



City of Enid  
401 W. Owen K. Garriott  
P.O. Box 1768  
Enid, Oklahoma 73702  
580-234-0400

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BOARD OF COMMISSIONERS

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**NOTICE OF REGULAR MEETING**

Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, and the Trustees of the Enid Economic Development Authority, a Public Trust

Notice is hereby given that the Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, and the Trustees of the Enid Economic Development Authority, a Public Trust, will meet in regular session at 6:30 p.m. on the 5<sup>th</sup> day of June, 2012, in the Council Chambers of the City Administration Building, located at 401 W. Owen K. Garriott Road in said city, and the agenda for said meeting is as follows:

- AGENDA -

MAYOR AND BOARD OF COMMISSIONERS REGULAR MEETING

1. CALL TO ORDER/ROLL CALL.
2. INVOCATION.
3. FLAG SALUTE.
4. CONSIDER APPROVAL OF MINUTES OF REGULAR MEETING OF MAY 15, 2012.
5. AWARDS, PRESENTATIONS, AND ORGANIZATIONAL BUSINESS.
  - 5.1 PRESENT PET AVAILABLE FOR ADOPTION AT THE CITY ANIMAL SHELTER.

**5.2 APPOINTMENT TO THE LIBRARY BOARD.**

**BACKGROUND:** The Library Board of Directors is authorized by City Charter and is composed of seven (7) members. Six (6) members are residents of the city of Enid, and one member is a resident of Garfield County who does not reside in Enid. This member is nominated by the Garfield County Commissioners and appointed by the Mayor and Board of Commissioners.

At the Garfield County Commission meeting on April 23, 2012, Mr. Jim Hajek was nominated to serve as a representative on the Library Board. If approved, Mr. Hajek's term will expire in May 2015.

**ATTACHMENTS:** Letter from the Garfield County Commissioners.

**PRESENTER:** Joan Riley, Assistant City Manager.

**6. HEARINGS.**

**6.1 CONDUCT A PUBLIC HEARING ON THE PROPOSED 2012-2013 GENERAL FUND, SPECIAL FUNDS, ENTERPRISE AND DEBT SERVICE FUNDS, ENID PUBLIC TRANSPORTATION, VANCE DEVELOPMENT AUTHORITIES, AND RELATED BUDGET DOCUMENTS FOR THE CITY OF ENID.**

**BACKGROUND:** This is a companion to Items 12.1 and 15.1. The Oklahoma Municipal Budget Act requires a hearing to be conducted at least 15 days prior to the beginning of the new fiscal year, and a notice must be published no less than five (5) days prior to the date of the hearing. Notice of the said hearing was published in The Enid News and Eagle on May 29, 2012.

**2011-2012 BUDGETED ITEM:** Not applicable.

**FUNDING SOURCE:** Not applicable.

**ATTACHMENTS:** None.

**RECOMMENDATION:** Conduct hearing.

**PRESENTER:** Jerald Gilbert, Chief Financial Officer.

**6.2 CONDUCT A HEARING REZONING PROPERTY DESCRIBED AS LOT 13 BLOCK 2 WILSON PARK ADDITION FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "R-4" RESIDENTIAL DUPLEX OR TWO FAMILY DWELLING DISTRICT.**

**BACKGROUND:** This is a companion to Item 7.1. The applicant has requested to rezone the property located on the north side of Cottonwood Avenue adjacent to a drainage easement from a “C-3” General Commercial District to an “R-4” Residential Duplex or Two Family Dwelling District. The zoning pattern surrounding this request includes “C-3” to the north and west with “R-4” to the south and east. Rezoning will permit the property to be financed through the Federal Housing Authority (FHA) process.

**2011-2012 BUDGETED ITEM:** Not applicable.

**FUNDING SOURCE:** Not applicable.

**ATTACHMENTS:** Location Map.

**RECOMMENDATION:** Conduct hearing.

**PRESENTER:** Karla Ruther, Planning Assistant.

## 7. COMMUNITY DEVELOPMENT.

### 7.1 ADOPT AN ORDINANCE REZONING PROPERTY DESCRIBED AS LOT 13 BLOCK 2 WILSON PARK ADDITION FROM “C-3” GENERAL COMMERCIAL DISTRICT TO “R-4” RESIDENTIAL DUPLEX OR TWO FAMILY DWELLING DISTRICT.

**BACKGROUND:** This is a companion to Item 6.2.

**2011-2012 BUDGETED ITEM:** Not applicable.

**FUNDING SOURCE:** Not applicable.

**ATTACHMENTS:** Ordinance.

**RECOMMENDATION:** Adopt Ordinance.

**ADVISORY COMMISSION ACTION:** The Enid Metropolitan Area Planning Commission voted unanimously to recommend approval at its May 21, 2012, regular meeting.

**PRESENTER:** Karla Ruther, Planning Assistant.

## 8. ADMINISTRATION.

**8.1 DISCUSS AND TAKE ACTION ON THE FISCAL YEAR 2012-2013 CITY OF ENID BUDGET.**

**BACKGROUND:** This is a companion to Items 12.2 and 15.2. City charter requires the City Manager to prepare and submit an annual budget, State law requires submission thirty (30) days prior to the new fiscal year (FY).

The budget process began in March, and the 2012-2013 budget draft was sent to Commissioners via email on May 11, 2012, and discussed during the study session on May 15, 2012.

The public hearing was advertised five (5) days prior on May 29, 2012, in the Enid News and Eagle. Comments will be considered in the final revision, and presented for approval at the Commission Meeting on June 19, 2012.

