

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
MAY 27, 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
Diane Anderson, Commissioner
Lanita Chapman, Commissioner
Wayne Foxworthy, Commissioner
Gary Martin, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Stan Paynter, Commissioner

Present: Tana McKinley, Craig Stephenson, Jim Sindelar, Chris Henderson, Rob Dick, Don Bohon, David Horinek, Butch Herring, Phil Johnston, Terri Sherbon, Hong Fu, City staff; Beverly Bryant, Ponca City News

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

****CEREMONIES AND PROCLAMATIONS****

None.

****CONSENT AGENDA****

The Board of Commissioners found items #4, #5, #6, and #7 non-controversial and routine in nature. Commissioner Chapman made the motion to approve the consent agenda. Anderson seconded.

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

4. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held May 12, 2008.

5. **RESOLUTION NO. 5685**

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>
Housing Authority	Larry Buck	Re-Appointed	2011
Housing Authority	Todd Burlie	Re-Appointed	2011

6. Consider and vote on amendment to the Professional Services Agreement with Kendig Keast Collaborative by the addition of an Economic Development Chapter to the City's updated Comprehensive Plan and adjusting the total project cost to \$152,375.00.

7. **RESOLUTION NO. 5686**

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

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

8. None

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

9. Mayor Nicholson addressed the issue of the recent storms, and that we had been lucky with a minimum amount of damage.

****REPORTS****

10. CITY MANAGER'S REPORT

City Manager Gary Martin advised that the radar the City uses during storms, which is out of Enid, went down Monday evening during the storms, making it difficult for the people in the Emergency Operation Center. Martin went on to say that there was some local flooding, which is not unusual when there is that much rain in such a short amount of time.

Martin also reported on the Kaw Reservoir Authority issues, and stated that City Attorney Kevin Murphy has been working with the City of Stillwater in getting the lawsuit resolved.

Other items mentioned by Martin were: Jeff Seymour, PCDA, was selected, at the City's recommendation, to go to Gansu again this fall; state has asked that all storm costs be tracked, in case there is a declaration and costs could be reimbursed; report to ODEQ regarding sewer system overflow caused by stormwater; and bid opening for new recreation center has been scheduled for July 1, 2008 @ 3:00 p.m. Martin added that the rock climbing structure would be bid separately, in order to help reduce the cost of the project.

Martin concluded by extending his appreciation to the storm spotters who take their time, and put themselves at risk to protect the community.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

11. Consider and vote on issuing Western Enterprises, Inc. a permit to conduct a fireworks display at West Lake Ponca Dam on July 4, 2008, executing a Fireworks Production contract with Western Enterprises for the event in the amount of \$22,000.00, authorizing the Mayor to sign related contracts, and directing the Finance Director to make a pre-payment in the amount of \$6,000.00.

Finance Director Marc LaBossiere, noted that the blue sheet stated that the pre-payment should be \$6,600.00 instead of \$6,000.00; therefore, the motion should be for \$6,600.00.

Commissioner Foxworthy made the motion to approve the issuance of a permit to Western Enterprises, Inc. to conduct a fireworks display at West Lake Ponca Dam on July 4, 2008 and executing a Fireworks Production contract with Western Enterprises for the event in the amount of \$22,000.00, authorizing the Mayor to sign related contracts, and directing the Finance Director to make a pre-payment in the amount of \$6,600.00. Anderson seconded.

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

12. **RESOLUTION NO. 5687**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, SUPPORTING THE EXPANSION OF THE AMTRAK SERVICE KNOWN AS THE HEARTLAND FLYER FROM OKLAHOMA CITY THROUGH PERRY, THROUGH WICHITA, KANSAS, TO KANSAS CITY.

Commissioner Foxworthy made the motion to approve the Resolution supporting the expansion of the Amtrak service known as the Heartland Flyer from Oklahoma City through Perry, through Wichita, Kansas, to Kansas City. Anderson seconded.

