

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
NOVEMBER 23, 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: Chris Henderson, Holly LaBossiere, Don Nuzum, Sherri Tapp, David Keathly, Tana McKinley, Steve Sullivan, Phil Johnston, Gary Cohenouer, Jeff Pameticky, Mike Chapman, Butch Herring, Earl Watkins, City staff; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:32 p.m.
2. Invocation – Carol Reich, Asbury United Methodist Church.
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Presentation of Oklahoma Municipal Power Authority's Competitive Utility Program Certification Award.

****CONSENT AGENDA****

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

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners work session and special session held November 2, 2009, regular session held November 9, 2009, and work session held November 16, 2009.
6. **RESOLUTION NO. 5804**

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

RESOLUTION NO. 5805

7.

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.

RESOLUTION NO. 5806

8.

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

9.

RESOLUTION NO. 5807

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, AUTHORIZING THE FINANCE DIRECTOR TO ESTABLISH AN AIRPORT FUEL SALE IMPREST BANK ACCOUNT AND AUTHORIZE EXTRAORDINARY PURCHASE AND SALE PROCESSES FOR AVIATION PRODUCTS AT THE PONCA CITY REGIONAL AIRPORT.

10. Consider and vote on authorizing the Mayor to execute standard form of contract between the City of Ponca City and Sooner Construction in the amount of \$37,540.00 for the Ponca City Library Bathroom Renovation Project.

11.

RESOLUTION NO. 5808

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>
Planning Commission	Ben Evans	Appointed	2011
Planning Commission	Dwaine West	Appointed	2012

12. ****ITEMS REMOVED FROM THE CONSENT AGENDA****

None.

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

13. Commissioner Flegler wished everyone a wonderful Thanksgiving and enjoy the time with your families.

Commissioner Anderson shared results of the successful United Way Campaign, by saying that the generosity of the citizens was overwhelming, which is much appreciated. Anderson also wished everyone a Happy Thanksgiving and to be careful if traveling.

Commissioner Chapman and Mayor Nicholson echoed the same as Commissioner Flegler and Commissioner Anderson.

Mayor Nicholson also addressed the issue of pets being sold on the street corners and that a new Ordinance recently passed, prohibiting the sale of pets to the public from street corners. Nicholson further advised that the police were going to start enforcing this Ordinance and issuing citations to those caught breaking the Ordinance.

****REPORTS****

14. CITY MANAGER'S REPORT

City Manager Craig Stephenson advised that all City offices would be closed Thursday and Friday in observance of Thanksgiving. Stephenson also announced that the Christmas Tree Lighting Ceremony would be this Wednesday, complete with hot chocolate, caroling and Santa Claus in front of City Hall at 6:00 p.m. Stephenson further added that the Lighted Christmas Parade is scheduled for December 4, 2009 at 6:00 p.m., and next Monday being the 5th Monday there will be no work session. Stephenson also said that the Festival of Angels opening would begin this Wednesday with horse drawn carriage rides, roasting marshmallows, hot chocolate and ginger bread cookies.

Stephenson stated that he would like to address the Mayor's comments about the selling and giving away of dogs & cats. Stephenson added that there is still that problem on north 14th Street. Stephenson stated that a temporary sign is going to be erected in the Tractor Supply area that will outline the Ordinance. Stephenson related that the police would now be issuing citations instead of warnings to those not abiding by the Ordinance, and that Animal Control has been authorized overtime for the next two weekends to help enforce the Ordinance.

15. RECEIVE BUDGET STATUS REPORT FOR THE FIRST QUARTER ENDED SEPTEMBER 30, 2009.

Finance Director Marc LaBossiere presented an abbreviated version of the Budget Status Report for the first quarter ending September 30, 2009. LaBossiere advised the public that this report would be on file at the library and the City Clerk's office for anyone wishing to peruse the entire report.

****PUBLIC HEARINGS****

16A. Conduct a Public Hearing on Subparagraph (B) Hereof.

Development Services Director Chris Henderson explained to the Commission that every three years the City updates its building codes by the adoption of the individual elements that comprise the complete set of International Building Codes. Henderson stated that these codes regulate the construction and remodel of new and existing buildings and structures, and in addition to the IBC Codes, there is the National Electric Code that is also updated every three years as well. Henderson added that the last edition of this Code was adopted by the City in 2005; therefore, it is time to consider the adoption of the updated Code.

Henderson further stated that historically there is not a Public Hearing when codes are updated, but two years ago the City started holding Public Hearings to give the public a chance to comment before adopting the new codes.

Mayor Nicholson opened the floor to the Public to make comments in regards to the adoption of the new National Electric Code. As there were no comments from the public Mayor Nicholson closed the Public Hearing.

AN ORDINANCE AMENDING SECTION 10-2-1 OF THE CITY CODE TO ADOPT THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE AND THE 2007 EDITION OF THE NATIONAL ELECTRICAL SAFETY CODE; AMENDING SECTION 10-2-03 MODIFYING THE QUALIFICATIONS OF THE ELECTRICAL INSPECTOR; AND GENERALLY DELETING AND RENUMBERING SECTIONS OF THE CITY'S ELECTRICAL CODE AND REGULATIONS INTO HARMONY WITH THE NEWEST VERSIONS OF THE NATIONAL ELECTRICAL CODE AND THE NATIONAL ELECTRICAL SAFETY CODE REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY AND ESTABLISHING AN EFFECTIVE DATE OF DECEMBER 1, 2009.

