

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
JULY 12, 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: Homer Nicholson, Mayor
Diane Anderson, Vice-Mayor
Bill Flegler, Commissioner
Lanita Chapman, Commissioner
Paul Krueger, Commissioner
Craig Stephenson, City Manager
Kevin Murphy, City, Attorney
Marc LaBossiere, Finance Director/City Clerk

Others Present: Tana McKinley, Dwaine Vincent, Chris Henderson, Rhonda Skrapke, Jim Sindelar, Jim Fairbanks, Sam Whitecotton, David Horinek, Butch Herring, City staff; citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Lisa Crone-Sheldon, St. Paul’s Methodist Church
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for July: Conflict

****CONSENT AGENDA****

The Board of Commissioners found items #5, #6, #7, #8, #9, #10, #11, #12, #13, #14, #15, #16, and #17 non-controversial and routine in nature. Commissioner Chapman made the motion to approve the consent agenda. Flegler seconded.

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held June 28, 2010.

6. **RESOLUTION NO. 5847**

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

7. **RESOLUTION NO. 5848**

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>
Marland Estate Commission	Mert Martens	Appointed	2013
Planning Commission	Steven B. Hermann	Appointed	2012

8. **RESOLUTION NO. 5849**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, READOPTING THE CITIZEN PARTICIPATION PLAN FOR THE CITY OF PONCA CITY, OKLAHOMA DATED JUNE 11, 2001.

9. **RESOLUTION NO. 5850**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, OBLIGATING FUNDS TO BE USED AS LEVERAGE WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AWARD FOR DEMOLITION, INTERIM ASSISTANCE/SPECIAL SERVICES, HOME-BUYER ASSISTANCE AND SENIOR CENTER RENOVATIONS.

10. **RESOLUTION NO. 5851**

WHEREAS, THE OKLAHOMA MAIN STREET CENTER HAS BEEN ESTABLISHED IN THE OKLAHOMA DEPARTMENT OF COMMERCE TO ASSIST SMALL TOWNS AND CITIES TO DEVELOP A PUBLIC/PRIVATE EFFORT TO REVITALIZE THEIR "MAIN STREET" AREAS; AND WHEREAS THE CITY OF PONCA CITY DESIRES TO CONTINUE PARTICIPATING IN THE OKLAHOMA MAIN STREET CENTER; NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA: ETC.

11. Consider and vote on a contract award for road construction materials to the lowest bidder available for July 1, 2010 through December 31, 2010.
12. Consider and vote upon a contract with Sooner Construction Company of North Central Oklahoma in the amount of \$41,000.00 for "Rehab of 69 Elmwood, Project No. NSP REHAB 10-03."
13. Consider and vote on an Agreement between the City of Ponca City and the Ponca City Area Chamber of Commerce, Inc. for the Chamber to operate the Ponca City Tourism Bureau for the purpose of encouraging, promoting, and fostering the Convention and Tourism Development of Ponca City.

14. Consider and vote on an agreement to provide funding for Give Ponca the Business in the amount of \$5,000.00.
15. Consider and vote on renewal agreement between the City of Ponca City and the Ponca City Main Street in the amount of \$30,000.00.
16. Consider and vote on renewal agreement between the City of Ponca City and the Northern Oklahoma Youth Services Center & Shelter, Inc. (NOYS) in the amount of \$15,000.00.
17. Consider and vote on renewal agreement between the City of Ponca City and United Community Action Program, Inc. for transportation services provided by Cimarron Transit in the amount of \$25,000.00.

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

18. None.

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

19. None.

****REPORTS****

20. CITY MANAGER'S REPORT

City Manager Craig Stephenson informed the Commission that the District Attorney Forum would be held Friday, July 16, 2010 at 11:30 a.m. in the Commission Chambers.

Stephenson also advised the Commission that Oklahoma Municipal League has issued their Sine Die Report, and if there are any items the Commission would like to have the OML Legislative Committee address, please notify Tana McKinley by e-mail, so she can put them in a format for the Committee to look at. Stephenson further added that the deadline is July 23, 2010.

