

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
June 25, 2018

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  
Lanita Chapman, Commissioner  
Shasta Scott, Commissioner  
Paul Taylor, Commissioner  
Craig Stephenson, City Manager  
Michael Vanderburg, City Attorney  
Janet Ivers, Deputy City Clerk

Absent: Ryan Austin, Commissioner  
Marc LaBossiere, Finance Director/City Clerk

Others Present: Rhonda Skrapke, Don Bohon, Paula Cain, John Andrew, Eric Newell, Tana McKinley, Chris Henderson, Rob Dick, Randy Tyner, Jesse Beck, Jim Fairbanks, Butch Herring, City Staff; citizens; Steve Dye, Ponca City News..

1. CALL TO ORDER  
Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. INVOCATION – Phillip Ross, Kay County District Judge
3. PLEDGE OF ALLEGIANCE

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

The Board of Commissioners found items #4 through #17 non-controversial and routine in nature. Commissioner Scott made the motion to approve consent agenda as stated. Commissioner Chapman seconded.

Roll: Yeas; Scott, Chapman, Nicholson, Taylor. Nays; None. Motion carried.

4. Consider And Vote Upon Minutes Of The Ponca City Board Of Commissioners Regular Session Held June 11, 2018 And Work Session Held June 4, 2018.
5. Consider And Vote Upon Resolution Appropriating Money For Payment Of Claims.

**RESOLUTION NO. 6368**

***A RESOLUTION APPROPRIATING MONEY FOR THE PAYMENT OF CLAIMS.***

6. Consider And Vote Upon A Resolution Appointing Members To Various Boards And Commissions And Establishing The Terms Of Office Thereof.

**RESOLUTION NO. 6369**

***A RESOLUTION APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AND ESTABLISHING THE TERMS OF OFFICE THEREOF.***

<u>BOARD</u>	<u>NAME</u>	<u>TERM</u>	<u>TERM OF OFFICE</u>
PC Development Authority	Steve Hermann	Re-Appointed	7-1-18 to 6-30-21
PC Development Authority	Garrett Bowers Maribeth	Re-Appointed	7-1-18 to 6-30-21
Cultural Affairs Commission	Subramaniam	Re-Appointed	7-1-18 to 6-30-21
Park & Recreation Board	Norris Fredrick	Appointed	7-1-18 to 6-30-21

7. Consider And Vote Upon A Resolution Amending The Operating Budgets Of Various City Funds For Fiscal Year 2017-18.

**RESOLUTION NO. 6370**

***A RESOLUTION AMENDING THE OPERATING BUDGETS OF VARIOUS CITY FUNDS FOR FISCAL YEAR 2017-18.***

8. Consider And Vote On An Agreement Between The City Of Ponca City And The Ponca City Area Chamber Of Commerce, Inc. For The Chamber To Operate The Ponca City Tourism Bureau For The Purpose Of Encouraging, Promoting And Fostering The Convention And Tourism Development Of Ponca City.
9. Consider And Vote On Renewal Agreement In The Amount Of \$30,000 Between The City Of Ponca City And Ponca City Main Street.
10. Consider And Vote On Renewal Agreement In The Amount Of \$25,000 Between The City Of Ponca City And United Community Action Program, Inc. For Transportation Services Provided By Cimarron Transit Subject To Appropriation.
11. Consider And Vote On Renewal Agreement In The Amount Of \$15,000 Between The City Of Ponca City And The Northern Oklahoma Youth Services Center & Shelter, Inc. (NOYS) Subject To Appropriation.
12. Consider And Vote On An Agreement In The Amount Of \$5,000 To Provide Funding For Santa Buck Giveaway.
13. Consider And Vote On A Lease Agreement Between The City Of Ponca City (Lessor) And Vicki & Norma Green (Lessee) For The Residence Located At 1901 Rose Lane, At The E.W. Marland Estate, Commencing On July 1, 2018 And Terminating On June 30, 2019.

14. Consider And Vote To Approve The Oklahoma Municipal Assurance Group's Municipal Property Protection Plan For The City Of Ponca City For The Policy Period Of July 1, 2018 Through June 30, 2019.
15. Consider And Vote On A Contract Award For Road Construction Materials To The Lowest And Most Responsible Bidder Available For July 1, 2018 Through December 31, 2018.
16. Consider And Vote To Approve An Agreement Concerning Purchase Of Real Estate Between The City Of Ponca City And Pioneer Technology Center For Property Located At 705 West Hartford Containing Approximately 6.83 +/- Acres.
17. Consider And Vote On The Ponca City Emergency Operation Plan Update.

