

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
JUNE 8, 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
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Others Present: Mike Chapman, Judi Newland, Terry Brown, Don Bohon, Chris Henderson, Mike Lane, Butch Herring, Jim Sindelar, Tana McKinley, City staff; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:32 p.m.
2. Invocation – Mike Seabaugh, First Baptist Church
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for June is Justice and was presented by Malcom Cooper.

****CONSENT AGENDA****

The Board of Commissioners found items #5, #6, #7, #8, #9, #10, #11, #12, #13, and #14 non-controversial and routine in nature. Commissioner Anderson made the motion to approve the consent agenda. 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 work session held on May 18, 2009 and regular session held May 26, 2009.

6. **RESOLUTION NO. 5765**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AND ESTABLISHING THE TERMS OF THE OFFICE THEREOF.

<u>BOARD OR COMMISSION</u>	<u>NAME</u>	<u>TERM</u>	<u>TERM EXPIRATION</u>
Park & Recreation Advisory Board	Robin Riley	Re-Appointed	2012

7. Consider and vote on authorizing Mayor to sign one-year lease agreement between the City of Ponca City and Keith Waller, 1304 Kygar Road, Ponca City, OK to continue to lease a parcel of land consisting of approximately two acres.
8. Consider and vote on authorizing the Mayor to execute the agreement between Ponca City Alternative Sports Association and the City of Ponca City to operate a BMX track in Dan Moran Park.
9. Consider and vote on issuing Western Enterprises, Inc., a permit to conduct a fireworks display at west Lake Ponca Dam on July 4, 2009, and authorize the Mayor to execute a fireworks production contract with Western Enterprises for the event in the amount of \$22,000.00.

10. **RESOLUTION NO. 5766**

A RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE CERTAIN "WORK CHANGE DIRECTIVES", "CHANGE ORDERS", AND "TIME EXTENSIONS" DURING CONSTRUCTION OF THE PONCA CITY AQUATIC AND FAMILY CENTER-YMCA.

11. **RESOLUTION NO. 5767**

A RESOLUTION OF THE CITY OF PONCA CITY, OKLAHOMA, APPOINTING PURCHASING AGENTS FOR CONSTRUCTION OF THE PONCA CITY AQUATIC AND FAMILY CENTER-YMCA AND AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS.

12. Consider and vote on awarding bid on Project No. Gen 09-3, Mill & Overlay Fifth Street, Hartford to Prospect, to Evans & Associates Construction Construction Co. and authorize Mayor to execute contract for \$249,500.71.
13. Consider and vote to extend the City's contract with Perico for re-insurance on the City's Health Benefit plan for the fiscal year beginning July 1, 2009 and authorize the Mayor to execute all related documents.

14. **RESOLUTION NO. 5768**

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

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

15. None

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

16. Commissioner Chapman complimented Jim Sindelar on how beautiful the Cann Gardens looked for Herb Fest.

Commissioner Anderson spoke in regard to re-build projects to aid some elderly citizens of Ponca City that are to be done on June 26 and 27, 2009. Anderson further added that anyone interested in helping should contact Jon West at the City offices.

****REPORTS****

17. CITY MANAGER'S REPORT

City Manager Craig Stephenson advised that the State of Oklahoma and Kay County have had their first recorded H1N1 Virus death. Stephenson further added that it was a 43-year old male, who had some underlying health conditions, and had not been hospitalized.

Stephenson informed everyone that there is now a website (www.dps.state.us) you can go to and sign up for a reminder to be e-mailed to your e-mail address forty-five (45) days prior to when your driver's license is to expire.

Stephenson related that currently the City has twenty-five open positions on twelve of its advisory boards, and any citizen who would like to take an active part in their local government can go to the City's website, and fill out an advisory board application. Stephenson stated that upon receipt of these applications, they would be directed to the appropriate person for review. Stephenson emphasized to residents that this is your government.

