

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
AUGUST 24, 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: Tana McKinley, Don Nuzum, Rob Dick, Chris Henderson, Terry Brown, David Keathly, Jim Fairbanks, Clayton Johnson, Mike Lane, City staff; Melissa Young, United Way; Troy Lewis, Bret Cabbiness, 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. Proclamation – Live United – United Way Day

****CONSENT AGENDA****

The Board of Commissioners found items #5 and #6 non-controversial and routine in nature. Commissioner Flegler made the motion to approve the consent agenda with a correction to Item 5 – Paragraph 13 to consider and vote on the 2009-2010 Collective Bargaining Agreement (CBS) should be corrected to (CBA). 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 10, 2009.
6. **RESOLUTION NO. 5787**

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

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

7. None.

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

8. Mayor Nicholson stated that the City had seen a lot of activity with the storms, and that he appreciated all the residents in the audience this evening.

****REPORTS****

9. CITY MANAGER'S REPORT

City Manager Craig Stephenson noted that the official Labor Day holiday would be observed on September 7, 2009; therefore work session would be held the following Tuesday, September 8, 2009.

Stephenson further stated that there is to be an all day training session on Tuesday, September 22, 2009 prior to the beginning of the OML Conference. Stephenson advised that this pre-conference workshop would be on the Pandemic, and the cost to attend is \$90.00, and anyone wanting to attend would need to register by September 4, 2009.

Stephenson informed the Commission that Solid Waste, Street and the Park & Recreation Departments have begun working on the storm cleanup. Stephenson stated that this project would be handled in much the same way as the opening day of spring cleanup. Stephenson stated that plans are to have the cleanup completed by the end of the week.

Stephenson also advised that the Complete Count Committee working with the U.S. Census would be meeting in the McFadden Room on August 26, 2009 at 12:00 p.m. with a light lunch being provided for those in attendance.

Stephenson stated that a check for \$10,000.00 had been received from Main Street for their share in the upgrade of the downtown lighting to period lighting. Stephenson extended his appreciation to the Main Street Board for their willingness to partner with the City in enhancing the downtown area.

Stephenson thanked the Senior Advisory Board and the Park and Recreation Department for their hard work in putting on the 4th annual Successful Aging Expo held at the First Christian Church. Stephenson added that over 250 seniors from throughout the county had attended, which was up from the 170 attendees last year.

In conclusion, Stephenson reminded the public about the mandatory spay/neuter ordinance, which became effective June 9, 2009. Stephenson quoted an excerpt from an executive summary provided by the City Attorney, which states, "prohibited are roadside, parking lot, and flea market sales of dogs and cats." Stephenson went on to say that, the only exception to the above statement was for non-profit human sanctuary and shelters for abandoned and unwanted animals. Stephenson stated that the Ponca City Police Department and Animal Control have been made aware of these new regulations, and if caught not obeying, offenders can be fined up to \$750.00. Stephenson emphasized that this ordinance will be enforced aggressively.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

10A. ORDINANCE NO. 6104

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PONCA CITY, OKLAHOMA AT SECTION 3-5-1 DECREASING THE SIZE OF THE CULTURAL AFFAIRS COMMISSION FROM SEVEN (7) TO FIVE (5) PERSONS; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

Commissioner Anderson made the motion to approve the Ordinance amending the Code of Ordinances of the City of Ponca City, Oklahoma at Section 3-5-1 decreasing the size of the Cultural Affairs Commission from seven (7) to Five (5) persons; and amending the section of the Ordinance and amending the number needed for a quorum, from five (5) members to three (3) members, and repealing Ordinances in conflict; providing for severability and declaring an emergency. Flegler seconded.

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

10B. Consider and vote on the Emergency Clause of the Ordinance.

Commissioner Anderson made the motion approving the Emergency Clause of the Ordinance. Flegler seconded.

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

11. RESOLUTION NO. 5788

A RESOLUTION ESTABLISHING THE CITY OF PONCA CITY'S WALL OF HONOR AND SETTING FORTH THE CRITERIA AND SELECTION PROCESS FOR INSTALLATION AS A WALL OF HONOR INDUCTEE.

Commissioner Krueger stated that he thought this was a great idea, but had a problem with the wording with No. 2, third line of the Resolution, which uses the word lifelong leadership. Krueger stated that he felt the word "lifelong" lent itself to confusion. Krueger stated that this could be interpreted as only those being considered for the Wall of Honor would have to be a natural born citizen of Ponca City and had lived his or her entire life in Ponca City, opposed to someone moving into Ponca City. Krueger stated he would like to see the word "lifelong" changed or removed from the wording to prevent confusion later.

City Attorney Kevin Murphy suggested that the word "lifelong" be replaced with the word "enduring".

Commissioner Flegler questioned the cost of the "Wall of Honor" and who will pay for the "Wall of Honor".

Mayor Nicholson answered by saying that the cost would be covered by 100% private donations, and that no city or public funds would be expended.

Commissioner Flegler made the motion to approve the Resolution establishing the City of Ponca City's Wall of Honor replacing the word "lifelong" in No. 2 third line of the Resolution with the word "enduring" and setting forth the criteria and selection process for installation as a Wall of Honor inductee. Krueger seconded.

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

12. Consider and vote on an agreement with Cabiness Engineering, LLC to provide Professional Design Services for 2009/2010 street improvement projects in Ponca City in the amount of \$205,500.00.

Commissioner Chapman made the motion to approve an agreement with Cabiness Engineering, LLC to provide Professional Design Services for 2009/2010 street improvement projects in Ponca City in the amount of \$205,500.00. Flegler seconded.

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

13. Consider and vote on an agreement with the Osage Nation, D/B/A/ The Osage Nation Gaming Enterprise, and the City of Ponca City for sewer service outside the corporate limits.