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

18. None.

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

19. Commissioner Paul Taylor stated that it was a refreshing rain Ponca City received over the weekend.  
Commissioner Shasta Scott reminded everyone to get out and vote on Tuesday, June 26, 2018.

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

20. CITY MANAGER'S REPORT

City Manager Craig Stephenson invited the public to the Full Moon Over Wentz Pool Monday, June 25, 2018 beginning at 7:00 p.m. until 11:00 p.m.

Stephenson encouraged the public to exercise their right to vote on Tuesday, June 26, 2018.

Stephenson relayed the good news that the United States Supreme Court ruled last week on the State of South Dakota versus Wayfair which overturned the Quill decision. Retailers have relied on the United States Supreme Court cases Hess in 1967 and Quill in 1992 in which the Supreme Court ruled that only if a retailer had a physical presence in a State must it collect and remit sales tax to that State for purchases made which at the time was much more mail order. Last week's 5-4 decision says that retailers do have to collect and remit sales tax. There are some details involved in that decision which only affects on-line retailers with over \$100,000 in sales, or 200 transactions, and not to be retroactively applied. It is not sure at this time how the State of Oklahoma will handle the implementation of this decision. It is a positive step for governmental entities that collect sales tax, specifically municipalities in Oklahoma which rely on sales tax as their only tax revenue source for operations.

Stephenson announced that the annual Fourth of July fireworks display over beautiful Lake Ponca will be Wednesday, July 4, 2018, at 9:50 pm. This is a free fireworks display choreographed to music, and can be heard on your local radio station KPNC-FM 101 Country. Stephenson also reminded the public that private fireworks are not allowed in City limits, on or around Lake Ponca Recreational Area, any roadways, or water areas around Lake Ponca.

Stephenson made it known that the City of Ponca City offices will be closed on July 4, 2018 and emergency operations will be staffed accordingly. Wentz Golf Course will be open on July 4, 2018. Play will be allowed until 4:00 p.m.

Stephenson's final comment was to wish everyone an enjoyable and safe Fourth of July holiday.

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

- 21A. Conduct A Public Hearing On Subparagraph (B) Hereof.

Grants Administrator Rhonda Skrapke introduced the item and presented details.

No public comment was received.

- 21B. Consider And Vote To Approve And Accept Contract No. 16757 CDBG16 As Complete.

Commissioner Taylor made the motion to approve contract no. 16757 as complete. Commissioner Chapman seconded.

Roll: Yeas; Taylor, Chapman, Nicholson, Scott. Nays; None. Motion carried.

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

22. Consider And Vote On An Agreement With ADG, P.C. To Provide Professional Services For The Conceptual Design And Cost Estimate For A New Ponca City Public Safety Facility And Renovation Of The Municipal Court In The Amount \$58,500 Plus Reimbursable Costs.

Commissioner Scott made the motion to approve item #22. Commissioner Taylor seconded.

Roll: Yeas; Scott, Taylor, Nicholson, Chapman. Nays; None. Motion carried.

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

23. None.

**RECESS TO PONCA CITY UTILITY AUTHORITY MEETING**

Commissioner Chapman made the motion to recess to the Ponca City Utility Authority meeting. Commissioner Taylor seconded.

Roll: Yeas; Chapman, Taylor, Nicholson, Scott. Nays; None. Motion carried.

At 5:50 p.m. Mayor Nicholson recessed to the Ponca City Utility Authority meeting.

At 6:11 p.m. the Commission returned to regular session.

- 24A. Consider And Vote For The Commission To Hold An Executive Session Under Authority Of 25 O. S. § 307B4, To Receive And Discuss Confidential Communications Between The Commission And The City Attorney About The Litigation Described In B). The City Attorney Advises That Disclosure Of The Communication Will Seriously Impair The Ability Of The Commission To Conduct The Litigation In The Public Interest.

At 6:12 p.m. Commissioner Scott made a motion to enter executive session. Commissioner Chapman seconded.

Roll: Yeas; Scott, Chapman, Nicholson, Taylor. Nays; None. Motion carried.

At 6:47 p.m. the Commission returned to regular session with no action being taken.

