

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
DECEMBER 10, 2007

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 Room at City Hall, 516 E. Grand, with Mayor Homer Nicholson presiding:

Present: Homer Nicholson, Mayor  
Diane Anderson, Commissioner  
Wayne Foxworthy, Commissioner  
Stan Paynter, Commissioner  
Paul Krueger, Commissioner  
Gary Martin, City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Finance Director/City Clerk

Others Present: Chris Henderson, Craig Stephenson, Jeff Pameticky, Gary Cohenouer, Don Bohon, David Horinek, Mike Lane, Jim Fairbanks, Sam Whitecotton, Butch Herring, Tana McKinley, City staff.

1. Mayor Homer Nicholson called the meeting to order at 5:31 p.m.
2. Invocation – Commissioner Diane Anderson gave the invocation followed by the pledge of allegiance.

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

The Board of Commissioners found items #4, #5, #6, #7, #8, #9, #10, and #11 non-controversial and routine in nature.

Commissioner Paynter made the motion to approve the consent agenda. Foxworthy seconded.

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

4. Consider and vote upon minutes of the Ponca City Board of Commissioners work session held November 5, 2007, and regular session held November 26, 2007.
5. **RESOLUTION NO. 5657**

***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.***

<b><u>BOARD OR COMMISSION</u></b>	<b><u>NAME</u></b>	<b><u>TERM</u></b>	<b><u>TERM EXPIRATION</u></b>
Historic Preservation	Lori Hutchins	Appointed	2010
Park & Recreation Advisory Board	Robin Riley	Appointed	2009

6. Consider and vote on a contract award for road construction materials to the lowest bidder available for January 1, 2008 through June 30, 2008.
7. Consider and vote to write off ambulance accounts with delinquent balances and transfer uncollectible to collection agency.

8. **RESOLUTION NO. 5658**

***A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, AUTHORIZING THE FINANCE DIRECTOR/CITY CLERK TO DESTROY MUNICIPAL RECORDS UNDER HIS CONTROL AND ACCORDING TO STATE STATUTE.***

9. **RESOLUTION NO. 5659**

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

Commissioner Foxworthy stated that he had questions regarding Item #6 and Item # 7. Foxworthy asked if the asphaltic oil materials were bought at open market price, since no one bid on these items. Sam Whitecotton, Street Superintendent, answered stating that Foxworthy was correct; these items would be bought at open market price.

Foxworthy stated that his second question was in regard to the ambulance accounts being written off due to delinquent balances. Foxworthy went on to say that he assumed that many of the high charges were for trips out of town, and he further added that he understood that in emergency situations, insurance status could not be verified. Foxworthy further questioned whether or not when transferring a patient from one hospital to another, could insurance be verified before the transfer is made. Butch Herring, Ponca City Fire Chief, answered the above questions by saying that typically they do not request this information, as most of the responses that are taken out of town from Ponca City Medical Center to another facility are an emergency basis. Herring further added that in the past this has not been a major issue to verify if that person has the ability to pay, but what is required is a doctor's note, which states that this person has to be transported by ambulance. Herring further elaborated that as a soul source provider for the City of Ponca City all patients have been transported without any question of ability to pay.

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

10. None.

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

11. Commissioner Paynter stated that he was glad to be back and good to see all the Christmas decorations.

Commissioner Krueger stated that he had questions regarding our City's mutual aid procedures.

Commissioner Anderson announced she would be running for re-election this coming Spring.

Mayor Nicholson expressed gratitude to Anderson. Nicholson also stated that Christmas season is here and the winter weather is tough, but we are Ponca Citians and can brave the weather.

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

12. CITY MANAGER'S REPORT

City Manager Gary Martin began by answering Commissioner Krueger's question in regards to mutual aid. Martin went on to say that last Friday morning all departments that respond to emergencies were called together to start getting ready for the ice storm, much like the one in 2002. Martin stated that plans were made for potential problems. Martin assured the Commission that city crews along with contractors are ready to respond if needed. Martin went on to answer Commissioner Krueger's question of whether we have sent crews to aid other cities, and he answered that we have not, and the reason being we do not want our crews out of town if they should be needed here. Martin further advised that if nothing happens tonight in Ponca City crews will head out tomorrow to help member cities of Municipal Electric Systems of Oklahoma (MESO), which typically operate their own electrical company as Ponca City does.

Martin went on to complement City departments and City staff for all the work done on the Christmas parade. Martin commented that it was a great parade and many people attended in spite of the cold weather.

Martin stated that ODOT responded and has approved the city's request that Waverly street be reclassified from a local street to a minor arterial street. Martin called upon Mike Lane Traffic Engineering Manager, to explain to the Commissioners the importance of this decision.

