

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
JULY 26, 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
Paul Krueger, Commissioner
Craig Stephenson, City Manager
Kevin Murphy, City, Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Lanita Chapman, Commissioner

Others Present: Chris Henderson, Terry Brown, Phil Johnston, Tana McKinley, Don Bohon, Butch Herring, Mike Lane, Mike Chapman, Steve Sullivan, 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****

None.

****CONSENT AGENDA****

The Board of Commissioners found items #4, #5, #6, #7, #8, #9, #10, and #11 non-controversial and routine in nature. Commissioner Anderson made the motion to approve the consent agenda. Flegler seconded.

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

4. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held July 12, 2010.
5. **RESOLUTION NO. 5854**

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

6.

RESOLUTION NO. 5855

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>
Airport Advisory Board	Wayne Whittington	Appointed	2013
Planning Commission	Steven B. Hermann	Appointed	2012

7. Consider and vote on the agreement with the Ponca City Public Schools to receive reimbursement in the amount of \$103,995.40 for providing School Resource Officers for the 2010-2011 school year.
8. Consider and vote on a five-year lease agreement between the City of Ponca City and the ABC Race Association to permit the lease of the Motocross Track from July 1, 2010 through June 30, 2015.
9. Consider and vote on the purchase of four Chevrolet Impala Police Patrol Vehicles in the amount of \$79,912.00 from Hudiburg Auto Group.
10. Consider and vote on final payment for \$41,455.60 on Project No. GEN 10-6, Pecan Road Drainage Channel Improvements, Juanito to 900 feet south.
11. Consider and vote on final payment in the amount of \$82,038.12 on Project No. GEN 09-6, Hartford Avenue Reconstruction and Widening, Ash to Waverly.

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

12. None

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

13. Mayor Nicholson pointed out that the City Code Enforcement Department is working overtime on a multitude of issues, and thanked them for all the hard work in an effort to keep the City clean and beautiful.

Commissioner Anderson reminded everyone that tonight was Moon over Wentz, which is a free swim from 7:00 – 11:00 p.m. Anderson also asked that everyone check on neighbors in hot weather.

Commissioner Flegler welcomed the Motocross people to Ponca City, as they are a great contributor to Ponca City's economy.

Commissioner Krueger stated that he would like to remind citizens that the City is very conscientious and frugal in the spending of the citizen's tax dollars. Krueger pointed out that one of the items on the consent agenda was that one of the City's projects had come in 10% under the amount budgeted.

****REPORTS****

14. CITY MANAGER'S REPORT

City Manager Craig Stephenson also talked about the free swim at Wentz Pool tonight from 7:00 p.m. to 11:00 p.m. Stephenson also reminded the Commission that Park & Recreation would be sponsoring another evening of Jazz at War Memorial Park on August 5, 2010 from 6:30 to 9:30 p.m.

Stephenson further announced that the new Swimming Beach at Lake Ponca would officially open this Wednesday with the ribbon cutting scheduled for 10:00 a.m. Stephenson asked that if possible he would like the Commissioners to attend.

Stephenson advised that City water crews would be installing new valves in various water mains. Stephenson added that the areas that would be affected would be from Otoe Street to Grand Avenue between Ash and Pine Street. Stephenson said that the project would be finished around the 6th of August.

15. OKLAHOMA MUNICIPAL POWER AUTHORITY UPDATE

Bruce Ackerman, Member Services Representative from OMPA, gave an update on the status of OMPA, member cities, power plants, programs for cities and customers.

****PUBLIC HEARINGS****

16A. Conduct a Public Hearing on Subparagraph (B)

Development Services Director Chris Henderson informed the Commission that tonight he was bringing forth the existing building code, which every three years; the City updates its building codes. Henderson stated that historically building codes have been written for new construction. Henderson further explained that there was not a code, which addressed older historic buildings, until the late '90's when the state of New Jersey introduced "Smart Codes." Henderson stated that this was a set of codes and guidelines that lessened the strict interpretation of building codes. Those codes eventually evolved into an existing building code that was first introduced in 2003, Henderson advised.

Henderson added that the provisions in this code addressed the typical shortcomings that exist in older buildings. Henderson concluded that these regulations have helped to enhance the value of older buildings, making them more viable for re-use.