Commissioner Flegler made the motion to approve the Ordinance amending Section 10-2-01 of the City Code to adopt the 2008 edition of the National Electrical Code and the 2007 edition of the National Electrical Safety Code; amending section 10-2-03 modifying the qualifications of the electrical inspector; and generally deleting and renumbering sections of the city's electrical code and regulations into harmony with the newest versions of the National Electrical Code and the National Electrical Safety Code repealing Ordinances in conflict; providing for severability. Chapman seconded.

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

- 16C. Consider and vote on the Emergency Clause of the Ordinance establishing an effective date of December 1, 2009.

Commissioner Krueger made the motion to approve the Emergency Clause of the Ordinance establishing an effective date of December 1, 2009. Flegler seconded.

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

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PONCA CITY, OKLAHOMA AT SECTION 3-4-1 AND SECTION 3-4-3 DECREASING THE SIZE OF THE MARLAND ESTATE COMMISSION FROM FOURTEEN (14) TO ELEVEN (11) PERSONS; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY

Commissioner Flegler made the motion to approve the Ordinances amending the Code of Ordinances of the City of Ponca City, Oklahoma at Section 3-4-1 and Section 3-4-3 decreasing the size of the Marland Estate Commission from fourteen (14) to eleven (11) persons; repealing ordinances in conflict; and providing for severability. Chapman seconded.

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

- 17B. Consider and vote on the Emergency Clause of the Ordinance.

Commissioner Flegler made the motion to approve the Emergency Clause of the Ordinance. Chapman seconded.

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

18. **RESOLUTION NO. 5809**

A RESOLUTION SETTING DATE FOR GENERAL MUNICIPAL ELECTION FOR OFFICE OF MAYOR, SETTING FILING PERIOD, STATING TERM OF OFFICE, SPECIFYING QUALIFICATION FOR SAID OFFICE IN ACCORDANCE WITH THE CITY CHARTER, THAT OFFICE WILL BE FILLED BY VOTING AT LARGE AND AUTHORIZING THE MAYOR TO SIGN A PROCLAMATION CALLING FOR AN ELECTION.

Commissioner Anderson made the motion to approve the Resolution setting date for general municipal election for Office of Mayor, setting filing period, stating term of office, specifying qualification for said office in accordance with the city charter, that office will be filled by voting at large and authorizing the mayor to sign a proclamation. Flegler seconded.

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

19. Consider and vote on agreement with ETS for credit card services for the City of Ponca City and Ponca City Utility Authority transactions.

Commissioner Anderson made the motion to approve an agreement with ETS for credit card services for the City of Ponca City and Ponca City Utility Authority transactions. Flegler seconded.

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

20. Consider and vote on construction payment No. 9 to Lambert Construction Company in the amount of 1,896,300.00 for construction of the Ponca City Aquatic & Family Center-YMCA.

Commissioner Flegler made the motion to approve construction payment No. 9 to Lambert Construction Company in the amount of 1,896,300.00 for construction of the Ponca City Aquatic & Family Center-YMCA. Chapman seconded.

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

****CITIZENS COMMENTS****

21. None.

22. The motion was made by Flegler to adjourn the Board of Commissioners meeting. Anderson seconded.

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

Mayor Nicholson adjourned the meeting at 6:23 p.m.

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

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
NOVEMBER 23, 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: Chris Henderson, Sherri Tapp, Tana McKinley, Steve Sullivan, Mike Chapman, Butch Herring, Earl Watkins, Hong Fu, City staff; Beverly Bryant, Ponca City News.

1. Chairman Nicholson called the meeting to order at 6:24 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 Anderson made the motion to approve the consent agenda. Chapman seconded.

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

2. Consider and vote upon the minutes of the regular session held November 9, 2009.

3. **RESOLUTION NO. 744**

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

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

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

5. None.

****NEW BUSINESS****

6. Consider and vote upon awarding a construction contract to Howard-Estruct, Joint Venture for the Water Treatment Plant Lime System Improvement Project in the amount of 1,541,965.00.

Trustee Flegler made the motion to approve the awarding of a construction contract to Howard-Estruct, Joint Venture for the Water Treatment Plant Lime System Improvement Project in the amount of 1,541,965.00. Anderson seconded.

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

7. Consider and vote upon awarding a construction contract to Sober Brothers, Inc. for the Waterline Repair and Replacement Project in the amount of \$505,145.00.

Trustee Anderson made the motion to approve the awarding of a construction contract to Sober Brothers, Inc. for the Waterline Repair and Replacement Project in the amount of \$505,145.00. Flegler seconded.

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

8. Consider and vote to employ Cabbiness Engineering, LLC to perform Construction Management Services and provide a Resident Project Representative to monitor contractor's performances of contract obligations on the Raw Waterline Improvement Project and authorize Chairman to execute contract in the amount of \$57,250.00.

Trustee Krueger made the motion to employ Cabbiness Engineering, LLC to perform Construction Management Services and provide a Resident Project Representative to monitor contractor's performances of contract obligations on the Raw Waterline Improvement Project and authorize Chairman to execute contract in the amount of \$57,250.00. Flegler seconded.

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

9. Consider and vote on an Agreement with ETS for Credit Card Services for City of Ponca City and Ponca City Utility Authority transactions.

Trustee Anderson made the motion to approve an Agreement with ETS for Credit Card Services for City of Ponca City and Ponca City Utility Authority transactions. Flegler seconded.

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

9. Trustee Flegler made the motion to adjourn the Ponca City Utility Authority 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 6:45 p.m.

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

CHAIRMAN:

ATTEST:

TRUST SECRETARY