked up ten (10) bags at a time, and if you rake leaves to street make sure they are 3’ in from the curb and not in the gutter. Stephenson also informed the Commission that the United Steel Workers had requested another permit for assembly on November 11th and 12th from 3:30 p.m. to 6:30 p.m.

Stephenson updated the Commission on the amnesty program, which is going into its last week, and advised that they have collected \$30,360.00.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

15.

ORDINANCE NO. 6109

AN ORDINANCE AMENDING CHAPTER 3, TITLE 6 OF THE CITY CODE OF PONCA CITY, ENTITLED "PUBLIC HEALTH AND SAFETY", PROHIBITING THE LITTERING, BURYING, DEPOSITING AND SCATTERING OF CONSTRUCTION DEBRIS ON ANY PREMISES, PUBLIC OR PRIVATE; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY.

Chris Henderson, Development Services Director, explained that this Ordinance was originally intended to deal with problems that have come up in the past year, which involves concrete tailings. Henderson explained that tailings are the remnants of the concrete from a construction project. Henderson went on to add that tailings have been left on adjoining properties and right-of- ways.

Henderson stated that since there was nothing in City Ordinance that dealt with these problems; it was decided to expand the Ordinance to cover any sort of construction debris. Henderson stated that the Ordinance defines construction debris, and amends two chapters of the City Code that will make it an offense to scatter, to litter, to bury construction materials on any property other than where they originated.

Commissioner Flegler made the motion to approve the Ordinance amending Chapter 3, Title 6 of the City Code of Ponca City, entitled "Public Health and Safety", prohibiting the littering burying, depositing and scattering of construction debris on any premises, public or private; repealing Ordinances in conflict; providing for severability. Krueger seconded.

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

16. Consider and vote on Change Order No. 1 to substitute stainless steel railings, and stainless steel mesh at various locations throughout the Ponca City Aquatic & Family Center-YMCA and authorize the Mayor to execute Change Order No. 1.

Commissioner Krueger advised that a letter from the architects stated that the upgrade to these stainless steel items would enhance the appearance and the durability, and help in keeping maintenance costs down. Krueger added that the City has trusted these architects with this \$20 million project, and made the motion to substitute painted stainless steel top railings to stainless steel top rails (Bluesheet Item No.1); and change from painted steel guard mesh to stainless steel mesh (Bluesheet Item No. 3), as suggested by the architects.

The motion died for lack of a second.

Commissioner Anderson then made a motion to approve changing from painted steel top rails on the handrails throughout the Main Building to stainless steel top rails (Bluesheet

Option No. 1) with an increase in the Guaranteed Maximum Price (GMP) to be \$45,600.00. Flegler seconded.

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

Discussion ensued in regards to using 304 stainless rails versus 316 stainless rails. Mayor Nicholson instructed Assistant City Engineer, Mike Chapman, to investigate into the cost of each of these, and see if there would be a difference in the cost.

****CITIZENS COMMENTS****

17. None.

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

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

Mayor Nicholson adjourned the meeting at 6:15 p.m.

PASSED IN SESSION AND APPROVED THIS 23RD DAY OF NOVEMBER 2009.

MAYOR

ATTEST:

CITY CLERK
