

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
OCTOBER 11, 2010

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
Lanita Chapman, Commissioner
Paul Krueger, Commissioner
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Bill Flegler, Commissioner

Others Present: Chris Henderson, Rhonda Skrapke, Don Bohon, Randy Tyner, Jim Sindelar, Tana McKinley, Mike Lane, Craige Baird, Butch Herring, City staff; members of the Historic Preservation Advisory Panel; 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 Nazarene Church
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for October: Loyalty
- 4A. ITEM ADDED – Oklahoma Municipal League award to Diane Anderson, as a Certified Municipal Official.

****CONSENT AGENDA****

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

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held September 27, 2010.

6. **RESOLUTION NO. 5867**

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

7.

RESOLUTION NO. 5868

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>
Historic Preservation Advisory Panel	Charlene A. Cole	Appointed	2013

8. Consider and vote upon Change Order No. 2 to construction contract with Sooner Construction of North Central Oklahoma in the additional amount of \$1,529.00 for the new restrooms at Dan Moran Park.
9. Consider and vote upon the Bid Committee's recommendation to award the purchase of a current year HD Cab Style Model Tractor to Enlow Tractors, Inc. in the amount of \$37,670.57.
- 10.. Consider and vote on the Oklahoma Municipal Assurance Group (OMAG) "Municipal Liability Protection Plan" for the City of Ponca City for the policy period November 1, 2010 through November 1, 2011.

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

11. None.

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

12. Commissioner Anderson advised that with the weather changing, citizens need to check heaters, smoke detectors, and carbon monoxide detectors.

****REPORTS****

13. CITY MANAGER'S REPORT

City Manager Craig Stephenson reported that the Household Hazardous Waste Day was held this past Saturday, and that the day was beautiful, and the turnout was tremendous. Stephenson further added that the report with the numbers for the volume disposed would be forthcoming. Stephenson thanked the staff and volunteers for their efforts in making this year's event another success.

Stephenson also reported that several of the City staff had visited with members from the Oklahoma Water Resources Board with several topics being discussed.

Stephenson also advised that the opening of the new Kay County Sheriff's Office and Detention Center would be this Friday at 10:00 a.m.

Other items mentioned by Stephenson were Ponca City Utility Authority entered into a contract with Nowak Construction Co. to install a replacement waste water interceptor from Princeton to Prospect to west of the shopping plaza. Stephenson also stated that next week on October 21, 2010, Oklahoma Code Enforcement Association will be hosted

by Ponca City, Friday, October 22, 2010, Ponca Politics will be held for the District Attorney upcoming election, and October 25, 2010 fire hydrant testing will begin.

In conclusion, Stephenson related that there has been a group of Oklahomans involved in a study of passenger rail service for the state of Oklahoma. Stephenson stated that the Mayor and he have participated in some of these meetings, and that the routes under study include Tulsa to Oklahoma City, and Kansas City, Wichita, Oklahoma City to Fort Worth routes. Stephenson stated that there is to be another meeting held on Thursday, October 14, 2010 at the capital, if anyone would be interested in attending.

****PUBLIC HEARINGS****

- 14A. Conduct a Public Hearing on Subparagraph (B) hereof.

Development Services Director Chris Henderson advised the Commission that earlier this summer a petition was received from a group of citizens living west of Flormable requesting to be annexed into the City limits. Henderson further explained that this would be the 300 block of Flormable, which consists of six property owners and eight properties. Henderson stated that upon receipt of this petition, formal letters were sent to every property owner living west of Flormable, between Grand Avenue and Highland to see if anyone else would be interested in being annexed. Henderson iterated that the returns were a resounding “no”.

Henderson further added that the reason for the annexation petition was for these citizens to be able to receive police protection, as well as city water, sanitary sewer, trash pickup, fire protection, and reduced rate on their City electric. Henderson stated that the Planning Commission and the TRC Committee is recommending approval of this annexation.

Henderson in answer to Commissioner Krueger’s question was that every property on the east side of Flormable is already in the City limits.

Mayor Nicholson then opened the Public Hearing to anyone who would like to speak for or against the annexation of the 300 block of Flormable. There being no one to speak for or against the annexation Mayor Nicholson closed the Public Hearing.

