

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
SEPTEMBER 22, 2008

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
Stan Paynter, Commissioner
Wayne Foxworthy, Commissioner
Diane Anderson, Commissioner
Gary Martin, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Lanita Chapman, Commissioner

Present: Terry Brown, Holly LaBossiere, Marcia Hull, Skip Jump, Jim Sindelar, Rhonda Skrapke, Mike Lane, David Keathly, Earl Watkins, Don Nuzum, Tana McKinley, David Dick, Hong Fu, City staff; Rich Cantillon, Mary Beth Moore, T.L. Walker, Kelly Johnson, Jadon Worley, Guy Clark, Steve Peresko, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:31 p.m.
2. Invocation – Bob Innis, Word of Life
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

None.

****CONSENT AGENDA****

The Board of Commissioners found items #4, #5, #6, #8, #9, #10, #11, and #12 non-controversial and routine in nature. Commissioner Foxworthy made the motion to approve the consent agenda less item #7. Paynter seconded.

Roll: Yeas; Foxworthy, Paynter, Nicholson, and Anderson. Nays; None. Motion carried.

4. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held September 8, 2008.
5. Consider and vote on loan of Walt Harris Collection from Marland's Grand Home to Standing Bear Museum for six months.
6. **RESOLUTION NO. 5711**

A RESOLUTION OBLIGATING FUNDS TO BE USED AS LEVERAGE WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR THE SEWER REPLACEMENT PROGRAM, DEMOLITION, INTERIM ASSISTANCE/SPECIAL SERVICES, AND HOMEBUYER ASSISTANCE.

8. Consider and vote on a one-time exemption to the City's annexation policy and permit the extension of and connection to the City's water and sanitary sewer utilities to serve property located south of the 2400 block of west South Avenue.
9. Consider and vote to write off accounts with delinquent balances and transfer uncollectible to collection agency.
10. Consider and take action with respect to the final progress payment to Honeywell, Inc. for the performance contracting efficiency project the amount of \$787,500.00.

11. **RESOLUTION NO. 5712**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGETS OF VARIOUS FUNDS FOR THE FISCAL YEAR 2008-09.

12. **RESOLUTION NO. 5713**

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

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

13. Item #7 to consider and vote to authorize the Mayor to sign an agreement between the City of Ponca City, Ponca City Tourism, and 2009 Oklahoma H.O.G. Rally committee to conduct the 2009 Oklahoma State H.O.G. Rally was removed by Commissioner Foxworthy.

City Manager Gary Martin informed the Commission that now is the time to change the agreement, if there are provisions in this agreement they do not like. Martin further advised that this rally is not locked in stone at this point. Martin added that this is the Commission's opportunity to say "No."

Discussion ensued and it was made a motion by Commissioner Paynter to table this item and bring it back before the Commission at a work session. Foxworthy seconded.

Roll: Yeas; Nicholson, Foxworthy, and Paynter. Nays; Anderson. Motion carried.

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

14. Mayor Nicholson welcomed Jadon Worley, who is with the Leadership Ponca City class. Nicholson further added that part of his project is to audit City Commission meetings. Nicholson further commented that last weekend many people were in town for the Art Festival, and the Chili Cook-off; and everyone had a great time.

Commissioner Paynter commented on the Ponca City football game and how proud he was of the coach and the youth, and how they never gave up.

****REPORTS****

15. CITY MANAGER'S REPORT

None.

16. RECEIVE REPORT ON AUTHOR TOUR 2009.

Marcia Hull, Adult Services Librarian, informed the Commission about a new program the Library will be sponsoring, called the Author Tour 2009 at the Ponca City Library. Hull stated that they will be welcoming Oklahoma authors to our community to discuss their books.

17. TOURISM BUREAU REVIEW.

Mary Beth Moore, Tourism Coordinator, gave the Commission an overview and update on Tourism.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

- 18A. Consider and vote on 2008-2009 Collective Bargaining Agreement between the City of Ponca City and Fraternal Order of Police, Lodge 103 and authorize the Mayor to sign the contract.

Commissioner Paynter made the motion to approve the 2008-2009 Collective Bargaining Agreement between the City and the Fraternal Order of Police, Lodge 103 and authorize the Mayor to sign the contract. Foxworthy seconded.

Roll: Yeas; Paynter, Foxworthy, Nicholson, and Anderson. Nays; None. Motion carried.

- 18B. Conduct Signing Ceremony.

19. Consider and vote on accepting substitution of a "Line of Credit" for a "Letter of Credit" to guarantee construction of High Point and West Lake Road and release Letter of Credit No. 4183 issued by Home National Bank and designate Gary Martin as City Official who may authorize disbursement of funds from "Line of Credit" First National Bank of Oklahoma.

Commissioner Paynter made the motion to accept a substitution of a "Line of Credit" for a "Letter of Credit" to guarantee construction of High Point and West Lake Road, and release Letter of Credit No. 4183 issued by Home National Bank, and designate Gary Martin as City Official who may authorize disbursement of funds from "Line of Credit" First National Bank of Oklahoma. Anderson seconded.

