

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
JULY 27, 2009

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  
Bill Flegler, Commissioner  
Paul Krueger, Commissioner  
Kevin Murphy, City Attorney  
Craig Stephenson, City Manager  
Paulette Cross, Deputy City Clerk

Absent: Lanita Chapman, Commissioner  
Marc LaBossiere, Finance Director/City Clerk

Others Present: Darwin Haney, Terry Brown, Chris Henderson, Dwaine Vincent, Paula Cain, Mike Lane, Jim Fairbanks, Todd Smith, Phil Johnston, Tana McKinley, Employees; Brett Cabbiness, Shane Harland Tom Ramsey, Don Keathly, Citizens; Beverly Bryant; Ponca City News

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

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

None.

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

The Board of Commissioners found items #4, #5, #6, #7, #8, #9, and #10 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 June 13, 2009.
5. **RESOLUTION NO. 5780**

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

**RESOLUTION NO. 5781**

6. ***A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGETS OF VARIOUS FUNDS FOR FISCAL YEAR 2009-2010***

**RESOLUTION NO. 5782**

7. ***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>
Library Board	Ana Beets	Re-Appointed	2012
Library Board	Patricia Paterson	Re-Appointed	2012
Library Board	Doris Stanley	Appointed	2012

8. Consider and vote on payment to Don Duren in the amount of \$2,000.00 for the Ponca City Safe Room Project Mitigation Grant.
9. Consider and vote on purchase of four Chevrolet Impala police vehicles from Hudiburg Auto Group for \$79,732.00.
10. Consider and vote on agreements with the Ponca City Public Schools for providing School Resource Officers services for the 2009-2010 school year.

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

11. None.

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

12. Commissioner Anderson thanked the citizens who took the time to call or send e-mails about the agenda.

Commissioner Flegler seconded Commissioner Anderson's comment, saying that it is good to hear feedback from the citizens. Flegler also would like to welcome the Motocross, as it is good to have them back in town.

Mayor Nicholson also welcomed the motocross people back to Ponca City, and acknowledged that the citizens have given feedback on the agenda. Mayor Nicholson stated that the Commission would try to make the very best decisions they can, with the best information provided to them.

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

13. CITY MANAGER'S REPORT

City Manager Craig Stephenson reminded the Commission that next week would be the 50th anniversary of 101 Wild West Rodeo. Stephenson also related that on Wednesday

night in front of City Hall would be a hamburger feed on the lawn for the kick-off for the 50<sup>th</sup> anniversary of the rodeo. Stephenson went on to say that, the rodeo parade would be on Saturday morning.

Stephenson advised that the City has been working with the downed building on 3<sup>rd</sup> and Cleveland, and will be submitting our cost for clean-up with the insurance company.

Stephenson thanked Rick Scott Construction who shut down his work to help in cleaning up.

Stephenson also informed the Commission that he had attended a very informative meeting held by the Ponca City Development Authority.

Stephenson concluded by saying that the OML Conference is September 22-24, and asked that the Commissioners and Mayor to put this on their calendar, and plan to attend the banquet.

Mayor Nicholson stated that he would like to also express his special appreciation to Rick Scott, as well. Nicholson further added that Scott has several projects underway and shut down to help with the cleanup of the building at 3<sup>rd</sup> and Cleveland that fell during the storm.

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

None.

**\*\*UNFINISHED BUSINESS\*\***

None.

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

Consider and vote on an Ordinance amending Title 10 of the City Code, entitled "Building Regulations;" adopting the City of Ponca City, Oklahoma Flood Damage Prevention Ordinance; repealing Ordinances in conflict and providing for severability.

**ORDINANCE NO. 6104**

***AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY REPEALING CHAPTER 15, TITLE 11 "FLOOD HAZARD REGULATIONS; DISTRICT" IN ITS ENTIRETY; AMENDING CODE SECTION 11-3-2 TO REMOVE FLOOD ZONE AS AN OVERLAY ZONING; CREATING A NEW CHAPTER 10 IN TITLE 10 ENTITLED CITY OF PONCA CITY, OKLAHOMA FLOOD DAMAGE PREVENTION ORDINANCE" WHICH, AMONG OTHER THINGS, MAKES FINDINGS OF FACT, CONTAINS A STATEMENT OF PURPOSE, DEFINES TERMS, ESTABLISHES METHODOLOGY FOR REDUCING COSTS OF FLOODING, AUTHORIZES FLOOD PLAIN ADMINISTRATOR OR CITY ENGINEER TO ESTABLISH FLOOD HAZARD AREAS BASED ON CERTAIN SCIENTIFIC STUDIES, ESTABLISHES PERMITTING REQUIREMENTS, ADOPTS GENERAL AND SPECIFIC REQUIREMENTS FOR CONSTRUCTION OF IMPROVEMENTS, AND REQUIRES COMPLIANCE; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE.***