- 14B. **ORDINANCE NO.**

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF PONCA CITY, AND DESIGNATING THE AREAS OR TRACTS INCLUDED IN SUCH EXTENSION, REPEALING ALL ORDINANCES IN CONFLICT OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Consider an Ordinance extending the Corporate limits of the City of Ponca City, and designating the areas or tracts included in such extension, repealing all Ordinances in conflict or parts of Ordinances in conflict Herewith; and establishing an effective date.

Commissioner Anderson pointed out that the words “and vote” were not on the agenda. City Attorney Kevin Murphy suggested that in order to exercise all caution, to wait and add the item to “vote” on the annexation at the next meeting.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

15. Consider and vote on execution of an agreement with Cabbiness Engineering to provide Professional Design Services for the Reconstruction and Widening of Prospect Avenue from Union to Ash.

Commissioner Anderson made the motion to approve the execution of an agreement with Cabbiness Engineering to provide Professional Design Services for the Reconstruction and Widening of Prospect Avenue from Union to Ash. Krueger seconded.

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

16. Consider and vote on submittal of the downtown Ponca City Historic District National Register Nomination to the Oklahoma Historical Society Historic Preservation Review Committee for its consideration and approval.

Commissioner Krueger made the motion to approve the submittal of the Downtown Ponca City Historic District National Register Nomination to the Oklahoma Historical Society Historic Preservation Review Committee for its consideration and approval. Anderson seconded.

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

****CITIZENS COMMENTS****

17. None

RECESS TO PONCA CITY UTILITY AUTHORITY MEETING

Mayor Nicholson recessed the Board of Commissioners meeting at 6:18 p.m.

18. Commissioner Chapman made the motion to enter into executive session at 6:22 p.m. pursuant to Title 25 Section 307 Oklahoma Statutes for purposes of: performing a review of the City Manager's job performance. Krueger seconded.

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

19. Mayor Nicholson upon returning from executive session where the Commission had been evaluating the performance of the city manager, called the regular meeting back into session in the City Commission Chamber at 7:00 p.m.

The Commissioners engaged in a brief discussion concerning their findings that the Commission is quite satisfied with the job performance of the City Manager. Nicholson stated that all the Commissioners in attendance at the executive session indicated that they have had 100% positive comments from the public.

Mayor Nicholson gave a brief history regarding the fact that the City Manager's contract had called for a performance evaluation after 6 months, and then yearly, but such evaluations had not been conducted due to the Commission's inability to provide any raises as anticipated by the contract. Mayor Nicholson stated that with the city's improving financial condition, it was appropriate to do the review and consider a pay raise for the City Manager.

Commissioner Anderson moved that the employment contract with the City Manager be amended to increase his annual salary to \$121,000.00 for fiscal year 2010-11 and that the mayor be authorized to sign the amendment. Motion was seconded by Commissioner Krueger.

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

20. Commissioner Anderson made the motion to adjourn the Board of Commissioners meeting. Chapman seconded.

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

Mayor Nicholson adjourned the Board of Commissioners at 7:05 p.m.

PASSED IN SESSION AND APPROVED THIS 25TH DAY OF OCTOBER 2010.

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
OCTOBER 11, 2010

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
Diane Anderson, Trustee
Paul Krueger, Trustee
Lanita Chapman, Trustee
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Bill Flegler, Trustee

Others Present: Chris Henderson, Don Bohon, Randy Tyner, Tana McKinley, Butch Herring, Hong Fu, City staff; Beverly Bryant, Ponca City News.

1. Chairman Homer Nicholson called the meeting to order at 6:18 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 Anderson made the motion to approve the consent agenda. Chapman seconded.

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

2. Consider and vote upon the minutes of the regular session held September 27, 2010.

3. **RESOLUTION NO. 775**

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 a construction contract with Sober Brothers, Inc. in the amount of \$89,202.70 for the West Well Field Line Improvement Project. .

Trustee Krueger made the motion to approve the construction contract with Sober Brothers, Inc. in the amount of \$89,202.70 for the West Well Field Line Improvement Project. Chapman seconded.

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

9. Trustee Krueger made the motion to adjourn the meeting. Chapman seconded.

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

Chairman Nicholson adjourned the Ponca City Utility Authority meeting at 6:22 p.m.

PASSED IN SESSION AND APPROVED THIS 25TH DAY OF OCTOBER 2010.

CHAIRMAN:

ATTEST:

TRUST SECRETARY