

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
MARCH 26, 2007

Pursuant to notice as required by law, the Ponca City Board of Commissioners met in regular session at 5:32 p.m. in the Commission Room at City Hall, 516 E. Grand, with Mayor Homer Nicholson presiding:

Present: Homer Nicholson, Mayor  
Paul Krueger, Commissioner  
Wayne Foxworthy, Commissioner  
Diane Anderson, Commissioner  
Craig Stephenson, Assistant City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Finance Director/City Clerk

Absent: Stan Paynter, Commissioner  
Gary Martin, City Manager

Others Present: Don Bohon, Phil Johnston, Jim Sindelar, Terry Brown, Chris Henderson, Tana McKinley, Butch Herring, John Rhyne, David Keathly, City Staff; Lee Evans, citizens; Rolf Clements, news press.

1. Mayor Homer Nicholson called the meeting to order at 5:32 p.m.
2. Invocation – Tana McKinley, Assistant City Manager, gave the invocation followed by the pledge of allegiance.

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

4. PROCLAMATION  
Arbor Day
5. CHARACTER TRAIT FOR MARCH  
Discernment presented by Malcolm Cooper.

**CONSENT AGENDA**

The Board of Commissioners found items #6 #7, and #8, non-controversial and routine in nature.

Acting City manager Craig Stephenson removed item #8.

Commissioner Krueger made the motion to approve the balance of the consent agenda. Anderson seconded.

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

6. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held March 12, 2007.
7. Consider and vote on request by Steve Peresko, property owner, to burn brush within the City limits on property located in the 3200 block of North Pecan.
8. Removed.

9.

**RESOLUTION NO. 5596**

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

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

10.

**RESOLUTION NO. 5595**

***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 2006-07.***

Finance Director Marc LaBossiere explained that Item #8 was removed from the agenda due to an item that came in late on Friday, after the agenda was completed. LaBossiere explained that the first item on this budget amendment was a residual equity transfer from the general fund to the CIP fund of the City, and the added item is in the Community Development Grant Fund. LaBossiere explained that there was a FEMA Grant that was substantially completed last year, but in the closing out of the grant there was a final item related to an administrative cost. LaBossiere further explained that due to this item bridging fiscal years, it needed to be added to the agenda. LaBossiere concluded by saying that there was revenue of \$3,980.00 and an expenditure of the same, which is a non-impact issue for the City.

Commissioner Foxworthy made the motion to approve the budget amendment. Anderson seconded.

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

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

11. Commissioner Krueger encouraged everyone to take advantage of cleaning out items they do not want, either by participating in the City-wide garage sale or the free spring clean-up week, being sponsored by the City to help in cleaning up City properties.

Mayor Nicholson echoed Commissioner Krueger's comments, and encouraged everyone to join in the spring clean-up.

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

12. CITY MANAGER'S REPORT

Acting City Manager Craig Stephenson advised that yellow door hangers reminding citizens of the "Spring Clean-up" will be put on doors next week as a reminder.

Stephenson further stated that the City Legal Department is working with ONG on the franchise agreement, which is due in the summer. Stephenson also added that ONG will pay for the franchise election; therefore, the City is going to try and piggy-back on this election with the City street sales tax election.

Stephenson also informed the Commission that on April 27, 2007 at 10:00 a.m. there will be a dedication for the Highway 77 improvement. Stephenson advised that Secretary Gary Riddley would be in town, with the Oklahoma Department of Transportation.

Item # 9 was omitted from the vote on the consent agenda; therefore, Commissioner Krueger made the motion to approve Item #9 on the consent agenda. Foxworthy seconded.

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

13. OKLAHOMA MUNICIPAL POWER AUTHORITY ISSUES AND UPDATE

Presented by Megan Mitchener, OMPA Member Services Representative.

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

- 14A. Conduct a Public Hearing for rezoning of property located east of the 2300, 2500 and 2700 blocks of LA Cann Drive from R-1 Single Family to R-2 two family and R-2m medium density dwelling.

There being no comments, the Mayor closed the Public Hearing.

- 14B. ORDINANCE NO. 6050

*AN ORDINANCE REZONING REAL PROPERTY LOCATED EAST OF THE 2300, 2500, AND 2700 BLOCKS OF L A CANN DRIVE (MORE SPECIFICALLY SET FORTH BELOW ) FROM R-1 SINGLE FAMILY DWELLING DISTRICT, TO R-2 TWO FAMILY DWELLING DISTRICT AND R-2M MEDIUM DENSITY DWELLING DISTRICT, AND DIRECTING THE DEVELOPMENT SERVICES DIRECTOR TO CHANGE THE OFFICIAL ZONING MAP OF THE CITY ACCORDINGLY, AND DIRECTING THE CITY CLERK TO FILE OF RECORD.*

Commissioner Foxworthy made the motion to approve the ordinance as proposed and rezoning of real property located east of the 2300, 2500, and 2700 blocks of L A Cann Drive from R-1 Single Family to R-2 two family, and R2m medium density dwelling. Krueger seconded.

