

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
MAY 24, 2010

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: Diane Anderson, Vice-Mayor  
Paul Krueger, Commissioner  
Bill Flegler, Commissioner  
Lanita Chapman, Commissioner  
Craig Stephenson, City Manager  
David Garrison, Assistant City Attorney  
Paulette Cross, Deputy City Clerk

Absent: Homer Nicholson, Mayor  
Marc LaBossiere, Finance Director/City Clerk  
Kevin Murphy, City, Attorney

Others Present: Paula Cain, Chris Henderson, Walt Klinger, Marcy White, David Horinek, Rhonda Skrapke, Jim Fairbanks, Don Bohon, Randy Tyner, Darlene Platt, Phil Johnston, Mike Chapman, Hong Fu, City Employees; Christina Chapman, Jack Graham, Myra Diaz, Visitors; Beverly Bryant, Ponca City News

1. Vice-Mayor Diane Anderson called the meeting to order at 5:30 p.m.
2. Invocation – Bob Innes, Word of Life Church
3. Pledge of Allegiance

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

4. Presentation of FEMA Community Rating System Plaque for Flooding Mitigation Excellence.

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

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

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners work sessions held May 3, and May 17, 2010 and regular session held May 10, 2010.
6. **RESOLUTION NO. 5835**

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

7. **RESOLUTION NO. 5836**

***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 2009-10.***

8. **RESOLUTION NO. 5837**

***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>
Board of Adjustment	Phil Bandy	Appointed	2011
Board of Adjustment	Kelly Murphy	Appointed	2011
Historic Preservation Advisory Panel	Karen Banta	Re-Appointed	2013
Historic Preservation Advisory Panel	Royce Redinger	Appointed	2013
Housing Authority	Barbara Ennis	Re-Appointed	2013
Library Board	Chris LittleCook	Re-Appointed	2013
Library Board	Glenn Sloan	Re-Appointed	2013
Marland Estate Commission	Tom Myatt	Re-Appointed	2013
Park & Recreation Advisory Board	Alfred Moore	Re-Appointed	2013
Park & Recreation Advisory Board	Tom Throop	Appointed	2013
Park & Recreation Advisory Board	Bill Wentroth	Re-Appointed	2013
Planning Commission	David H. Baur, Jr.	Re-Appointed	2013
Planning Commission	Richard H. Francis	Appointed	2013
Planning Commission	Richard Stone	Re-Appointed	2013
Senior Advisory Board	Ron Covill	Re-Appointed	2013

9. Consider and vote upon a contract with Rick Scott Construction, Inc. in the amount of \$49,900.00 for “Rehab of 2013 Joe Street, Project No. NSTP REHAB 10-01.”
10. Consider and vote upon contract with J & C Contracting in the amount of \$26,350.00 for the demolition of blighted structures as part of the City’s Neighborhood Stabilization Program (NSP).
11. Consider and vote upon Change Order No. 1 in the add amount of \$11,530.98 and the final payment in the amount of \$19,995.20 to Sober Brothers, Inc. for work completed on Street Improvement Project—Concrete Pavement Reconstruction of Meadow Lane from Prospect Avenue to Crawford Avenue Project No. GEN 10-2.

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

12. None.

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

13. None.

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

14. CITY MANAGER'S REPORT

City Manager Craig Stephenson advised the Commission that the water line project on Lake Road was progressing very nicely and it is hoped to have Lake Road open by this coming Memorial Day weekend.

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

None.

**\*\*UNFINISHED BUSINESS**

None.

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

15. ORDINANCE NO. 6115

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

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

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

16. ORDINANCE NO. 6116

***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 ESTABLISHING AN EFFECTIVE DATE.***

Commissioner Flegler made the motion to approve 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 establishing an effective date. Chapman seconded.