****PUBLIC HEARINGS****

21A. Conduct a Public Hearing on Subparagraph (B)

Chris Henderson, Development Services Director, advised that the three codes addressed in this Ordinance are the first of several updates on the codes that the City administers. Henderson stated that these codes are updated every three years, and that the City has operated under the International Building Code since 2000, which is the most commonly used set of codes in the United States.

Henderson explained that this is a public hearing, so if anyone wants to protest any of the changes being made, they have the right to do so.

Mayor Nicholson opened the floor to anyone who would like to speak for or against the changes in these codes. There being no one present who wished to speak, Mayor Nicholson closed the public hearing.

21B.

ORDINANCE NO. 6125

AN ORDINANCE AMENDING TITLE 10, CHAPTER 3 AND CHAPTER 4 OF THE CITY CODE OF PONCA CITY, ENTITLED "BUILDING CODES AND REGULATIONS", PROVIDING FOR THE ADOPTION OF THE 2009 EDITION OF THE INTERNATIONAL MECHANICAL AND FUEL GAS CODE, AND THE INTERNATIONAL PLUMBING CODE; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY PROVIDING FOR CODIFICATION; AND SETTING AN EFFECTIVE DATE.

Commissioner Flegler made the motion to approve the Ordinance amending Title 10, Chapter 3 and Chapter 4 of the City Code of Ponca City, entitled "Building Codes and Regulations", providing for the adoption of the 2009 Edition of the International Mechanical and Fuel Gas Code, and the International Plumbing Code; providing for repealer; providing for severability providing for codification; and setting an effective date. Chapman seconded.

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

****UNFINISHED BUSINESS**

None.

****NEW BUSINESS****

22A.

ORDINANCE NO. 6122

AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY REPEALING SECTION 9-5-9(H) WHICH PROHIBITS SWIMMING IN LAKE PONCA; PERMITTING SWIMMING IN DESIGNATED PARTS OF LAKE PONCA IN THE DAYLIGHT HOURS BETWEEN DAWN AND DUSK; PROHIBITING OPERATION OF WATER VESSELS IN SWIMMING AREAS; ESTABLISHING PENALTIES; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY and ESTABLISHING AN EFFECTIVE DATE OF JULY 17, 2010.

Park & Recreation Director Jim Sindelar told the Commission that the swim beach at Lake Ponca would not be ready to open this week as planned. Sindelar advised that the buoys, which will mark off the swim area, have not arrived due to the emergency orders they have received from the Gulf oil spill.

Sindelar stated that some of the buoys will be shipped on Friday, but until all of the buoys arrive, it is felt that it would be unsafe to open the swimming beach without all of the buoys being in place.

This Ordinance will also allow swimming from the lakeside in front of the docks to the shore. Commissioner Krueger stated that he did not want to allow swimming in any of the areas until the beach is completed. Krueger added that he would like to see equal access for all of the citizens, not just the dock owners.

Commissioner Krueger made the motion to approve the Ordinance amending the Code of Ordinances by repealing Section 9-5-9(h) which prohibits swimming in Lake Ponca; permitting swimming in designated parts of Lake Ponca in the daylight hours between dawn and dusk; prohibiting operation of water vessels in swimming areas; establishing penalties; repealing ordinances in conflict; providing for severability. Anderson seconded.

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

- 22B. Consider and vote on an Emergency Clause and establishment of effective date of July 17, 2010.

Commissioner Krueger made the motion to approve the Emergency Clause with a change in the effective date to be when the swimming beach is operational. Flegler seconded.

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

23. **ORDINANCE NO. 6126**

AN ORDINANCE AMENDING TITLE 10, CHAPTER 1 OF THE CITY CODE OF PONCA CITY, ENTITLED "BUILDING CODES AND REGULATIONS", PROVIDING FOR THE ADOPTION OF THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND SETTING AN EFFECTIVE DATE

Commissioner Anderson made the motion to approve the Ordinance amending Title 10, Chapter 1 of the City Code of Ponca City, entitled "Building Codes and Regulations", providing for the adoption of the 2009 Edition of the International Property Maintenance Code; providing for repealer; severability; codification; and setting an effective date. Flegler seconded.

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

24. **RESOLUTION NO. 5852**

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 2010-11.

Commissioner Anderson made the motion to approve the Resolution amending the Operating Budgets of various funds for the Fiscal Year 2010-11. Flegler seconded.