Stephenson also reminded everyone to be careful and heed the flashing school lights at Grand and Waverly, as summer school is in session.

Stephenson concluded by stating that the Ponca City Aquatic Family Center-YMCA is a \$22 million project, and that the City has been working with the Kay County Career One Stop, by notifying them of potential employment positions with this project. Stephenson further added that in turn the Kay County Career One Stop has acquired a grant, and is working with Pioneer Vo-Tech to create some re-training classes for residents in this community. Stephenson further informed the citizens that sign-up sheets for potential jobs could be acquired at the Lambert Construction job trailer. Stephenson stated that this is a joint effort to create stimulus in the community's economy.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

18.

RESOLUTION NO. 5769

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA APPROVING THE OPERATING BUDGETS OF THE VARIOUS CITY FUNDS, MORE SPECIFICALLY DELINEATED AS EXHIBITS 1, 2, AND 3 ATTACHED HERETO FOR THE FISCAL YEAR 2009-10.

Commissioner Chapman made the motion approving the Resolution for the Operating budgets of the various City funds, more specifically delineated as Exhibits 1, 2, and 3 attached hereto for the Fiscal Year 2009-10. Anderson seconded.

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

19. Consider and vote to award the Audit of Financial Statements for Fiscal Year 2008-09 (Year Ending June 30, 2009) to Archambo & Mueggenborg, PC, Certified Public Accountants of Bartlesville, Oklahoma.

Commissioner Chapman made the motion to approve awarding of the Audit of Financial Statement for Fiscal Year 2008-9 (Year Ending June 30, 2009) to Archambo & Mueggenborg, PC, Certified Public Accountants of Bartlesville, Oklahoma. Anderson seconded.

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

- 20A. Receive public comments on the application by the Police Department for grant funds from the Fiscal Year 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

No comments were made.

- 20B. Consider and vote on the application by the Police Department for grant funds from the Fiscal Year 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

Commissioner Krueger made the motion to approve the application by the Police Department for grant funds from the Fiscal Year 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Anderson seconded.

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

21. Consider and vote on Memorandum of Understanding referencing the Fiscal Year 2009 Edward Byrne Memorial Justice Assistance Grant between the City of Ponca City and Kay County.

Commissioner Flegler made the motion to approve the Memorandum of Understanding referencing the Fiscal Year 2009 Edward Byrne Memorial Justice Assistance Grant between the City of Ponca City and Kay County. Chapman seconded.

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

****CITIZENS COMMENTS****

22. None.

RECESS TO PONCA CITY UTILITY AUTHORITY MEETING

23. Mayor Nicholson recessed to the Ponca City Utility Authority meeting at 6:09 p.m.

The Board of Commissioners reconvened their meeting at 6:14 p.m., with Commissioner Flegler making the motion to enter into Executive Session pursuant to Title 25, Section 307 O.S. for purpose of performing six-month review of City Manager's performance/compensation as required by his Employment Agreement. Krueger seconded.

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

Mayor Nicholson called the meeting back to order out of executive session at 6:48 p.m.

Mayor Nicholson advised that the Commission had met, reviewed, and discussed City Manager, Craig Stephenson's performance, since his January 1, 2009 appointment. Nicholson further added that the Commission agrees unanimously that all of the Commissioners have had positive feedback on Craig's performance.

Nicholson stated that inventory has been taken as to where the City is economically in the budget process, and the Commission has unanimously agreed at this time not to take any action on salary movement, as it would not be fiscally responsible in the austere environment to make any salary adjustments. Nicholson further related that it was not possible at this time to make adjustments for any of the City staff, until we see what the future of the economy holds.

Diane Anderson made the motion to adjourn the Board of Commissioners. Flegler seconded.

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

Mayor Nicholson made the motion to adjourn at 6:52 p.m.

PASSED IN SESSION AND APPROVED THIS 22ND DAY OF JUNE 2009.

MAYOR

ATTEST:

CITY CLERK