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

- 15A. Conduct a Public Hearing for rezoning of property located at 114 West Emporia (Lots 5-8, Block 14, Townsite of Cross) from R-3 Multi Family Dwelling District to C-2 General Commercial.

Gary Zink, 200 N. Birch, gave a brief summary of his plans for this area, if the rezoning were approved. There being no neighbors from the surrounding area to speak for or against the rezoning, the Public Hearing was closed.

15B.

ORDINANCE NO. 6051

*AN ORDINANCE REZONING REAL PROPERTY DESCRIBED AS LOTS 5-8, BLOCK 14, TOWNSITE OF CROSS ADDITION TO THE CITY OF PONCA CITY, LOCATED AT 114 WEST EMPORIA, FROM R-3 MULTI FAMILY DWELLING DISTRICT TO C-2 GENERAL COMMERCIAL, AND DIRECTING THE DEVELOPMENT SERVICES DIRECTOR TO CHANGE THE OFFICIAL ZONING MAP OF THE CITY ACCORDINGLY, AND DIRECTING THE CITY CLERK TO FILE OF RECORD.*

Commissioner Foxworthy made the motion to approve the ordinance as proposed and rezoning of real property located at 114 West Emporia, from R-3 Multi-Family Dwelling District to C-2 General Commercial. Krueger seconded.

Commissioner Krueger commented that he was inclined to approve the rezoning, without a concrete proposal, as none of the neighbors seemed to have any concerns regarding the rezoning, since none were in attendance. Krueger stated that he would trust the Development Services Director to keep the neighbors informed.

Commissioner Anderson stated that her view point was opposite of Commissioner Krueger's in that she felt there should be a concrete proposal before approving the rezoning. Anderson added that she did not have problem with the development as proposed, but would like to see the plan laid out, to make sure that everyone is comfortable before proceeding.

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

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

None.

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

- 16A. Receive a report from staff regarding the annexation of certain properties collectively described as being within and surrounding the Gingers East Lake Subdivision to Kay County.

Development Services Director, Chris Henderson, informed the Commission that the City's Department Heads had met on two occasions to discuss the pros and cons of annexation of the Gingers East Lake Subdivision. Henderson stated that it was the opinion of the majority of staff members that this annexation should not occur.

Henderson went on to iterate that if the City Commission should vote to authorize staff to proceed with the annexation process, then the boundaries of the area to be annexed should include those segments of L.A. Cann and Kygar that lie adjacent to or within those boundaries.

Henderson went on to outline the alternatives for the Commission, and advised that this is only the beginning of the process, and all that is to be decided at this meeting is to proceed or not proceed with the annexation process.

- 16B. Consider and vote to authorize staff to proceed with the annexation process for all or a portion of said properties.

Commissioner Krueger made the motion authorizing staff to proceed with the annexation

process for all or a portion of said properties. Foxworthy seconded.

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

17. Consider and vote upon updated agreements with the Oklahoma Tax Commission for Administration of City Sales Tax and City Use Tax, and authorize the Mayor to execute all related documents.

Commissioner Foxworthy made the motion authorizing the Mayor to execute all related documents and agreements with the Oklahoma Tax Commission for Administration of City Sales Tax and City Use Tax. Anderson seconded.

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

18. Consider and vote to award the Audit of Financial Statement for Fiscal Year 2006-07 (Year ending June 30, 2007) to Archambo & Mueggenborg, PC, Certified Public Accountants of Bartlesville, Oklahoma.

Commissioner Anderson made the motion to award the Audit of Financial Statement for Fiscal Year 2006-07 (Year ending June 30, 2007) to Archambo & Mueggenborg, PC, Certified Public Accountants, of Bartlesville, Oklahoma. Foxworthy seconded.

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

19. **RESOLUTION NO. 5597**

***A RESOLUTION SETTING NON-UTILITY RATES, FEES AND CHARGES FOR THE CITY OF PONCA CITY AND THE PONCA CITY UTILITY AUTHORITY.***

Commissioner Anderson made the motion to approve the Resolution for setting non-utility rates, fees, and charges for the City of Ponca City, and the Ponca City Utility Authority. Krueger seconded.

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

20. Consider and vote to authorize the Mayor to sign an agreement between the City of Ponca City and the Boat House & RV Center, Inc. an Oklahoma Corporation, to utilize East Lake Ponca and the roads and area around East Lake Ponca for the purpose of conducting hydroplane races on June 16, 2007.

Commissioner Krueger made the motion authorizing the Mayor to sign an agreement between the City of Ponca City and the Boat House & RV Center, Inc., to utilize East lake Ponca and the roads and area around east of Lake Ponca for the purpose of conducting hydroplane races on June 16, 2007. Anderson seconded.

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

21. Consider and vote to approve a Commission Policy Statement regarding the installation, maintenance, and replacement of local and residential street lights.