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

17A. **ORDINANCE NO. 6117**

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

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

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

17B. **ORDINANCE NO. 6118**

***AN ORDINANCE AMENDING THE CITY CODE IN REGARD TO INDUSTRIAL PRETREATMENT ANNUAL PERMIT FEES TO PROVIDE FOR ADJUSTING THE PERMIT FEE FOR SIGNIFICANT INDUSTRIAL USERS, REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE.***

Commissioner Flegler made the motion to approve the Ordinance amending the city code in regard to Industrial Pretreatment annual permit fees to provide for adjusting the permit fee for significant industrial users, repealing Ordinances in conflict; providing for severability, and declaring an effective date. Chapman seconded.

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

18. **ORDINANCE NO. 6119**

***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 DECLARING AN EFFECTIVE DATE.***

Commissioner Chapman 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 declaring an effective date. Flegler seconded.

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

19A.

**ORDINANCE NO. 6120**

***AN INTERLOCUTORY ORDINANCE OVERLAYING TITLE 11, CHAPTER 12 OF THE CODE OF PONCA CITY, ENTITLED "SIGN REGULATIONS," PROVIDING FOR THE APPLICATION OF SPECIFIC USE STANDARDS REGARDING THE DISPLAY OF TEMPORARY OUTDOOR OFF PREMISES SIGNS ON A TEMPORARY EXPERIMENTAL BASIS TO DETERMINE IF SAID STANDARDS PROVE TO BE PRACTICABLE; AND DECLARING AN EMERGENCY.***

Community Development Services Director Chris Henderson explained to the Commission that two (2) years ago, the City opted to ban all off-premise advertising signs (billboards), and since that time it has been difficult to get a handle on the emerging temporary off-premise signs. Henderson further added that instead of the outright banning of these signs or the unrestricted use of these signs, the City opted to present the Commission with an ordinance. This ordinance, Henderson explained, would offer a fair and equitable use of these types of signs by the citizens, because in many instances, these signs are used to promote tourism, and enhance our economy, but in other instances, they are used to advertise items sold 100 miles away.

Henderson related that this interlocutory ordinance is to be used temporarily and essentially to overlay the existing sign code, in preparation for a comprehensive re-write of the sign ordinance. Henderson further explained that the re-write is not something that can be accomplished in 60 to 90 days, but will be a long process. Henderson added that sign regulations affect many people, and input will have to be received from all of the users.

Commissioner Flegler made the motion to approve an Ordinance overlaying Title 11, Chapter 12 of the Code of Ponca City, entitled "Sign Regulations," providing for the application of specific use standards regarding the display of temporary outdoor off premises signs on a temporary experimental basis to determine if said standards prove to be practicable; and declaring an emergency. Chapman seconded.

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

19B. Consider and vote on the Emergency Clause of the Ordinance.

Commissioner Flegler made the motion to approve the Emergency Clause of the above Ordinance. Chapman seconded.

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

19C.

**RESOLUTION NO. 5838**

***A RESOLUTION ESTABLISHING PERMITTING FEE FOR THE TEMPORARY OFF-PREMISES ADVERTISING SIGNS.***

Commissioner Krueger made the motion to approve the Resolution establishing a permitting fee for temporary off-premises advertising signs. Flegler seconded.

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

- 20A. Receive Public Comments on the application by the Police Department for grant funds from the fiscal year 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

Lt. Randy Tyner, Ponca City Police Department, advised the Commission that this year's 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) non-competitive, cooperative grant between the Ponca City Police Department and the Kay County Sheriff's Department, if approved will be \$21,462.00. Tyner stated that an agreement has been reached between the two agencies; with the Ponca City Police Department receiving \$16,062.00 and the Kay County Sheriff's Department receiving \$5,400.00.

- 20B. Consider and vote on the application by the Police Department for Grant Funds for the Fiscal Year 2010 Edward Byrne Memorial Justice Grant (JAG).

Commissioner Chapman made the motion to approve the application by the Police Department for Grant Funds from the Fiscal Year 2010 Edward Byrne Memorial Justice Grant (JAG). Flegler seconded.

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

21. Consider and vote on Memorandum of Understanding referencing the Fiscal Year 2010 Edward Byrne Memorial Justice Assistance Grant between the City of Ponca City and Kay County.