Lane explained that this request was submitted because of a County/City Project on Waverly in 2009. Lane further explained that in order for this project to be considered for federal funding, Waverly had to be reclassified as a minor arterial street.

Martin further advised the Commission of the dedication of the Clyde Warrior Memorial, to which all of the Commissioners have been invited, on December 19, 2007. Martin also informed the Commission that the Mayor received notice that the group applying for tax credits for senior housing are back, and applying for a permit for the corner of Waverly & Highland.

Martin further informed the Commission that the person who burglarized the airport a couple of years ago, has been caught, and brought up on federal charges in Kansas City.

13. REVIEW ON SNOW & ICE POLICY

Assistant City Manager Craig Stephenson updated the Commission on the City's Snow and Ice Policy.

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

- 14A. Chris Henderson, Development Services Director informed the Commission that every three years, the City updates its building codes by the adoption of the individual elements that comprise the complete set of International Building Codes. Henderson explained that these codes regulate the construction and remodel of new and existing buildings. Henderson stated that the City's Municipal Code is currently written in such a manner as to automatically adopt each new edition to the IBC, and the Code Enforcement state is already using the updated Codes for new construction projects.

Henderson concluded by saying that the new Codes are adopted along with their appendices as well, which reflects the legal challenges to the validity of the Codes.

Mayor Nicholson opened the floor for the Public Hearing, but there being no one for or against the adoption of the 2006 Edition of the International Building Codes, he closed the Public Hearing.

14B.

**ORDINANCE NO. 6071**

***CONSIDER AND VOTE ON AN ORDINANCE AMENDING TITLE 10, CHAPTER 1, CHAPTER 3, CHAPTER 4, AND CHAPTER 5, OF THE CITY CODE OF PONCA CITY, ENTITLED "BUILDING REGULATIONS", PROVIDING FOR THE ADOPTION OF THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODES; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY PROVIDING FOR CODIFICATION AND SETTING AN EFFECTIVE DATE.***

Commissioner Foxworthy made the motion to approve the Ordinance amending Title 10, Chapters 1, 3, 4, and 5 of the City Code of Ponca City entitled "Building Regulations," providing for the adoption of the 2006 Edition of the international building codes; providing for Repealer; providing for severability; providing for severability; providing for codification; and setting an effect date. Anderson seconded.

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

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

None.

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

15. Consider and vote to take action with respect to progress payment #5 to Honeywell, Inc. for the Performance Contracting Efficiency Project for \$1,181,250.

Commissioner Anderson made the motion to approve progress payment #5 to Honeywell, Inc. for the performance contracting efficiency project in the amount of \$1,181,250.00 Foxworthy seconded.

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

16. Consider and vote on a contract with Traffic & Lighting Systems, Inc. for the Traffic Signal Video Detection Retrofit on 14<sup>th</sup> Street from Grand to Knight in the amount of \$89,123.75

Commissioner Krueger made the motion to approve the contract with Traffic & Lighting Systems, Inc. for the Traffic Signal Video Detection Retrofit on 14<sup>th</sup> Street from Grand to Knight for \$89,123.75. Anderson seconded.

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

17. Consider and vote on the Agreement for Engineering Services for preparation of the Application to request from FEMA the issuance of a conditional letter of Map Revision (CLOMR) for City Project No. GEN 06-11-Hartford Avenue Street improvements—Ash Street to Waverly Street, to Meshek and Associates, PLC in the total contract amount of \$13,600.00.

Commissioner Paynter made the motion to approve the agreement for Engineering Services for Preparation of the Application to request from FEMA the issuance of a conditional letter of Map Revision (CLOMR) for City Project No. GEN 06-11-Hartford Avenue Street improvements—Ash Street to Waverly Street, to Meshek and Associates, PLC in the total contract amount of \$13,600.00. Krueger seconded.

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

- 18A. **ORDINANCE NO. 6072**

***AN ORDINANCE EXTENDING SIGN MORATORIUM PERIOD OF ORDINANCE #6067 TO JANUARY 14, 2008; SUSPENDING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.***

Commissioner Foxworthy made the motion to approve the Ordinance extending the Sign Moratorium period of Ordinance #6067 to January 14, 2008; suspending Ordinances in conflict; providing for severability and declaring an emergency. Anderson seconded.

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

- 18B. Consider and vote on the Emergency Clause of the Ordinance.

Commissioner Krueger made the motion to approve the Emergency Clause of the Ordinance. Foxworthy seconded.

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

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

19. None.

20. Commissioner Krueger made the motion to adjourn the Board of Commissioners meeting at 6:37 p.m. Anderson seconded.

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

Mayor Nicholson adjourned the Board of Commissioners meeting at 6:37 p.m.

***PASSED IN SESSION AND APPROVED THIS 26TH DAY OF DECEMBER 2007.***

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MAYOR

ATTEST

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CITY CLERK