Commissioner Anderson made the motion to approve a Commission Policy statement regarding the installation, maintenance, and replacement of local and residential street lights. Foxworthy seconded.

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

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

22. None.

23. Commissioner Krueger made the motion to adjourn. Anderson seconded.

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

Mayor Nicholson adjourned the Board of Commissioners at 6:54 p.m.

***PASSED IN SESSION AND APPROVED THIS 9<sup>TH</sup> DAY OF APRIL 2007.***

ATTEST

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES  
PONCA CITY UTILITY AUTHORITY  
MARCH 26, 2007

Pursuant to notice as required by law, the Board of Trustees of the Ponca City Utility Authority met in regular session at 6:54 p.m. in the Commissioners' Room in City Hall at 516 East Grand Avenue with Chairman Homer Nicholson presiding.

- Present: Homer Nicholson, Chairman  
Paul Krueger, Trustee  
Wayne Foxworthy, Trustee  
Diane Anderson, Trustee  
Craig Stephenson, Acting Trust Secretary  
Kevin Murphy, City Attorney  
Marc LaBossiere, Finance Director/City Clerk
- Absent: Stan Paynter, Trustee  
Gary Martin, Trust Secretary
- Others Present: Don Bohon, Phil Johnston, Terry Brown, Chris Henderson, Tana McKinley, Butch Herring, John Rhyne, Todd Smith, City Staff, Rolf Clements, news press

1. Chairman Homer Nicholson called the meeting to order at 6:54 p.m.

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

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

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

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

2. Consider and vote upon the minutes of the regular session held on February 26, 2007.
3. Consider and vote upon authorizing Chairman to submit Monthly Operating Statement to OWRB.
4. **RESOLUTION NO. 647**

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

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

5. None.

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

6. Consider and vote on request to replace existing Lime System for Water Treatment Plant at a cost of \$830,251.00.

Environmental Services Director Hong Fu explained to the Commission that lime is used to achieve hardness reduction to improve water quality. Fu further explained that the existing lime system at the water plant was installed in 1997, and is at the end of its 10-year life expectancy. Fu stated that the new requested system has a simpler mechanical design and automatic optimization, which assures much longer years of low maintenance and reliable operation, at a cost of \$830,251.00.

Trustee Anderson made the motion to approve replacement of the existing Lime System for the Water Treatment Plant at a projected cost of \$830,251.00. Krueger seconded.

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

7.

**RESOLUTION NO. 648**

***A RESOLUTION OF THE PONCA CITY UTILITY AUTHORITY, PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGET OF VARIOUS PCUA FUNDS FOR THE FISCAL YEAR 2006-07.***

Finance Director Marc LaBossiere explained that this item was related to the previous item. LaBossiere explained to the Commission that there had been a windfall in the water utility revenue of approximately \$657,000.00. LaBossiere stated that upon examining the best use of these funds, it was decided the Lime System at the Water Treatment Plant was at the top of the pile of needs, and instead of waiting until next year decided to ask permission of the Commission to go ahead with the project. LaBossiere also advised that the remaining funds between the \$657,000.00 and the projected cost would come from the water fund balance. LaBossiere concluded that the project would be funded totally from existing funds without issuing debt.

Trustee Krueger made the motion to approve the Resolution amending the operating budget of various Ponca City Utility Authority funds. Anderson seconded.

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

- 8.. Consider and vote on a contract with Smith Roberts Baldischwiler, LLC. (SRB) to provide basic engineering and design services for Sanitary Sewer Collection System Improvement Projects in the not-to-exceed amount of \$44,500.00.

Trustee Krueger made the motion to approve the contract with Smith Roberts Baldischwiler, LLC, to provide engineering and design services for Sanitary Sewer Collection Systems Improvement Projects in the not-to-exceed amount of \$44,500.00. Foxworthy seconded.

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

9. Consider and vote on a contract for construction and delivery of a 25 Mva Transformer with Howard Industries of Laurel, MS, in the amount of \$735,000.00.

Trustee Anderson made the motion to approve construction and delivery of a 25 Mva Transformer with Howard Industries of Laurel, MS, I the amount of \$735,000.00. Foxworthy seconded.

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

10. Consider and vote on Change Order Number One in the additional amount of \$9,000.00 to the contract for Construction and Delivery of a 25 Mva Transformer with Howard Industries of Laurel, MS and to authorize the Chairman and Secretary to execute required documents.

Trustee Anderson made the motion to approve Change Order Number One in the additional amount of \$9,000.00 to the contract for construction and delivery of a 25 Mva Transformer with the



Howard Industries of Laurel, MS and to authorize the Chairman and Secretary execute required documents. Krueger seconded.

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

11. Motion by Trustee Foxworthy to adjourn, and was seconded by Anderson at 7:13 p.m.

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

***PASSED IN SESSION AND APPROVED THIS 9TH DAY OF APRIL 2007.***

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CHAIRMAN

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SECRETARY