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

13. **ORDINANCE NO. 6081**

AN ORDINANCE AMENDING THE CITY CODE TO PROVIDE FOR INCREASED ELECTRIC RATES, REPEALING ORDINANCES IN CONFLICT, PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE.

Commissioner Anderson made the motion to approve the Ordinance amending the City Code to provide increased electric rates, repealing Ordinances in conflict, providing for severability and declaring an effective date. Foxworthy seconded.

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

14. **ORDINANCE NO. 6082**

AN ORDINANCE AMENDING THE CITY CODE TO PROVIDE FOR INCREASED COSTS RECOVERY IN CERTAIN SOLID WASTE COLLECTION AND LANDFILL RATES, REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE.

Commissioner Foxworthy made the motion to approve the City Code to provide for increased costs recovery in certain solid waste collection and landfill rates, repealing Ordinances in conflict, providing for severability, and declaring an effective date. Anderson seconded.

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

15. **ORDINANCE NO. 6083**

AN ORDINANCE AMENDING THE CITY CODE IN REGARD TO WATER FEE CHARGES TO PROVIDE FOR INCREASED COSTS RECOVERY IN ALL ASPECTS OF WATER COLLECTION, TREATMENT, DISTRIBUTION, CAPITAL EXPENSES ASSOCIATED THEREWITH AND RECOVERY OF COSTS OF SUPPORT SERVICES FURNISHED BY VARIOUS CITY DEPARTMENTS, REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

Commissioner Foxworthy made the motion to approve the Ordinance amending the City Code in regard to water fee charges to provide for increased costs recovery in all aspects of water collection, treatment, distribution, capital expenses associated therewith and recovery of costs of support services furnished by various City departments, repealing Ordinances in conflict; providing for severability and establishing an effective date. Anderson seconded.

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

16. **ORDINANCE NO. 6084**

AN ORDINANCE AMENDING THE FEE FOR WATER MAIN TAPS AND PROVIDE FOR EXPANDING THE EXTENT OF SERVICES RENDERED BY THE CITY IN MAKING A TAP, REPEALING ORDINANCES IN CONFLICT, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

Commissioner Foxworthy made the motion to approve the Ordinance amending the fee for water main taps, and provide for expanding the extent of services rendered by the City in making a tap, repealing Ordinances in conflict, providing for severability, and establishing an effective date. Anderson seconded.

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

17. **ORDINANCE NO. 6085**

AN ORDINANCE AMENDING TITLE 11 CHAPTER 16 OF THE CODE OF ORDINANCES ADOPTING AIRPORT HAZARD REGULATIONS FOR THE PONCA CITY REGIONAL AIRPORT, REPEALING ORDINANCES IN CONFLICT; AND PROVIDING FOR SEVERABILITY.

Commissioner Anderson made the motion to approve the Ordinance amending Title 11, Chapter 16 of the Code of Ordinances adopting Airport Hazard Regulations for the Ponca City Regional Airport, repealing Ordinances in conflict; and providing for severability. Chapman seconded.

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

18. Consider and vote on an easement for communication equipment to Southwestern Bell Telephone Company across City owned property located in the Northwest Quarter of Section 14, Township 26 North, Range 2 East, I.M., Kay County.

Commissioner Foxworthy made the motion to approve an easement for communication equipment to Southwestern Bell Telephone Company across city owned property located in the Northwest Quarter of Section 14, Township 26, Range 2 East, I.M., Kay County. Anderson seconded.

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

****CITIZENS COMMENTS****

19. None
20. Commissioner Foxworthy made the motion to adjourn the Board of Commissioners meeting. Anderson seconded.

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

Mayor Nicholson adjourned the Board of Commissioners meeting at 6:23 p.m.

PASSED IN SESSION AND APPROVED THIS 9TH DAY OF JUNE 2008.

MAYOR

ATTEST

CITY CLERK