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

25. Consider and vote to submit an application for the Small Cities Community Development Block Grant (CDBG) Program to the Oklahoma Department of Commerce for FY-2010 funding in the amount of \$88,559.00.

Commissioner Krueger made the motion to approve an application for Small Cities Community Development Block Grant (CDBG) Program to the Oklahoma Department of Commerce for FY-2010 funding in the amount of \$88,559.00. Chapman seconded.

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

26. **RESOLUTION NO. 5853**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, WHEREAS, TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, PUBLIC LAW 93-383, AS AMENDED, AUTHORIZED BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA, TO GRANT TO THE STATE OF OKLAHOMA, FUNDS AND ADMINISTRATIVE RESPONSIBILITY FOR THE "SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT" PROGRAM;

Commissioner Anderson made the motion to approve the Resolution affirming the City's commitment to take action within its power to facilitate the receipt of assistance of Community Development Funds if the City of Ponca City is awarded a Community Development Block Grant from the Oklahoma Department of Commerce. Flegler seconded.

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

27. Consider and vote upon awarding the contract and authorizing the execution of the contract documents for "Water Line Relocation Project at the Intersection of 7th Street, Highland Avenue and Virginia Avenue" Project No. GEN 10-7W.

Commissioner Krueger made the motion to approve awarding the contract and authorizing the execution of the contract documents for "Water Line Relocation Project at the Intersection of 7th Street, Highland Avenue and Virginia Avenue" Project No. GEN 10-7W. Anderson seconded.

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

****CITIZENS COMMENTS****

28. Jean Roughface, 115 S. Oak, expressed concerns about criminal activities that have accelerated in her neighborhood. Assistant Chief of Police Dwaine Vincent spoke to Ms. Roughface about having a meeting to talk over a plan of action that they might use to make their neighborhood a safer place to live.

29. Commissioner Anderson made a motion to adjourn the Board of Commissioners meeting. Chapman seconded.

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

Mayor Nicholson adjourned the Board of Commissioners at 6:31 p.m.

PASSED IN SESSION AND APPROVED THIS 26TH DAY OF JULY 2010.

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
JULY 12, 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: Homer Nicholson, Chairman
Diane Anderson, Trustee
Bill Flegler, Trustee
Lanita Chapman, Trustee
Paul Krueger, Trustee
Diane Anderson, Trustee
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Others Present: Tana McKinley, Dwaine Vincent, Chris Henderson, Jim Fairbanks, David Horinek, Butch Herring, City staff; Beverly Bryant, Ponca City News.

1. Chairman Homer Nicholson called the meeting to order at 6:30 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2, #3, #4, #5, and #6 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. Chapman seconded.

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

2. Consider and vote upon the minutes of the regular session held June 28, 2010.

3. **RESOLUTION NO. 767**

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

4. Consider and vote on a contract with Cabiness Engineering, LLC in the not-to-exceed amount of \$45,750.00 to provide engineering, bidding, construction administration, and resident project representation services for the Sanitary Sewer Collection System Improvement Projects.
5. Consider and vote upon Change Order No. 1 to construction contract with Sober Brothers, Inc. in the deduct amount of \$3,968.37 for the Raw Water Main Repair Project, Acknowledge that the Project is complete and authorize the final payment.
6. Consider and vote on annual "Pledge and Guarantee" document, which is part of a Participation Agreement with the Association for Landfill Assurance (ALFA).

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

7. None.

****NEW BUSINESS****

8. **RESOLUTION NO. 768**

A RESOLUTION OF THE PONCA CITY UTILITY AUTHORITY, PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGET OF VARIOUS PCUA FUNDS FOR THE FISCAL YEAR 2010-11.

Trustee Anderson made the motion to approve Resolution amending the Operating Budget of the various PCUA funds for the fiscal year 2010-11. Chapman seconded.

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

9. Trustee Flegler made the motion to adjourn the meeting. Chapman seconded.

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

Chairman Nicholson adjourned the Ponca City Utility Authority meeting at 6:31 p.m.

PASSED IN SESSION AND APPROVED THIS 26TH DAY OF JULY 2010.

CHAIRMAN:

ATTEST:

TRUST SECRETARY