

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
SEPTEMBER 28, 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
Marc LaBossiere, Finance Director/City Clerk

Absent: Lanita Chapman, Commissioner

Others Present: Chris Henderson, Rhonda Skrapke, Jim Fairbanks, Butch Herring, Terry Brown, David Horinek, Mike Chapman, David Keathly, Tana McKinley, Phil Johnston, David VanBuskirk, Dwaine Vincent, Hong Fu, City staff; Rich Cantillon, Jayne Detten, Pixie Rowland, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:33 p.m.
2. Invocation – Bob Innis, Word of Life.
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. 2009 Blood Drive Challenge Award presented by Pixie Rowland to the Ponca City Fire Department. Rowland also recognized the efforts of the Ponca City Police Department for their effort in the Blood Drive Challenge.
5. Character Trait for September is Responsibility, presented by Lowell LeFebvre.

****CONSENT AGENDA****

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

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

6. Consider and vote upon minutes of the Ponca City Board of Commissioners work session held September 7, 2009 and regular session held September 14, 2009.
7. **RESOLUTION NO. 5796**

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

8.

RESOLUTION NO. 5797

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

9.

RESOLUTION NO. 5798

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, AUTHORIZING THE FINANCE DIRECTOR/CITY CLERK TO DESTROY MUNICIPAL RECORDS UNDER HIS CONTROL AND ACCORDING TO STATE STATUTE.

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

10. None.

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

11. Commissioner Flegler spoke of projects in progress at this time, naming the Wal-Mart remodel, Mazzio's Pizza, which will soon be known as Mazzio's Italian Eatery. Flegler also mentioned that there are many roof and street projects going on at this time. Flegler stated that there is a lot of investment in Ponca City, which makes for positive news.

Commissioner Krueger commented on the rewards the City received, and stated that it is not what the Commissioners do, but it is the great teamwork of the staff.

Mayor Nicholson echoed Krueger's comment on the staff and City employees that they are what keep the City moving.

****REPORTS****

12. CITY MANAGER'S REPORT

City Manager Craig Stephenson spoke about the pandemic workshop, which staff attended last week in Tulsa. Stephenson advised that several topics were covered and various scenarios on how to deal with personnel issues, and continuity of operation, which is critical.

Stephenson also mentioned that the City had received several awards at the OML Conference. Stephenson also added that Mayor Nicholson had been appointed to District 7 of the Mayor Board of Directors.

Stephenson reported that word had been received that Wentz Golf Course will be featured in the upcoming Southwest PGA golf magazine.

Stephenson also informed the Commission that Partnership for Prescription Assistance would be in front of City Hall on Tuesday, October 6, 2009 from 10:00 a.m. until noon. Stephenson stated that the Partnership for Prescription helps the uninsured and financially struggling patients to get prescription coverage, or help in receiving free medications.

Stephenson concluded by informing the Commission that the HOG rally would be held from October 8-10, 2009 at Wentz Camp, National Main Street week will be observed from October 11-17, 2009 and Ponca Politics will be held at City Hall on October 23, 2009 from 11:30 a.m. to 1:00 p.m.

13. TOURISM REPORT

Rich Cantillon, Chamber of Commerce Director, introduced Christy Brown, new Tourism Coordinator, replacing Mary Beth Moore, and also Barbara Rozell and David Keathly of the Tourism Board.

Cantillon commented that Mary Beth Moore would be missed and that she had done an excellent job in promoting Ponca City Tourism.

Cantillon gave an overview of the activities and trade shows that Tourism had participated in this past year and upcoming shows they will be participating in, to help promote Ponca City.

14. MAIN STREET REPORT

Jayne Detten, Main Street Director, gave a detailed report on Main Street activities with highlights from the past year. Detten also reported on upcoming events that Main Street would be participating in, and stated that there would be many events planned for Main Street week, which is October 11-17, 2009.

****PUBLIC HEARINGS****

- 15A. Consider and vote to remove from Table Item (B) below.

Commissioner Flegler made the motion to remove Item (B). Krueger seconded.

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

- 15B. Conduct a Public Hearing on Item (C) below

Chris Henderson, Community Services Director, gave a brief background on the rezoning of the property listed in the item below stating that Ponca City High School is currently acquiring the properties north of the football stadium in anticipation that one day they can construct a performing arts facility.

Henderson further added that the acquisition also includes a commercial business center located directly north of the football stadium, which houses several retail establishments and the offices of a hearing aid business. The owner of the hearing aid business, Henderson explained, is seeking to relocate across the street to a residence that is for sale, and is seeking appropriate zoning to do so.

