

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
AUGUST 10, 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  
Lanita Chapman, Commissioner  
Kevin Murphy, City Attorney  
Craig Stephenson, City Manager  
Marc LaBossiere, Finance Director/City Clerk

Others Present: Darwin Haney, Don Bohon, Mike Lane, Chris Henderson, Mike Chapman, Terry Brown, Butch Herring, Jake Pierce, Tana McKinley, City staff; Brett Cabbiness, Chris Senseman, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – David Frees, St. Luke’s Church of the Nazarene
3. Pledge of Allegiance

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

4. Character Trait for August is Faith and presented by Steve Ketchum.

**\*\*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 work sessions held July 7, and July 20, 2009 and regular session held July 27, 2009.

6. **RESOLUTION NO. 5784**

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

**RESOLUTION NO. 5785**

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>
Cultural Affairs Commission	Shanley Wells-Rau	Appointed	2012

**RESOLUTION NO. 5786**

***A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, NOMINATING HOMER NICHOLSON TO SERVE ON THE BOARD OF DIRECTORS OF THE OKLAHOMA MUNICIPAL LEAGUE.***

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

- 9. None.

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

- 10. Commissioner Krueger reminded the community that school is beginning this week, and to drive carefully.

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

11. CITY MANAGER'S REPORT

City Manager Craig Stephenson addressed the power outage, which occurred during the recent storm, saying that a lightning strike near the substation at the diesel plant was the cause of the problem.

Stephenson advised the Commission that tax collections on retail sales have decreased by 11.21% over this period last year. Stephenson stated that this is the first month of the new fiscal year, but a distinctly negative trend is apparent over the last two quarters, and it is likely that this trend will continue for the next four to six months until new base lines are established. Stephenson reminded the Commission that staff anticipated this sales tax drop this fiscal year, and considered this when the budget was presented and adopted.

Stephenson informed the Commission that the pools are now closed, and will only be open only on Saturdays and Sundays from 1:00 to 7:00 until Labor Day. Stephenson stated that Ambuc Pool would be open on September 8, 2009 from 6:00 to 8:00 p.m. for the Dog Days swim.

Stephenson informed the Commission that the gazebo recently located at Cann Gardens was provided by the joint effort of the Sage, Rosemary, and Thyme Garden Club and ConocoPhillips. Stephenson said that it would be dedicated on September 13, 2009 at 2:00 p.m. and will be called the Cann Garden Children's Gazebo.

Stephenson announced that the 4<sup>th</sup> Annual Aging Expo event will be held August 22, 2009 from 9:00 a.m. to 3:00 p.m. at the First Christian Church. Stephenson reminded everyone that Dr. Roger Landry is the keynote speaker for this event.

Stephenson reminded the Commission that the Chamber of Commerce Auction would be held on August 22, 2009 at the Marland Mansion beginning at 6:00 p.m.

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

- 12A. Conduct A Public Hearing on Subparagraph (B) Hereof. (Reference 12B Below)

Community Development Director Chris Henderson explained to the Commission that due to a death in the family of the applicant, the applicant was unable to consummate a contract to buy the property. Henderson stated that the applicant has requested this item be continued at a future meeting. Henderson further added that the Planning Commission upon approving the rezoning of this property also stated that it would be necessary to have this property under contract before presenting this item to the City Commission. Henderson concluded that otherwise this would be rezoning on a speculative basis.

Commissioner Flegler made the motion to approve a continuance of this item at a later date. Krueger seconded.

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

- 12B. **ORDINANCE NO.**

***AN ORDINANCE REZONING REAL PROPERTY DESCRIBED AS THE NORTH 75 FEET OF THE WEST 139 FEET OF LOT 20, BLOCK 2, ACRE HOMES ADDITION TO THE CITY OF PONCA CITY, LOCATED AT 1209 NORTH 7<sup>TH</sup> STREET, R-1 SINGLE FAMILY RESIDENTIAL TO R-3 MULTI-FAMILY RESIDENTIAL, AND DIRECTING THE DEVELOPMENT SERVICES DIRECTOR TO CHANGE THE OFFICIAL ZONING MAP OF THE CITY ACCORDINGLY, AND DIRECTING THE CITY CLERK TO FILE OF RECORD.***

The above item is to be continued at a later date.

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

None.

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

13. Consider and vote on the 2009-2010 Collective Bargaining Agreement (CBS) between the City of Ponca City and International Association of Fire Fighters Local 2479 and authorize the Mayor to sign all related documents.

Commissioner Krueger made the motion to approve the 2009-2010 Collective Bargaining Agreement (CBA) between the City of Ponca City and International Association of Fire Fighters Local 2479 and authorize the Mayor to sign all related documents. Anderson seconded.

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

14. Consider and vote on construction payment No. 6 to Lambert Construction Company in the amount of \$447,750.00 for construction of the Ponca City Aquatic & Family Center-YMCA.

Commissioner Anderson made the motion to approve construction payment No. 6 to Lambert Construction Company in the amount of \$447,750.00 for construction of the Ponca City Aquatic & Family Center-YMCA. Flegler seconded.

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

15. Consider and vote on awarding contract for Street Improvement Project No. Gen 09-12 – Concrete Resurfacing of Pecan Road, Hartford to Prospect to Sober Brothers for \$559,824.32.

Commissioner Krueger made the motion to approve awarding of a contract for Street Improvement Project No. Gen 09-12 –Concrete Resurfacing of Pecan Road, Hartford to Prospect to Sober Brothers in the amount of \$559,824.32. Flegler seconded.

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

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

16. None.

17. Commissioner Flegler made the 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 meeting at 6:11 p.m.

***PASSED IN SESSION AND APPROVED THIS 24<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  
AUGUST 10, 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  
Lanita Chapman, Trustee  
Craig Stephenson, City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Secretary

Others Present: Darwin Haney, Don Bohon, Mike Lane, Chris Henderson, Butch Herring, Tana McKinley, City staff; Brett Cabbiness, citizens; Beverly Bryant, Ponca City News.

1. Chairman Nicholson called the meeting to order at 6:11 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 Flegler made the motion to approve the consent agenda. Anderson seconded.

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

2. Consider and vote upon the minutes of the regular session held July 27, 2009.

3. **RESOLUTION NO. 733**

***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\*\***

5. Consider and vote upon Change Order No. 2 in the add-on amount of \$19,325.00 and final payment in the amount of \$140,140.28 to Urban Contractors, Inc. for work completed on the Pizza Hut to J.C. Penney Sanitary Sewer Interceptor Replacement Project.

Trustee Anderson made the motion to approve Change Order No. 2 in the add-on amount of \$19,325.00 and final payment in the amount of \$140,140.28 to Urban Contractors, Inc. for work completed on the Pizza Hut to J.C. Penney Sanitary Sewer Interceptor Replacement Project. Flegler seconded.

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

6. Trustee Flegler made the motion to adjourn the Ponca Utility Authority. Chapman seconded.

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

Chairman Nicholson adjourned the Ponca City Utility Authority meeting at 6:16 p.m.

***PASSED IN SESSION AND APPROVED THIS 24<sup>TH</sup> DAY OF AUGUST 2009.***

CHAIRMAN:

ATTEST:

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TRUST SECRETARY