Chris Henderson, Development Services Director, informed the Commission that FEMA had undertaken a huge project, called Map Modernization. Henderson further informed the Commission that the maps for Kay County are nearing completion and will become effective on 8-25-09. Henderson stated that not only do the maps become effective, an Ordinance has to be in place and approved, otherwise the City would be

suspended from the flood insurance program. Henderson went on to say that the provisions contained in the ordinance must follow very closely the minimum standards that are contained in the state model, but communities can and do adopt more restrictive standards than the state model code, but cannot adopt a lesser standard. In the case of the Ponca City ordinance, Henderson concluded, it currently is and will continue to be more stringent than the state model.

Mayor Nicholson stated that he would like to emphasize to the public that Ponca City is one of 4% of the cities in the nation that meets the CRS rating system, and also that the City has three Certified Flood Plain managers on staff. Nicholson stated that he wanted the public to realize that if the City does not have a flood plain management program in place they cannot get flood insurance. Henderson further explained that those who need flood insurance benefit from the CRS program in that it allows for discounts.

Commissioner Flegler made the motion to approve the Ordinance amending Title 10 of the City Code, entitled "Building Regulations;" adopting the City of Ponca City, Oklahoma Flood Damage Prevention Ordinance; repealing Ordinances in conflict and providing for severability. Anderson seconded.

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

15. Consider and vote on Resolution to request an increase in the speed limit to 50 MPH on U.S. 77 (14<sup>th</sup> Street) from U.S. 60 to South Avenue.

**RESOLUTION NO. 5783**

***A RESOLUTION AUTHORIZING A REQUEST TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR AN INCREASE IN THE POSTED SPEED LIMIT TO 50 MILES PER HOUR ON U.S. 77 (14<sup>TH</sup> STREET) FROM U.S. 60 TO SOUTH AVENUE IN PONCA CITY, OKLAHOMA.***

Mike Lane advised that this had been brought before the Commission previously for an increase to 55 mph, but the road is designed to be traveled at only 50 mph, so revision of the Resolution was required to be able to change the speed limit.

Commissioner Krueger made the motion to authorize a request to the Oklahoma Department of Transportation for an increase in the posted speed limit to 50 miles per hour on U.S. 77 (14<sup>th</sup> Street) from U.S. 60 to South Avenue in Ponca City, Oklahoma. Flegler seconded.

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

16. Consider and vote on a Professional Services contract between the City of Ponca City, Ponca City Public Schools and Ben Brake & Associates, LLC for the updated Multi-Jurisdictional Hazard Mitigation Plan in the amount of \$45,000.00.

Paul Cain, Emergency Management Director, explained to the Commission that the Hazard Mitigation Plan helps the community to eliminate or lessen the impact of disasters when they occur. Cain stated that a committee would meet with the consultant to identify local risks and select projects that will lessen those specific risks.

Cain informed the Commission that the current plan was approved in 2005, and federal government requires that the Hazard Mitigation Plan be updated every five (5) years; therefore, Ponca City's plan is due in January of 2010.

Cain concluded by saying that the plan is a multi-jurisdictional plan with the public schools, and they have requested that the funding source be identified in the new plan agreement.

Commissioner Anderson made the motion to approve the Professional Services contract between the City of Ponca City, Ponca City Public Schools and Ben Brake & Associates, LLC for the updated Multi-Jurisdictional Hazard Mitigation Plan in the amount of \$45,000.00 with the additional paragraph recognizing the source of the funding. Flegler seconded.

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

- 17A.. Consider and vote on a Change Order to the Ponca City Aquatic Family Center-YMCA to change from painted exposed interior pre-cast concrete wall finish to painted interior concrete masonry unit walls.