Henderson advised that the home in question lies immediately adjacent to the south edge of a commercial district separated only by an alley. Henderson added that on the advice of staff, the applicant is seeking R-3 Multi-family zoning, which would permit professional offices by right without the other commercial uses that may be incompatible.

Charles Smith, 714 E. Albany, discussed his needs before the Commission as to why it was important and necessary to him to be able to move his hearing aid business across the street to this residence.

Commissioner Anderson voiced concerns about the patients having to back out onto 7th Street. Smith stated that if he could have some leniency to widen the drive where they might be able to back up and then approach the street in a forward manner.

15C.

ORDINANCE NO. 6105

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 7TH 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.

Commissioner Anderson made the motion to approve the Ordinance rezoning property legally 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 7th Street, R-1 Single Family Residential to R-3 Multi-Family Residential. Flegler seconded.

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

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

16.

ORDINANCE NO. 6106

AN ORDINANCE ADOPTING THE PONCA CITY OKLAHOMA STORMWATER MASTER PLAN 2009 PURSUANT TO TITLE 9, CHAPTER 8C, OF THE CITY CODE; AMENDING SECTION 9-8C-5, ENTITLED "MASTER DRAINAGE PLAN", AND PROVIDING FOR REPEALER AND SEVERABILITY.

Commissioner Anderson made the motion to approve the Ordinance authorizing the adoption of the Ponca City Stormwater Master plan 2009 pursuant to Title 9, Chapter 8C of the City Code; Amending Section 9-8C-5 entitled "Master Drainage Plan", and providing for Repealer and Severability. Flegler seconded.

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

17.

RESOLUTION NO. 5799

A RESOLUTION APPROVING ACTION TAKEN BY THE PONCA CITY UTILITY AUTHORITY AUTHORIZING ISSUANCE, SALE AND DELIVERY OF A PROMISSORY NOTE OF THE AUTHORITY TO THE OKLAHOMA WATER RESOURCES BOARD; RATIFYING AND CONFIRMING A LEASE AGREEMENT WHEREBY THE CITY OF PONCA CITY LEASED ITS WATER, SANITARY SEWER, ELECTRIC, AND GARBAGE SYSTEMS TO THE PONCA CITY UTILITY AUTHORITY; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Commissioner Anderson made the motion to approve the Resolution whereby the Ponca City Utility Authority authorizes issuance, sale, and delivery of a promissory note of the Authority to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement whereby the City of Ponca City leased its water, sanitary sewer, electric, and garbage systems to the Ponca City Utility Authority; and containing other provisions related thereto. Flegler seconded.

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

18. Consider and vote on a contract in the amount of \$81,412.00 for the FY-2009 Community Development Block Grant (CDBG) Small Cities Program between the Oklahoma Department of Commerce and the City of Ponca City.

Commissioner Flegler made the motion to approve the contract in the amount of \$81,412.00 for the FY 2009 Community Development Block Grant (CDBG) Small Cities Program between the Oklahoma Department of Commerce and the City of Ponca City. Anderson seconded.

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

- 19A. Consider and vote on Construction Payment No. 7 to Lambert Construction Company in the amount of \$855,000.00 for construction of the Ponca City Aquatic & Family Center-YMCA.

Commissioner Krueger made the motion to approve Construction Payment No. 7 to Lambert Construction in the amount of \$855,000.00 for construction of the Ponca City Aquatic 7 Family Center-YMCA. Anderson seconded.

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

- 19B. Consider and vote on Construction Payment No. 1 to Entre Prises USA, Inc. in the amount of \$24,113.60 for construction of the Ponca City Aquatic & Family Center-YMCA.

Commissioner Krueger made the motion to approve Construction Payment No. 1 to Entre Prises USA, Inc. in the amount of \$24,113.60 for construction of the Ponca City Aquatic Center-YMCA. Anderson seconded.

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

****CITIZENS COMMENTS****

20.. None.

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

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

22. Mayor Nicholson adjourned the Board of Commissioners meeting at 7:24 p.m.

PASSED IN SESSION AND APPROVED THIS 12TH DAY OF OCTOBER 2009.

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
SEPTEMBER 28, 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
Marc LaBossiere, Secretary

Absent: Lanita Chapman, Trustee

Others Present: Chris Henderson, Rhonda Skrapke, Jim Fairbanks, Butch Herring, Terry Brown, David Horinek, Mike Chapman, Tana McKinley, Phil Johnston, Dwaine Vincent, Hong Fu, City staff; citizens; Beverly Bryant, Ponca City News.

