

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
AUGUST 23, 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, Commissioner
Lanita Chapman, Commissioner
Bill Flegler, Commissioner
Paul Krueger, Commissioner
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Others Present: Chris Henderson, Clayton Johnson, Rhonda Skrapke, Terry Brown, Butch Herring, Jim Fairbanks, Tana McKinley, Randy Tyner, City staff; citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Rick Hughes – Victory Tabernacle
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Proclamation: Live United-United Way Day

****CONSENT AGENDA****

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

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held August 9, 2010.
6. **RESOLUTION NO. 5858**

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

7. Consider and vote upon a Change Order No. 1, to Construction Contract with Sooner Construction of North Central Oklahoma in the additional amount of \$1,264.00 for the new restrooms at Dan Moran Park.

8. Consider and vote upon Change Order No. 1, in the deduct amount of \$4,320.20, and the final payment in the amount of \$94,337.60, to Sober Brothers, Inc. for work completed on “Water Line Relocation Improvements—Highland Avenue and 7th Street” Project No. GEN 10-7W.

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

9. None.

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

10. Commissioner Anderson stated that school was open and that Officer Johnson has people on patrol.

Commissioner Flegler thanked Sober Brothers and many other local contractors that have done such a great job around Ponca City, as approved earlier a deduct amount, which shows we have great contractors that take care of the City.

****REPORTS****

11. CITY MANAGER’S REPORT

City Manager Craig Stephenson referenced the fifth annual “Successful Aging Expo” saying that it was another great success. Stephenson advised that there were over 275 people who attended this event.

Stephenson also informed the Commission that there would be several voter election educational opportunities for this election year. Stephenson added that these are being promoted by the Chamber of Commerce Governmental Affairs Committee. Stephenson gave a schedule of the upcoming meetings.

Stephenson also related that the good news is that Braum’s will begin their new store this week, by the demolition of the parking lot, and upon completion will be a 6,000 square foot facility.

Stephenson concluded by saying that next Monday being the fifth Monday there would be no Commission meeting.

****UNFINISHED BUSINESS****

None.

****PUBLIC HEARINGS****

None.

****NEW BUSINESS****

- 12A. ORDINANCE NO. 6128

AN ORDINANCE AMENDING SECTION 5-1-1 OF THE CITY CODE TO SPECIFICALLY SET OUT THE ALCOHOL SALE AND CONSUMPTION PERMITS REQUIRED BY THE CITY, REPEALING ORDINANCES IN CONFLICT, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

Commissioner Chapman made the motion to amend Section 5-1-1 of the City Code by setting out with specificity various Alcohol Sale and Consumption Permits required by the

City. Anderson seconded

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

- 12B. Consider and vote on the emergency clause of the Ordinance.

Commissioner Krueger made the motion to approve the emergency clause of the Ordinance. Anderson seconded.

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

13. **RESOLUTION NO. 5859**

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

Commissioner Flegler made the motion to approve a Resolution setting Non-Utility Rates, Fees, and Charges for the City of Ponca City and the Ponca City Utility Authority. Anderson seconded.

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

14. Consider and vote upon contract with J & C Contracting in the amount of \$96,381.00 for demolition of 18 properties, Project No. NSP DEMO 10-04.

Commissioner Anderson made the motion to approve the contract with J & C Contracting in the amount of \$96,381.00 for demolition of 19 properties, Project No. NSP DEMO 10-04. Flegler seconded.

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

15. Consider and vote upon construction contract with Sooner Construction Company of North Central Oklahoma in the amount of \$94,500.00 for Rehab of 2105 and 2204 Canary, Project No. NSP REHAB 10-04.

Commissioner Flegler made the motion to approve the construction contract with Sooner Construction Company of North Central Oklahoma in the amount of \$94,500.00 for Rehab of 2105 and 2204 Canary, Project No. NSP REHAB 10-04. Chapman seconded.

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

16. Consider and vote on a trial agreement with PropertyRoom.com to serve as a source for disposition of surplus property from the Police Department's Evidence Vault and Bike Storage.

Commissioner Anderson made the motion to approve a trial agreement with PropertyRoom.com to serve as a source for disposition of surplus property from the Police Department's Evidence Vault and Bike Storage. Flegler seconded.

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

17. Consider and vote on an appeal by Jose Carlos Galindo from the decision of the Administrative Hearing Officer determining whether property and improvements located at 814 South 5th Street are dilapidated and should therefore be removed, said property being legally described as lots 7 & 8, block 44, Lynchville Addition to the City of Ponca City, Kay County, Oklahoma.

Community Development Director Chris Henderson gave a background review of the property in question and pictorial review of nuisances. Mrs. Galindo then explained why they believe the property is not a nuisance. Discussion ensued.

Commissioner Anderson moved to find the property constituted a public nuisance, ordered it be demolished, but that the demolition contractor not be given notice of award, and that such notice be delayed until after the notice to contractor issue is reconsidered at the September 13, 2010, evening Commission meeting. At the suggestion of Commissioner Flegler, and prior to the motion being seconded, Commissioner Anderson modified her motion to include that the property owner, in consultation with the Development Services Department, prepare and submit a budget for the estimated cost of making the residence habitable, including all outside repairs, repainting, interior wiring, plumbing, electric, and sheetrock. Their budget then needs to be presented to the Commission at their work session scheduled for September 7, 2010. The renovation budget submitted by the property owner would be formally considered by the Commission at its September 13, 2010 meeting to help it determine if the property owner should be permitted time to renovate the structure, or if the demolition contractor be given notice of award and authorized to proceed. Commissioner Flegler seconded the motion.

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

The property owner expressed her appreciation for the Commission trying to work with her and said she would get the budget prepared.

18. Consider and vote on Construction Payment No. 18 to Lambert Construction Company in the amount of \$709,013.00 for Construction of The Ponca City Aquatic & Family Center-YMCA.

Commissioner Anderson made the motion to approve Construction Payment No. 18 to Lambert Construction Company in the amount of \$709,013.00 for Construction of the Ponca City Aquatic & Family Center-YMCA. Chapman seconded.

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

****CITIZENS COMMENTS****

19. Kurt Nesbitt, 1707 Leslie Lane, conveyed dissatisfaction with recent red tag citation on trimming trees adjacent to the alley behind his house.
20. Commissioner Flegler made a motion to adjourn the Board of Commissioners meeting. Anderson seconded.

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

Mayor Nicholson adjourned the Board of Commissioners at 7:10 p.m.

PASSED IN SESSION AND APPROVED THIS 13TH DAY OF SEPTEMBER 2010.

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
AUGUST 23, 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
Lanita Chapman, Trustee
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Others Present: Chris Henderson, Terry Brown, Jim Fairbanks, Tana McKinley, Randy Tyner, City staff; Beverly Bryant, Ponca City News

1. Chairman Homer Nicholson called the meeting to order at 7:10 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2 and #3 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 August 9, 2010.

3. **RESOLUTION NO. 771**

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****

4. None.

****NEW BUSINESS****

None.

5. Trustee Anderson made the motion to adjourn the meeting. Chapman seconded.

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

Chairman Nicholson adjourned the Ponca City Utility Authority meeting at 7:12 p.m.

PASSED IN SESSION AND APPROVED THIS 13TH DAY OF SEPTEMBER 2010.

CHAIRMAN:

ATTEST:

TRUST SECRETARY