Brad Biddle, Vice-President Schaeffer, Johnson, Cox, Frey Architects, informed the Commission that after an extensive value engineering process, before the construction manager was on board, there were several esthetic features eliminated during the value engineering. Biddle advised that given the adjusted budget and the funds available there are four enhancements being brought before the Commission for reconsideration

Biddle informed the Commission that one of the enhancements they might like to consider would be to upgrade the finish of the exposed pre-cast concrete to that of concrete masonry unit walls. Discussion ensued and Commissioner Krueger made the motion to approve the Change Order to the Ponca City Aquatic Family Center-YMCA from painted exposed interior pre-cast concrete wall finish to painted interior concrete masonry unit walls. Anderson seconded.

Roll: Yeas; Krueger and Nicholson. Nays; Anderson and Flegler. Motion failed

- 17B. Consider and vote on a Change Order to the Ponca City Aquatic & Family Center-YMCA to change from painted steel mesh panels under the guard rails around the track and stairs to unpainted stainless steel.

Commissioner Anderson made the motion to approve the Change Order to the Ponca City Aquatic Family Center-YMCA to change from painted steel mesh panels under the guardrails around the track and stairs to unpainted stainless steel. Commissioner Flegler made a motion to continue this item in order to be able to get an estimate on the upcharge for a stainless top rail instead of the painted top rail.

Mayor Nicholson called for the vote on continuing this item until an estimate on the upcharge for a stainless top rail instead of the painted top rail.

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

- 17C. Consider and vote on Change Order to Ponca City Aquatic & Family Center-YMCA to change the indoor walking track from one color with separating stripes to 2 multi-colored lane track.

Commissioner Flegler made the motion to approve Change Order to the Ponca City Aquatic & Family Center-YMCA to change the indoor walking track from one color with separating stripes to 2 multi-colored lane track. Krueger seconded.

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

- 17D. Consider and vote on a Change Order to the Ponca City Aquatic & Family Center-YMCA to change the 2<sup>nd</sup> floor information desk from solid surface to granite countertop.

Commissioner Krueger made the motion to approve the Change Order to the Ponca City Aquatic & Family Center-YMCA to change the 2<sup>nd</sup> floor information desk from solid surface to granite countertop. Anderson seconded.

Roll: Yeas; Krueger, Anderson, and Nicholson. Nays; Flegler. Motion carried.

Discussion continued after the voting with Commissioner Anderson saying that she did not want the block wall in the “Kids Zone” to be different, and would like the wall in the lobby to be CMU.

City Manager Craig Stephenson advised that time was of essence, and Mayor Nicholson advised that this Commission has a great responsibility to the community, and how we build this “Crown Jewel.” Nicholson emphasized that if we start re-designing and re-building what we have paid to have professionals build, there comes a point that we have to accept what is voted on by the people, and walk forward and not backward. Discussion continued in regards to the CMU, and City Manager Craig Stephenson reminded the Commission that at this point, we are not doing the CMU. Stephenson stated the motion failed based on Commission action.

Brad Biddle, explained that there are shop drawings that need to be returned immediately, but can proceed with the plans as if the panels down the hallway are semi-finished, and masonry could be added later.

Commissioner Krueger stated that he would like to revisit the issue to make sure that the most visible areas of the project are the most attractive.

Stephenson advised that a special meeting could be held Monday if the commission needs to discuss this further.

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

18. Don Keathly commended the Commission on doing the right thing by re-studying this issue. Keathly stated that as a concerned citizen, taxpayer, and native Ponca Citian he was glad to see the project moving forward, but would like to remind the Commission of something he had heard said in this meeting, that this is the “Crown Jewel of Ponca City.” Keathly added that he did not know where this was coined, but this is taxpayer’s dollars, and

if you can save money, we can end this tax at a little earlier date.

Mayor Nicholson recessed to the Ponca City Utility Authority at 6:55.

19. Commissioner Anderson made the motion to enter into executive session pursuant to Title 25 Section 307 Oklahoma Statutes for purposes of discussing negotiations with the Fraternal Order of Police (FOP). Krueger seconded.

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

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

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

Mayor Nicholson made the motion to adjourn at 7:15 p.m.

