

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
OCTOBER 26, 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  
Lanita Chapman, Commissioner  
Kevin Murphy, City Attorney  
Craig Stephenson, City Manager  
Marc LaBossiere, Finance Director/City Clerk

Others Present: Holly LaBossiere, Chris Henderson, Mike Chapman, Terry Brown, Don Bohon, Tana McKinley, Jerry Hall, City staff; David Myers, PCDA; citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Gayle Young, First Baptist Church.
3. Pledge of Allegiance

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

None.

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

The Board of Commissioners found items #4, #5, and # 6 non-controversial and routine in nature. Commissioner Chapman made the motion to approve the consent agenda. Flegler seconded.

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

4. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held October 12, 2009.
5. **RESOLUTION NO. 3802**

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

6. Consider and vote on the contract between the City of Ponca City and Sooner Construction in the amount of \$37,540.00 for the Ponca City Library Bathroom Renovation Project.

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

7. None.

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

8. Commissioner Krueger reminded everyone that this weekend trick-or-treaters would be out and to drive safely and watch out for them. Krueger also reminded everyone that daylight savings time would be this weekend.

Commissioner Chapman recognized that Ponca City had laid to rest today a wonderful citizen in Carmelita Westbrook.

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

9. CITY MANAGER'S REPORT

City Manager Craig Stephenson gave an update on the Ponca City Aquatic and Family Center/YMCA project in regard to time extensions and change orders. Stephenson explained that due to bad weather in July and August, days had been added, making the completion date on September 27, 2010. Stephenson further explained that the change order is for additional footing work for the rock-climbing wall in the amount of \$6,425.39. Stephenson went on to say that this amount does not change the price of \$20,910,040.00, as contingency funds are provided for in this amount. The third item in regard to the recreation center is the acceptance of the bid for the pool lights from Midwest Electric Supply, from Arkansas City, KS, in the amount of \$191,262.00. Stephenson informed the Commission that there was an allowance of \$225,000.00 in the guaranteed maximum price, which leaves \$32,783.00 to be moved to the contractor's contingency, to be used at a later date.

Stephenson further informed the Commission that some of the staff is working diligently on updating the Hazard Mitigation Plan, which is required to be updated every five years. Stephenson added that this Plan has to be in place in order to receive mitigation funds from FEMA and the State.

Stephenson stated that the Main Street Halloween Carnival would be held Thursday, October 29, 2009 at Centennial Plaza from 5:30 until 7:30.

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

- 10A. Conduct a Public Hearing on Item (B); and

Chris Henderson, Development Services Director, explained to the Commission that this item involves the closing of a utility easement, which is located at 2508 Wildwood. Henderson explained that the occupant of this property would like to add a detached two car garage, but there is limited space, and has requested that the City close a portion of the utility easement that borders the south side of the property. Henderson further informed the Commission that after checking with electric, gas and cable he has found that none of these is using this utility easement, and that the sewer line is in the street.

Henderson concluded by saying that anytime you vacate or attempt to vacate any platted road, easement, etc you have to hold a public hearing.

Mayor Nicholson opened the public hearing for anyone would like to speak for or against the closing of this easement. There being no one to speak for or against the closing of the easement, Mayor Nicholson closed the public hearing.

10B. ORDINANCE NO. 6107

***AN ORDINANCE AUTHORIZING THE PARTIAL CLOSING OF A PLATTED UTILITY EASEMENT LOCATED AT 2508 WILDWOOD AVENUE, PONCA CITY, KAY COUNTY, OKLAHOMA.***

Commissioner Krueger made the motion to approve the Ordinance for the partial closing of a platted utility easement located at 2508 Wildwood Avenue, Ponca City, Kay County, Oklahoma. Chapman seconded.

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

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

None.

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

11A. ORDINANCE NO. 6108

***AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE OF PONCA CITY BY THE ADDITION OF CHAPTER 10 ENTITLED "BUILDER'S LIABILITY AND WORKER'S COMPENSATION INSURANCE"; ESTABLISHING REQUIREMENTS FOR A BUILDER'S CERTIFICATE FOR ANY PERSON ENGAGING IN THE ERECTION, REMODEL OR ADDITION TO ANY RESIDENTIAL BUILDING; PROVIDING FOR AN APPLICATION PROCESS TO OBTAIN A BUILDER'S CERTIFICATE; PROVIDING FOR FEES AND RENEWAL CERTIFICATES; PROVIDING FOR FEES AND RENEWAL CERTIFICATES; PROVIDING FOR GENERAL LIABILITY AND WORKER'S COMPENSATION INSURANCE REQUIREMENTS; PROVIDING FOR PENALTIES FOR VIOLATIONS ; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.***

Commissioner Chapman made the motion to approve the Ordinance amending Title 10 of the City Code of Ponca City by the addition of chapter 10 entitled "builder's liability and worker's compensation insurance"; establishing requirements for a builder's certificate for any person engaging in the erection, remodel or addition to any residential building; providing for an application process to obtain a builder's certificate; providing for fees and renewal certificates; providing for general liability and worker's compensation insurance requirements; providing for penalties for violations; providing for repealer and severability; but amend the Ordinance by excluding Section 10-10-3, and set the fees by resolution at a later date. Mayor Nicholson opened the microphone to anyone who would like to comment on the Ordinance.

Dale Butler, 715 Monument Road, questioned whether a property owner would be affected on remodels of older homes for rental property. Chris Henderson answered by saying that if the extent of work requires a permit, yes, but if it was a superficial remodel, no.

Rod Mohler, stated that he was concerned about the timing of implementation and fees. Mohler also had questions regarding the general liability and workers compensation insurance.

Kevin Murphy, City Attorney, explained to the Commission that the legislature has mandated that licensing be done, and now the question is will the City take on another burden without any additional compensation, and continue to subsidize the department heavier for services that we are required to perform, or shift the cost to the users. Commissioner Chapman corrected Murphy by saying that it is really a registration and not a licensing, and that the statute says that if the entity requires the contractor to register, it does not say they have to. Discussion ensued.

Mayor Nicholson called for the vote at this time.

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

11B. Consider and vote on the Emergency Clause of the Ordinance.

Commissioner Chapman made the motion to approve the Emergency Clause of the Ordinance. Flegler seconded. Motion carried.

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

12A. Consider and vote on the 2009-2010 Collective Bargaining Agreement (CBA) between the City of Ponca City and the Fraternal Order of Police Lodge 103, and authorize the Mayor to sign the contract.

Commissioner Krueger made the motion to approve the signing of the 2009-2010 Collective Bargaining Agreement (CBA) between the City of Ponca City and the Fraternal Order of Police Lodge 103, and authorize the Mayor to sign the contract. Chapman seconded.

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

12B. Conduct Signing Ceremony.

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

13. None.

**RECESS TO PONCA CITY UTILITY AUTHORITY MEETING**

Commissioner Flegler made the motion to recess to the PCUA regular meeting. Anderson seconded.

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

14. The Board of Commissioners returned to regular session at 6:38 p.m.

David Myers, PCDA, gave an update on economic development efforts and the economy.

15. Commissioner Flegler made the motion to enter into executive session at 6:38 p.m. pursuant to Title 25 Section 307 Oklahoma Statutes for purposes of conferring on matters pertaining to Economic Development upon finding that the matter to be discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business. Anderson seconded.

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

16. Return to regular session and take any necessary action, if appropriate, on items discussed in Executive Session.

17. The motion was made and seconded to adjourn the Board of Commissioners meeting.

Mayor Nicholson adjourned the meeting at 7:07 p.m.

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MAYOR

ATTEST:

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CITY CLERK