

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
SEPTEMBER 13, 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, David Horinek, Rob Dick, Jim Sindelar, David Keathly, Rhonda Skrapke, Terry Brown, Mike Chapman, Paula Cain, Bob Miller, Gary Cohenour, Earl Watkins, Butch Herring, City staff; Mr. & Mrs. Jose Carlos Galindo, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Tom Ramsey – 1st Lutheran Church
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for September is Diligence.

****CONSENT AGENDA****

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

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners work session held August 16, 2010, and regular session held August 23, 2010.
6. **RESOLUTION NO. 5860**

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

7. RESOLUTION NO. 5861

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA CONFIRMING NOMINATIONS OF THE MAYOR OF PONCA CITY, OKLAHOMA FOR APPOINTMENT OF OFFICERS AND DEPARTMENT HEADS FOR THE CITY OF PONCA CITY, OKLAHOMA AND SETTING THE TERM OF OFFICE THEREOF.

8. RESOLUTION NO. 5862

A RESOLUTION DESIGNATING CERTAIN CITY EMPLOYEES AS PURCHASING OFFICERS WITH AUTHORITY TO MAKE PURCHASES AGAINST CITY AND MUNICIPAL TRUST APPROPRIATIONS.

9. Consider and vote on contract with Oklahoma Highway Safety for a grant in the amount of \$34,500.00 for Police Department education and expenses.
10. Consider and vote on recommendation from the Park and Recreation Advisory Board to allow Garland Kent, Jr. Ponca City Musical Festival, to hold an "Indian Summer Festival" concert at lake Ponca in the Pageant Area October 9, 2010.
11. Consider and vote on request from Hospice of North Central Oklahoma, Inc. to rent the portable stage for Hospice Annual Tree of Life Lighting Ceremony to be held at Ponca Plaza December 3, 2010.
12. Consider and vote upon allowing Change Orders in an amount not to exceed 15% of the contract amount for Rehabilitation Construction contracts awarded under the Neighborhood Stabilization Program for properties located at 2013 Joe, 417 W. Emporia, 69 Elmwood, 2105 Canary, 2204 Canary, and 2009 Osage.
13. Consider and vote to purchase exterior signage for Ponca City Aquatic & Family Center-YMCA through Lambert Construction Company for \$47,030.00.
14. Consider and vote on an application for a rural water meter to be placed on a tract of land containing less than 5 acres, legally described as part of the southwest quarter of the southwest quarter of section 2, T26N, R2E, located at 4209 North Highway 77.
15. Consider and vote on proposed restoration of Randall Davy's Painting, "The Fox Hunt" located at Marland's Grand Home.

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

16. None.

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

17. None.

****REPORTS****

18. CITY MANAGER'S REPORT

City Manager Craig Stephenson talked about the visit from the Muskogee Chamber of Commerce to the Commission Chamber, Economic Development & Tourism. Stephenson stated that the group was taken on a tour of the Ponca City Aquatic Family Center/YMCA. Stephenson further added that the group was very impressed with how well the City, Economic Development and Tourism work together.

Stephenson also informed the Commission that this past Saturday the "Too Much 2 Lose" back to school bash was held at Wentz Camp. Stephenson related that Captain Don Bohon, Ponca City Police Dept. said that it gets 400 to 500 kids together for a fun event without alcohol. Stephenson added that Bohon stated that this event could not have come together without the support of the City, the Department Heads, and the Mayor and Commissioners.

Stephenson also informed the Commission that the Mayor and he would be attending a Kaw Reservoir Authority meeting, in Stillwater on Wednesday.

Stephenson concluded by reminding everyone that the upcoming educational events for the election would be taking place in the near future.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

- 19A. Review the proposed scope of work and schedule of improvements to be undertaken by Jose Carlos Galindo, or his authorized representative, regarding the property located at 814 South 5th Street, which has been declared a Public Nuisance by the Board of Commissioners.

Community Development Director Chris Henderson began by stating that this item is a continuation from the meeting held on August 23, 2010 regarding the property at 814 S. 5th Street. Henderson explained that the meeting was held to determine if the property constituted a public nuisance and should be disposed of. Henderson reminded the Commission that at the previous meeting they had declared this property to be a public nuisance, but also voted to give the applicants the opportunity to come before the Commission to present a budget and timeline for bringing this house back to the extent of being habitable.

Henderson stated that at that meeting a budget and timeline was presented, and it was the opinion of the Commission that perhaps the estimates and timeline were not complete and needed more work. Henderson advised that the purpose of this meeting is to determine whether a revised budget meets the demands of the Commission.

Henderson explained to the Commission that the title of this agenda item does not include any reference to NSP, because the Galindos had contacted the Department of Commerce in regards to the demolition of their property, and due to this, the Department of Commerce has asked the City to remove this property from the NSP demolition list.

City Manager Craig Stephenson then informed the Commission that this leaves them with two paths to take, No. 1 being that the City demolish the house with City funds, and the cost will be levied to the property to be added to the property tax. No. 2 would be to instigate criminal proceedings, at which time citations would be issued, and then moved to the municipal court system.