This being a Public Hearing, Mayor Nicholson opened the floor to anyone who wished to speak for or against this amendment to the City code. There being no one to speak for or against the Ordinance, Mayor Nicholson closed the Public Hearing

16B. ORDINANCE NO. 6127

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 EXISTING BUILDING 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 1 of the City Code of Ponca City, entitled "Building Codes and Regulations", providing for the Adoption of the 2009 Edition of the International existing Building Code; Providing for Repealer; Severability; Codification; and Setting an effective date. Krueger seconded.

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

****UNFINISHED BUSINESS**

None.

****NEW BUSINESS****

- 17A. Consider and vote on the 2010-11 Collective Bargaining Agreement (CBA) between the City of Ponca City and the International Association of Firefighters, Local 3479 and to authorize the Mayor to sign the contract.

Commissioner Krueger made the motion to approve the 2010-2011 Collective Bargaining Agreement (CBA) between the city of Ponca City and the International Association of Firefighters, Local 3479, and to authorize the Mayor to sign the contract. Anderson seconded.

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

- 17B. Conduct Signing Ceremony.

18. Consider and vote on Construction Payment No. 17 to Lambert Construction Company in the amount of \$1,395,550.00 for construction of the Ponca City Aquatic & Family Center-YMCA.

Commissioner Anderson made the motion to approve Construction Payment No. 17 to Lambert Construction Company in the amount of \$1,395,550.00 for construction of the Ponca City Aquatic & Family Center-YMCA. Flegler seconded.

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

****CITIZENS COMMENTS****

19. None.

20. Commissioner Anderson made a motion to adjourn the Board of Commissioners meeting. Krueger seconded.

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

Mayor Nicholson adjourned the Board of Commissioners at 6:33 p.m.

PASSED IN SESSION AND APPROVED THIS 9TH DAY OF AUGUST 2010.

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
JULY 26, 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
Paul Krueger, Trustee
Diane Anderson, Trustee
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Lanita Chapman, Trustee

Others Present: Tana McKinley, Chris Henderson, Phil Johnston, Don Bohon, Butch Herring, Steve Sullivan, City staff; citizens; Beverly Bryant, Ponca City News.

1. Chairman Homer Nicholson called the meeting to order at 6:34 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, Nicholson, and Anderson. Nays; None. Motion carried.

2. Consider and vote upon the minutes of the regular session held July 12, 2010.

3. **RESOLUTION NO. 769**

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

4. Consider and vote on construction contract with Downey Contracting, LLC, of Oklahoma City in the amount of \$75,640.00 for the Lake Ponca Dam Erosion Control Improvements Project.
5. Consider and vote on acknowledgement of Receipt of Construction Permit Number WL000036100403 for the 7th Street and Highland Avenue Water Line Relocation Project.

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

6. None.

****NEW BUSINESS****

- 7A. Consider and vote on contract with Asplundh Tree Expert Co. in the amount of \$110,405.15 for tree and brush trimming of areas 4, 6, and 22.

Trustee Flegler made the motion to approve the contract with Asplundh Tree Expert Co. in the amount of \$110,405.15 for tree and brush trimming of Areas 4, 6, and 22. Krueger seconded.

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

- 7B. Consider and vote on Contract with ABC in the amount of \$47,057.00 for tree and brush trimming of Area 11.

Trustee Flegler made the motion to approve the contract with ABC in the amount of \$47,057.00 for tree and brush trimming of Area 11. Anderson seconded.

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

- 7C. Consider and vote on contract with Professional Tree Care in the amount of \$31,000.00 for tree and brush trimming of Area 21.

Trustee Flegler made the motion to approve the contract with Professional Tree Care in the amount of \$31,000.00 for tree and brush trimming of Area 21. Krueger seconded.

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

- 7D. Consider and vote on contract with Asplundh Tree Expert Co. for hourly tree and brush trimming.

Trustee Flegler made the motion to approve the contract with Asplundh Tree Expert Co. for hourly tree and brush trimming. Anderson seconded.

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

8. Trustee Krueger made the motion to adjourn the meeting. Anderson seconded.

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

Chairman Nicholson adjourned the Ponca City Utility Authority meeting at 6:52 p.m.

PASSED IN SESSION AND APPROVED THIS 9TH DAY OF AUGUST 2010.

CHAIRMAN:

ATTEST:

TRUST SECRETARY