Commissioner Chapman made the motion to approve an agreement with the Osage Nation, D/B/A/ The Osage Nation Gaming Enterprise, and the City of Ponca City for sewer service outside the corporate limits. Anderson seconded.

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

14. Consider and vote on authorizing the Ponca City Regional Airport to operate a retail fuel sales program at the Ponca City Regional Airport and authorize the Mayor to execute a purchase contract with Greenwood Aviation for fueling equipment containing a lease purchase provision.

Commissioner Chapman made the motion to authorize the Ponca City Regional Airport to operate a retail fuel sales program at the Ponca City Regional Airport and authorize the Mayor to execute a purchase contract with Greenwood Aviation for fueling equipment containing a lease purchase provision. Flegler seconded.

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

15. **RESOLUTION NO. 5789**

A RESOLUTION SETTING FEES AND CHARGES FOR THE CITY OF PONCA CITY REGIONAL AIRPORT.

Commissioner Chapman made the motion to approve the fees and charges for the City of Ponca City Regional Airport. Anderson seconded.

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

RESOLUTION NO. 5790

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGETS OF VARIOUS FUNDS FOR THE FISCAL YEAR 2009-10.

Commissioner Chapman made the motion to approve the Resolution amending the operating budgets of various funds for the fiscal year 2009-10. Anderson seconded.

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

- 17A. Consider and vote to award bids for roof maintenance of various city-owned buildings and authorize the Mayor to execute standard form contracts.

Assistant City Manager Tana McKinley explained to the Commission that they had approved authorization to advertise for bids for roof maintenance of various City-owned buildings on March 23, 2009 with available funds of \$668,846.00. McKinley further advised that bids were received on August 13, 2009, with the low bids totaling \$893,866.00. McKinley stated that due to the recent heavy rains staff is recommending to not delay any roof repairs for another year, and offset the additional \$225,020.00 funding needed from Ponca City Energy, the Water Fund, and the Insurance Fund. McKinley added that it is staff's recommendation to award the roof bids to Craig's Roofing in the amount of \$436,850.00, Bloyer & Sons, \$218,652.00, and J&L Associates \$238,364.00 making the overall project total \$893,866.00.

- 17B. Consider and vote to amend a Letter of Agreement between the City of Ponca City and Lewis Associates Architects regarding roof maintenance of various city-owned buildings for additional construction administration services.

Assistant City Manager McKinley went on to say that this item is to amend the "Letter of Agreement" between Lewis Associates Architects and the City of Ponca City, which was signed on March 4, 2009, for an increase in compensation due to increasing the scope of services. McKinley stated that this addendum to the Letter of Agreement would provide architectural and administrative services as therein defined for all 39 buildings, thus increasing Lewis and Associates compensation by \$17,751.39.

Commissioner Chapman made the motion to approve the amendment increasing the compensation to Lewis & Associates by \$17,751.39 for the increasing scope of services. Anderson seconded.

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

****CITIZENS COMMENTS****

Paul Lambring, 1310 W. Fulton, Blackwell, OK representing the Ponca City Fire Department expressed concern about the MDA boot drive not being done at City intersections.

Mayor Nicholson explained that in all fairness and for the safety of the firefighters, it was decided to not have the boot drive at the street intersections, but instead had arranged for them to use the Goody's parking lot or the Ponca Plaza parking lot.

Jeanetta Swanson, 1115 Riverview Drive, voiced support of the MDA boot drive, and doing it on street corners, as it has been done in the past. Swanson stated that Ponca City would be one of only two cities in Oklahoma that do not allow their firefighters to do the boot drive on city street corners. Swanson also stated that the year they did not do the street corners their contributions were down from over previous years.

18. **RECESS TO PONCA CITY UTILITY AUTHORITY MEETING**

19. Commissioner Flegler made the motion to return to regular session and receive the Ponca City Development Authority Review. Chapman seconded.

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

20. Commissioner Flegler made the motion to enter into executive session at 6:46 p.m. pursuant to Title 25 Section 307 Oklahoma Statutes for purposes of:

A. Conferring on matters pertaining to Economic Development upon finding that the matter to be discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.

B. Discussing negotiations with The Fraternal Order of Police (FOP). Krueger seconded.

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

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

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

22. Mayor Nicholson adjourned the Board of Commissioners meeting at 7:26 p.m.

PASSED IN SESSION AND APPROVED THIS 14TH DAY OF SEPTEMBER 2009.

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
AUGUST 24, 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: Tana McKinley, Rob Dick, Chris Henderson, Terry Brown, Clayton Johnson, Mike Lane, City staff; Beverly Bryant, Ponca City News.

1. Chairman Nicholson called the meeting to order at 6:40 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2, #3, #4, #5, #6, and #7 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 August 10, 2009.

3. **RESOLUTION NO. 734**

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

4. **RESOLUTION NO. 735**

A RESOLUTION OF THE PONCA CITY UTILITY AUTHORITY, PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGET OF VARIOUS PCUA FUNDS FOR THE FISCAL YEAR 2009-10.

6. Consider and vote on acknowledging receipt of Construction Permit Numbers SL000036090709, ST000036090549, WW000036090536, SL000036090530, and WL000036090556.

7. Consider and vote upon authorizing Chairman to submit Monthly Operating Statement to OWRB.

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

8. None.

****NEW BUSINESS****

None.

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

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

Chairman Nicholson adjourned the Ponca City Utility Authority meeting at 6:43 p.m.

PASSED IN SESSION AND APPROVED THIS 24TH DAY OF AUGUST 2009.

CHAIRMAN:

ATTEST:

TRUST SECRETARY