1. Chairman Nicholson called the meeting to order at 7:25 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2, #3, #4, and #5, 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, and Krueger. Nays; None. Motion carried.

2. Consider and vote upon the minutes of the regular session held September 14, 2009.

3. **RESOLUTION NO. 738**

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 the Monthly Operating Statement to OWRB.
5. Consider and vote on purchase of two thirty-four (34) yard compactors for the Solid Waste Collection Division from Downing Sales & Service in the amount of \$54,408.00.

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

6. None.

****NEW BUSINESS****

7.

RESOLUTION NO. 739

A RESOLUTION AUTHORIZING THE PONCA CITY UTILITY AUTHORITY (THE "AUTHORITY") TO OPTIONALLY REDEEM THE OUTSTANDING AMOUNT OF ITS UTILITY SYSTEM REVENUE BONDS, SERIES 1997C (THE "BONDS") ORIGINALLY ISSUED IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,750,000.00; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Trustee Flegler made the motion to approve the Resolution authorizing the Ponca City Utility Authority to optionally redeem the outstanding amount of its utility system revenue bonds, Series 1997C originally issued in the aggregate principal amount of \$1,750,000.00; and containing other provisions relating thereto. Krueger seconded.

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

8.

RESOLUTION NO. 740

A RESOLUTION APPROVING AND AUTHORIZING A CLEAN WATER SRF LOAN FROM THE OKLAHOMA WATER RESOURCES BOARD IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$890,000.00; APPROVING THE ISSUANCE OF A PROMISSORY NOTE IN THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$890,000.00 SECURED BY A PLEDGE OF REVENUES AND AUTHORIZING ITS EXECUTION; APPROVING AND AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT FOR CLEAN WATER SRF LOAN; DESIGNATING A LOCAL TRUSTEE AND APPROVING AND AUTHORIZING THE EXECUTION OF A TRUST AGREEMENT; APPROVING AND AUTHORIZING THE EXECUTION OF A SECURITY AGREEMENT; RATIFYING AND CONFIRMING A LEASE AGREEMENT WHEREBY THE CITY OF PONCA CITY LEASED CERTAIN WATER, SANITARY SEWER, ELECTRIC, AND GARBAGE SYSTEMS TO THE PONCA CITY UTILITY AUTHORITY; APPROVING VARIOUS COVENANTS; APPROVING AND AUTHORIZING PAYMENT OF FEES AND EXPENSES; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Trustee Anderson made the motion to approve the Resolution authorizing a Clean Water SRF loan from the Oklahoma Water Resources Board in the total aggregate principal amount of not to exceed \$890,000.00; approving the issuance of a promissory note in the total aggregate principal amount of not to exceed \$890,000.00 secured by a pledge of revenues and authorizing its execution; approving and authorizing the execution of a loan agreement for Clean Water SRF loan; designating a local trustee and approving and authorizing the execution of a trust agreement; approving and authorizing the execution of a security agreement; ratifying and confirming a lease agreement whereby the City of Ponca City leased certain water, sanitary sewer, electric, and garbage systems to the Ponca City Utility Authority; approving various covenants; approving and authorizing payment of fees and expenses; and containing other provisions relating thereto. Flegler seconded.

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

9. Consider and vote upon construction contract with Ron Welcher Construction, Inc. for the Brentwood Liftstation Replacement Project in the amount of \$293,804.50.

Trustee Krueger made the motion to approve the construction contract with Ron Welcher Construction, Inc. for the Brentwood Liftstation Replacement Project in the amount of \$293,804.50. Anderson seconded.

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

10. Consider and vote upon construction contract with Third Generation Electrical, Inc. for the Main Liftstation Emergency Power Improvements Project in the amount of \$145,200.00.

Trustee Flegler made the motion to approve the construction contract with Third Generation Electrical, Inc. for the Main Liftstation Emergency Power Improvements Project in the amount of \$145,200.00. Anderson seconded

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

Trustee Flegler made the motion authorizing the Chairman of the Ponca City Utility Authority to sign a letter transferring the functional control of the PCUA's 69 kV Transmission System to Oklahoma Municipal Power Authority for further conveyance to the Southwest Power Pool. Anderson seconded.

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

8. Trustee Anderson made the motion to adjourn the Ponca Utility Authority meeting. Flegler seconded.

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

Chairman Nicholson adjourned the Ponca City Utility Authority meeting at 7:43 p.m.

PASSED IN SESSION AND APPROVED THIS 12th DAY OF OCTOBER 2009.

CHAIRMAN:

ATTEST:

TRUST SECRETARY