Roll: Yeas; Paynter, Anderson, Nicholson, and Foxworthy. Nays; None. Motion carried.

20.

RESOLUTION NO. 5714

A RESOLUTION APPROVING THE SUBMISSION OF THE CITY OF PONCA CITY'S STANDING BEAR TRAILS PHASE 5 APPLICATION FOR ENHANCEMENT FUNDS TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$660,309.00.

Commissioner Anderson made the motion to approve the submission of the city of Ponca City's Standing Bear Trails Phase 5 application for enhancement funds to the Oklahoma Department of Transportation in the amount of \$660,309.00. Foxworthy seconded.

Roll: Yeas; Anderson, Foxworthy, Nicholson, and Paynter. Nays; None. Motion carried.

21. Consider and vote on Amendment No. 2 to LBR, Inc. for professional airport consulting services for Airport Improvement Projects (AIP).

Commissioner Foxworthy made the motion to approve Amendment No. 2 to LBR, Inc. for professional airport consulting services for Airport Improvement Projects (AIP). Anderson seconded.

Roll: Yeas; Foxworthy, Anderson, Nicholson, and Paynter. Nays; None. Motion carried.

22. Consider and vote on Amendment No. 3 to LBR, Inc. for professional airport consulting services for Airport Improvement Projects (AIP).

Commissioner Paynter made the motion to approve Amendment No. 3 to LBR, Inc. for professional airport consulting services for Airport Improvement Projects (AIP). Foxworthy seconded.

Roll: Yeas; Paynter, Foxworthy, Nicholson, and Anderson. Nays; None. Motion carried.

****CITIZENS COMMENTS****

23. City Manager Gary Martin advised the Commission that tomorrow(Tuesday) there would be an all employee training sponsored by OMPA, a joint special session with Ponca City Development Authority and the Ponca City Board of Commissioners is scheduled for Wednesday at 2:00, and the Flag Plaza Committee has some issues, and are now looking at November 16, 2008 for the dedication.

RECESS TO AUTHORITY MEETING

24. Mayor Nicholson recessed to the Utility Authority meeting at 7:00 p.m.

The Board of Commissioner returned to regular session at 7:03 p.m. and received a review from the Ponca City Development Authority.

David Myers, Director of Ponca City Development Authority, gave an overview of projects that are being worked on. Myers also touched on the subject of housing in Ponca City, and the need for an updated census. Myers stated that there are a number of projects to be discussed in closed session, which will give an opportunity to fill the Commission in on the status of negotiations. Myers concluded that it is important to these companies to maintain confidentiality, as they do not want to have their names mentioned publicly until they have had a chance to make a decision.

25. Commissioner Paynter made the motion at 7:12 pm to enter into Executive Session pursuant to Title 25, Section 307 O.S. for purpose 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; Paynter, Anderson, Nicholson, and Foxworthy. Nays; None. Motion carried

26. The Commission returned to regular session at 7:36 p.m. with no action being taken.
27. Mayor Nicholson adjourned the Ponca City Board of Commissioners meeting at 7:36 p.m.

PASSED IN SESSION AND APPROVED THIS 13TH DAY OF OCTOBER 2008.

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
SEPTEMBER 22, 2008

Pursuant to notice as required by law, the Board of Trustees of the Ponca City Utility Authority met in regular session at 7:00 p.m. in the Commission Chamber at City Hall, 516 E. Grand, with Chairman Homer Nicholson presiding.

Present: Homer Nicholson, Chairman
Stan Paynter, Trustee
Wayne Foxworthy, Trustee
Diane Anderson, Trustee
Gary Martin, Trust Secretary
Kevin Murphy, Trust Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Lanita Chapman

Others Present: Tana McKinley, Earl Watkins, City staff; Jadon Worley, Tim Burg, David Myers, citizens; Beverly Bryant, Ponca City News.

1. Chairman Nicholson called the meeting to order at 7:00 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2, #3, #4, and #5 non-controversial and routine in nature by the governing body and are approved by one motion.

Trustee Anderson made the motion to approve the consent agenda. Foxworthy seconded.

Roll: Yeas; Anderson, Foxworthy, Nicholson, and Paynter. Nays; None. Motion carried.

2. Consider and vote upon the minutes of the regular session held September 8, 2008.
3. Consider and vote upon authorizing Chairman to submit Monthly Operating Statement to OWRB.

4. **RESOLUTION NO. 703**

A RESOLUTION AMENDING THE OPERATING BUDGETS OF VARIOUS FUNDS OF THE PONCA CITY UTILITY AUTHORITY FOR FISCAL YEAR 2007-08.

5. **RESOLUTION NO. 704**

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

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

6. None.

****NEW BUSINESS****

None.

7. Trustee Paynter made the motion to adjourn. Anderson seconded.

Roll: Yeas; Paynter, Anderson, Nicholson, and Foxworthy. Nays; None. Motion carried.

Mayor Nicholson adjourned the Ponca City Utility Authority meeting at 7:03 p.m.

PASSED IN SESSION AND APPROVED THIS 13TH DAY OF OCTOBER 2008.

CHAIRMAN:

ATTEST:

TRUST SECRETARY