***PASSED IN SESSION AND APPROVED THIS 10<sup>TH</sup> DAY OF AUGUST 2009.***

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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  
JULY 27, 2009

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  
Paul Krueger, Trustee  
Diane Anderson, Trustee  
William Flegler, Trustee  
Craig Stephenson, City Manager  
Kevin Murphy, City Attorney  
Paulette Cross, Deputy City Clerk

Absent: Lanita Chapman, Trustee  
Marc LaBossiere, Secretary

Others Present: Darwin Haney, Terry Brown, Chris Henderson, Dwaine Vincent, Paula Cain, Mike Lane, Jim Fairbanks, Todd Smith, Phil Johnston, Tana McKinley, Employees; Brett Cabbiness, Shane Harland, Don Keathly, Citizens; Beverly Bryant; Ponca City News

1. Chairman Nicholson called the meeting to order at 6:55 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 Krueger made the motion to approve the consent agenda. Anderson seconded.

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

2. Consider and vote upon the minutes of the regular session held July 13, 2009.

3. **RESOLUTION NO. 731**

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

**RESOLUTION NO. 732**

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

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

4. None.

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

6. Consider and vote on contract with Cabbiness Engineering, LLC to provide surveying, design, bidding services, construction administration, and resident project representation services for the 12" Interceptor Replacement Project from Princeton to Prospect in the not-to-exceed amount of \$86,125.00.

Trustee Anderson made the motion to approve the contract with Cabbiness Engineering, LLC to provide surveying, design, bidding services, construction administration, and resident project representation services for the 12" Interceptor Replacement Project from Princeton to Prospect in the not-to-exceed amount of \$86,125.00. Flegler seconded.

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

7. Consider and vote on contract with Cabbiness Engineering, LLC to provide bidding services, construction administration, and resident project representation services for the 12" Interceptor Replacement Project from Princeton to Prospect in the not-to-exceed amount of \$86,125.00 for the Lime System Replacement project in the not-to-exceed amount of \$28,125.00.

Trustee Krueger made the motion to approve the contract with Cabbiness Engineering, LLC to provide bidding services for the Lime System Replacement project in the not-to-exceed amount of \$28,125.00. Anderson seconded.

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

8. Consider and vote on contract with Tetra Tech, Inc. to provide bidding services, construction administration, and resident project representation services for the Brentwood Liftstation replacement project in the not-to-exceed amount of \$33,600.00.

Todd Smith, Water Distribution Supervisor, explained to the Board that the Brentwood Lift Station is located at the corner of 5<sup>th</sup> Street and Bradley, and at the present time is located in a floodway. Smith further advised that moving the Lift Station closer to Bradley Street and updating it would bring it up to the current ODEQ regulations.

Trustee Flegler made the motion to approve the contract with Tetra Tech, Inc. to provide bidding services, construction administration, and resident project representation services for the Brentwood Liftstation replacement project in the not-to-exceed amount of \$33,600.00. Anderson seconded.

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

Trustee Krueger wanted it noted that this was stimulus money, and that some of the stimulus funds are coming into Ponca City and being put to good use.

9. Consider and vote upon awarding contracts and authorizing the execution of the contract documents for area tree & brush trimming and removal for existing electrical lines.

Trustee Flegler made the motion to approve the awarding contracts and authorizing the execution of the contract documents for area tree & brush trimming and removal for existing electrical lines. Anderson seconded.

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

10. Consider and vote on awarding the bid for two puller-tensioners with pilot line system to Sherman & Reilly, Inc. of Chattanooga, Tennessee, in the amount of \$115,200.00

Phil Johnston, Director of Ponca City Energy, advised the Commission that included in their agenda packet is a justification of their bid evaluation as to why they wanted the puller-tensioners with the highest bid rather than the lowest bid. Mayor Nicholson stated that due to the extremely dangerous work that Ponca City Energy does, they certainly need the best machine they can get, regardless of the cost.

Trustee Flegler made the motion to approve the awarding of the bid for two puller-tensioners with pilot line system to Sherman & Reilly, Inc. of Chattanooga, Tennessee, in the amount of \$115,200.00. Anderson seconded.

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

11. Trustee Flegler made the motion to adjourn the Ponca Utility Authority. Krueger seconded.

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

Chairman Nicholson adjourned the Ponca City Utility Authority meeting at 7:05 p.m.

*PASSED IN SESSION AND APPROVED THIS 10<sup>TH</sup> DAY OF AUGUST 2009.*

CHAIRMAN:

ATTEST:

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TRUST SECRETARY

*PASSED IN SESSION AND APPROVED THIS 10<sup>TH</sup> DAY OF AUGUST 2009.*

CHAIRMAN:

ATTEST:

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TRUST SECRETARY