Stephenson added that there could be a third option, and that would be the Commission could give the Galindos extra time to fix the property to where it could be removed from the public nuisance list.

Mrs. Galindo then spoke saying that they do not have the funds to fix the house as the Commission requires, so therefore she gave her approval to have the house demolished.

Commissioner Anderson emphasized to the Galindos that since the house had been removed from the NSP list, that it would be their responsibility to pay for the demolition of the house.

Discussion ensued, and the Commission made the decision to give the Galindos until November 22, 2010 to get the outside of the house fixed to where it could be removed from the public nuisance list.

- 19B. Consider and vote to direct staff to initiate demolition procedures, or in lieu of demolition, begin issuing citations to the owner of record for maintaining a nuisance

Commissioner Krueger made the motion to allow Mr. & Mrs. Jose Galindo until November 22, 2010 to eliminate the public nuisance on the property. Anderson seconded.

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

****NEW BUSINESS****

20. **RESOLUTION NO. 5863**

A RESOLUTION OF THE BOARD OF COMMISSIONERS ACCEPTING AND EXPRESSING ITS APPRECIATION TO FORMER MAYOR JIM MCNEESE FOR HIS GIFT TO THE BRYANT BAKER GALLERY/ARTIST STUDIO AT THE MARLAND MANSION AND DIRECTING CERTAIN MATTERS IN RELATION THERETO.

Commissioner Anderson made the motion to approve a Resolution of the Board of Commissioners accepting and expressing its appreciation to former Mayor Jim McNeese for his gift to the Bryant Baker Gallery/Artist Studio at the Marland Mansion and directing certain matters in relation thereto. Chapman seconded.

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

21. Consider and vote upon construction contract with Sooner Construction Company of North Central Oklahoma in the amount of \$56,900.00 for rehab of 2009 North Osage, Project No. NSP REHAB 10-05.

Commissioner Anderson made the motion to approve the construction contract with Sooner Construction Company of North Central Oklahoma in the amount of \$56,900.00 for rehab of 2009 North Osage, Project No. NSP REHAB 10-05. Chapman seconded.

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

22. Consider and vote upon construction contract with J & C Contracting in the amount of \$23,988.00 for demolition of 5 properties-Project No. NSP DEMO 10-05.

Commissioner Flegler made the motion to approve the construction contract with J & C Contracting for \$28,290.00 for demolition of 6 properties-Projects No. NSP DEMO 10-05. Anderson seconded.

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

23. Consider and vote upon the purchase of a Type 1 Ambulance from Taylor Made Ambulance in the amount of \$112,125.00 for the Ponca City Fire Department.

Commissioner Flegler made the motion to approve the purchase of a Type 1 Ambulance from Taylor Made Ambulance in the amount of \$112,125.00 for the Ponca City Fire Department. Chapman seconded.

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

24. Consider and vote on the purchase of 53 pieces of Cardio Exercise Machines for the Ponca City Aquatic & Family Center-YMCA for \$130,734.00 from Cybex and \$123,300.00 from Precor, Inc.

Commissioner Anderson made the motion to approve the purchase of 53 pieces of Cardio Exercise Machines for the Ponca City Aquatic & Family Center-YMCA for \$130,734.00 from Cybex and \$123,300.00 from Precor, Inc. Flegler seconded.

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

****CITIZENS COMMENTS****

25. None.

26. Commissioner Flegler made a motion to adjourn the Board of Commissioners meeting. Krueger seconded.

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

Mayor Nicholson adjourned the Board of Commissioners at 6:34 p.m.

PASSED IN SESSION AND APPROVED THIS 27TH DAY OF SEPTEMBER 2010.

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
SEPTEMBER 13, 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, David Horinek, Rob Dick, Terry Brown, Paula Cain, Earl Watkins, Butch Herring, City staff; citizens; Beverly Bryant, Ponca City News.

1. Chairman Homer Nicholson called the meeting to order at 6:35 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2, #3, and #4 non-controversial and routine in nature by the governing body and are approved by one motion.

Trustee Flegler the motion to approve the consent agenda. Chapman seconded.

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

2. Consider and vote upon the minutes of the regular session held August 23, 2010.

3. **RESOLUTION NO. 772**

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 Chairman to submit June and July 2010 Operating Statements to OWRB.

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

5. None.

****NEW BUSINESS****

6. Consider and vote on an agreement with Basin Environmental & Safety Technologies to provide Collection and Disposal Services during the October 9, 2010 Household Hazardous Waste Event.

Trustee Krueger made the motion to approve the agreement with Basin Environmental & Safety Technologies to provide Collection and Disposal Services during the October 9, 2010

Household Hazardous Waste Event. Anderson seconded.

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

7. Trustee Flegler made the motion to adjourn the meeting Anderson seconded.

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

Chairman Nicholson adjourned the Ponca City Utility Authority meeting at 6:49 p.m.

PASSED IN SESSION AND APPROVED THIS 27TH DAY OF SEPTEMBER 2010.

CHAIRMAN:

ATTEST:

TRUST SECRETARY