Commissioner Chapman made the motion to approve the Memorandum of Understanding referencing the Fiscal Year 2010 Edward Byrne Memorial Justice Assistance Grant between the City of Ponca City and Kay County. Flegler seconded.

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

22. Consider and vote on Construction Payment No. 15 to Lambert Construction Company for \$864,500.00 for construction of the Ponca City Aquatic & Family Center-YMCA.

Commissioner Krueger made the motion to approve the Construction Payment No. 15 to Lambert Construction Company in the amount of \$864,500.00 for construction of the Ponca City Aquatic & Family Center-YMCA. Chapman seconded.

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

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

23. None.

24. Commissioner Flegler made the motion to adjourn the regular session of the Board of Commissioners. Chapman seconded.

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

Vice-Mayor Anderson adjourned the Board of Commissioners at 6:30 p.m.

*PASSED IN SESSION AND APPROVED THIS 14TH DAY OF JUNE 2010.*

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MAYOR

ATTEST:

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CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES  
PONCA CITY UTILITY AUTHORITY  
MAY 24, 2010

Pursuant to notice as required by law, the Board of Trustees of the Ponca City Utility Authority met in regular session at 5:30 p.m. in the Commission Chamber at City Hall, 516 E. Grand, with Chairman Homer Nicholson presiding.

Present: Diane Anderson, Vice-Chairman  
Paul Krueger, Trustee  
Bill Flegler, Trustee  
Lanita Chapman, Trustee  
Diane Anderson, Trustee  
Craig Stephenson, City Manager  
David Garrison, Assistant City Attorney  
Paulette Cross, Deputy City Clerk

Absent: Homer Nicholson, Chairman  
Marc LaBossiere, Secretary  
Kevin Murphy, City Attorney

Others Present: Paula Cain, Chris Henderson, Walt Klinger, Marcy White, David Horinek, Rhonda Skrapke, Jim Fairbanks, Don Bohon, Randy Tyner, Darlene Platt, Phil Johnston, Mike Chapman, Hong Fu, City Employees; Christina Chapman, Jack Graham, Myra Diaz, Visitors; Beverly Bryant, Ponca City News

1. Vice-Chairman Diane Anderson called the meeting to order at 6:30 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 Flegler made the motion to approve the consent agenda. Krueger seconded.

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

2. Consider and vote upon the minutes of the regular session held May 10, 2010.

3. **RESOLUTION NO. 760**

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

4. Consider and vote upon authorizing the Chairman to submit Monthly Operating Statement to OWRB.

5. **RESOLUTION NO. 761**

***A RESOLUTION OF THE PONCA CITY UTILITY AUTHORITY, PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGET OF VARIOUS PCUA FUNDS FOR THE FISCAL YEAR 2009-10.***

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

6. None.

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

7. **RESOLUTION NO. 762**

***A RESOLUTION AMENDING THE PONCA CITY UTILITY AUTHORITY (PCUA) CUSTOMER SERVICE GUIDELINES BY ESTABLISHING PCUA'S MAXIMUM ANNUAL CUMULATIVE PARTICIPATION IN OKLAHOMA MUNICIPAL POWER AUTHORITY'S (OMPA) "WAYS I SAVE ELECTRICITY" (W.I.S.E.) PROGRAM AT \$200,000.00.***

Trustee Flegler made the motion to approve the Resolution amending the Ponca City Utility Authority (PCUA) Customer Service Guidelines by establishing PCUA's maximum annual cumulative participation in Oklahoma Municipal Power Authority's (OMPA) "WAYS I SAVE ELECTRICITY" (W.I.S.E.) Program at \$200,000.00. Chapman seconded.

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

Trustee Flegler made the motion to adjourn the meeting. Krueger seconded.

Vice-Chairman Anderson adjourned the Ponca City Utility Authority meeting at 6:35 p.m.

***PASSED IN SESSION AND APPROVED THIS 14TH DAY OF JUNE 2010.***

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CHAIRMAN:

ATTEST:

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TRUST SECRETARY