- 24B. Consider And Vote To Approve The Filing Of Litigation Against A Number Of Pharmaceutical Manufacturers And Pharmaceutical Distributors In Federal Court As A Part Of An Effort To Recover Significant Governmental Expenditures Which Were Generated Because Of Opioid Abuse And Addiction.

No action was taken on item #24B.

25. **ADJOURN**

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

Roll: Yeas; Taylor, Chapman, Nicholson, Scott. Nays; None. Motion carried.

Mayor Nicholson adjourned the Board of Commissioners meeting at 6:47 p.m.

*PASSED IN SESSION AND APPROVED THIS 9<sup>TH</sup> DAY OF JULY 2018.*



*Ryan Austin*  
\_\_\_\_\_  
VICE-MAYOR

ATTEST  
*Wm. Johnson*  
\_\_\_\_\_  
CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES  
PONCA CITY UTILITY AUTHORITY  
June 25, 2018

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  
Lanita Chapman, Trustee  
Shasta Scott, Trustee  
Paul Taylor, Trustee  
Craig Stephenson, City Manager  
Michael Vanderburg, Trust Attorney  
Janet Ivers, Assistant Secretary

Absent: Ryan Austin, Trustee  
Marc LaBossiere, Secretary

Others Present: Hong Fu, Don Bohon, Paula Cain, John Andrew, Eric Newell, Tana McKinley, Chris Henderson, Rob Dick, Randy Tyner, Jesse Beck, Jim Fairbanks, Butch Herring, City Staff; citizens; Steve Dye, Ponca City News.

1. CALL TO ORDER

Chairman Homer Nicholson called the meeting to order at 5:50 p.m.

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

The Board of Trustees found items #2 through #5 noncontroversial and routine in nature by the governing body and are approved by one motion.

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

Roll: Yeas; Chapman, Taylor, Nicholson, Scott. Nays; None. Motion carried.

2. Consider And Vote Upon The Minutes Of The Regular Session Held June 11, 2018.
3. Consider And Vote Upon A Resolution Appropriating Money For Payment Of Claims.

**RESOLUTION NO. 1031**

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

4. Consider And Vote Upon A Resolution Amending The Operating Budgets Of Various City Funds Of the Ponca City Utility Authority, For Fiscal Year 2017-18.

**RESOLUTION NO. 1032**

***A RESOLUTION AMENDING THE OPERATING BUDGETS OF VARIOUS CITY FUNDS OF THE PONCA CITY UTILITY AUTHORITY, FOR FISCAL YEAR 2017-18.***

5. Consider And Vote Upon Authorizing Chairman To Submit Monthly Operating Statement To Oklahoma Water Resources Board.

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

6. None.

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

7. Consider And Vote On Change Order No. 1 In The Deduct Amount Of \$59,473.29 To Construction Contract With Urban Contractors, LLC, For The Bois D'Arc Sanitary Sewer Interceptor Project, Acknowledge That The Project Is Complete And Authorize The Final Payment.

Trustee Chapman made the motion to approve the deduct amount and the final payment amount. Trustee Scott seconded.

Roll: Yeas; Chapman, Scott, Nicholson, Taylor. Nays; None. Motion carried.

8. Consider And Vote Upon The Final Payment In The Amount Of \$155,505.00, To Pictometry International Corporation, To Accept All Work As Complete For The 2018 Aerial Photography Flight, Project Number PCUA18-1.

Trustee Taylor made the motion to approve final and full payment. Trustee Scott seconded.

Roll: Yeas; Taylor, Scott, Nicholson, Chapman. Nays; None. Motion carried.

9. ADJOURN

A motion to adjourn was made by Trustee Chapman and seconded by Trustee Taylor.

Roll: Yeas; Chapman, Taylor, Nicholson, Scott. Nays; None. Motion carried.

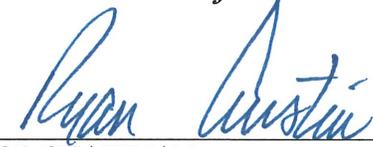
Chairman Nicholson adjourned the Ponca City Utility Authority meeting at 6:11 p.m.

***PASSED IN SESSION AND APPROVED THIS 9<sup>TH</sup> DAY of JULY 2018.***

ATTEST:

  
\_\_\_\_\_  
TRUST SECRETARY



  
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VICE-CHAIRMAN