**2011-2012 BUDGETED ITEM:** No.

**FUNDING SOURCE:** Sales taxes and utility fees.

**ATTACHMENTS:** None.

**PRESENTER:** Jerald Gilbert, Chief Financial Officer.

**8.2 APPROVE A RIGHT-OF-WAY AGREEMENT WITH N.F.G., LLC, OVERLAND PARK, KANSAS, TO LAY, MAINTAIN, AND OPERATE A RAIL CROSSING ACROSS CITY OF ENID RIGHT-OF-WAY.**

**BACKGROUND:** N.F.G., LLC, submitted an application to lay, maintain, and operate a rail crossing located north of the intersection of Cherry Avenue and 10<sup>th</sup> Street to provide service for Northern Ag Service, Inc.; the new owner of the grain elevators west of 10<sup>th</sup> Street.

This agreement allows the owner to place a rail crossing to match the existing grade of roadway, and reconstruct the roadway to transition the road surface cross section to match the railway road. In compliance with City of Enid Municipal Code 2-6A-7, N.F.G., LLC, will make a payment of \$100.00 per crossing.

Upon approval of the agreement and filing of the payment, a permit will be issued to the contractor for installation of the rail crossing.

**OPTIONS:**

- OPTION A: Approve the Right-Of-Way Agreement with N.F.G., LLC.

- OPTION B: Deny the Right-Of-Way Agreement.

**OPTION A:**

- ADVANTAGES: Supports local business development.
- DISADVANTAGES: Increases the number of railway crossings.

**OPTION B:**

- ADVANTAGES: Traffic delays will not be increased.
- DISADVANTAGES: Does not support business development.

**2011-2012 BUDGETED ITEM:** Not applicable.

**FUNDING SOURCE:** Not applicable.

**ATTACHMENTS:** None. Agreement is on file in the Office of the City Clerk.

**PRESENTER:** Robert Hitt, P.E., Director of Engineering Services.

**8.3 ADOPT AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2003, REGARDING NUISANCES AND DILAPIDATED BUILDINGS.**

**BACKGROUND:** This amendment was discussed at the May 1, 2012, Study Session. It will amend the definition of “nuisances,” create a method for repayment to the City of Enid when the City abates a nuisance, and amend the definition of “dilapidated building” to mirror State law. If the City is required to abate a nuisance, the property owner will be charged for the actual cost of the work plus an administrative fee of \$120.00.

**OPTIONS:**

- OPTION A: Adopt Ordinance.
- OPTION B: Do not adopt Ordinance.

**OPTION A:**

- ADVANTAGES: Provides additional enforcement power over nuisances, gives a method for repayment for work completed by the City, allows placement of a lien on a property when repayment is not made, and amends the definition of “dilapidated building” to mirror the recently changed State law.

- DISADVANTAGES: None.

**OPTION B:**

- ADVANTAGES: None.
- DISADVANTAGES: The City of Enid would be unable to enforce cleanup for certain nuisances, and will require a delay of 36 months to declare a “boarded and secured” building a nuisance instead of waiting only 18 months under the new State law.

**2011-2012 BUDGETED ITEM:** Not applicable.

**FUNDING SOURCE:** Not applicable.

**ATTACHMENTS:** Draft Ordinance and Current Language on Abatement.

**PRESENTER:** Andrea Springer, City Attorney.

**8.4 ADOPT AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2003, TO CREATE A TECHNOLOGY FEE TO BE CHARGED BY THE COURT CLERK.**

**BACKGROUND:** This amendment was discussed at the May 15, 2012, Study Session. It will amend the Enid Municipal Code, 2003, by creating a technology fee to be charged by the Court Clerk to Defendants in the amount of \$5.00.

**OPTIONS:**

- OPTION A: Adopt Ordinance.
- OPTION B: Do not Adopt Ordinance.

**OPTION A:**

- ADVANTAGES: Provides additional revenue to fund the rising costs of technology, provides a way for Defendants to pay for the software, and perhaps hardware, that is used for Court administration.
- DISADVANTAGES: None.

**OPTION B:**

- **ADVANTAGES:** Prevents an increase to fines and fees already charged to Defendants by the Court.
- **DISADVANTAGES:** The Court will have to increase its budget, which is a cost to all taxpayers rather than just the Defendants of the Court, to cover new technology.

**2011-2012 BUDGETED ITEM:** Not applicable.

**FUNDING SOURCE:** Not applicable.

**ATTACHMENTS:** Draft Ordinance.

**PRESENTER:** Andrea Springer, City Attorney.

**8.5 ADOPT AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2003, REGARDING WATER CONSERVATION MEASURES.**

**BACKGROUND:** This amendment was discussed at the November 1, 2011, Study Session. It will add a section requiring citizens to conserve water upon direction of City of Enid staff. Phase one will require residents living on odd sides of the streets to water only on odd days of the month, and residents living on even sides of the streets to water on even days of the month. Phase two will restrict the use of sprinklers, and allow for up to one hour of watering a day by hand only. Commercial businesses may be asked to reduce consumption during phase two.

**OPTIONS:**

- **OPTION A:** Adopt Ordinance.
- **OPTION B:** Do not adopt Ordinance.

**OPTION A:**

- **ADVANTAGES:** Provides structure and authority to City of Enid staff to protect Enid's water supply, and allows enforcement of fines on those that do not comply with the Water Conservation Ordinance.
- **DISADVANTAGES:** None.

**OPTION B:**

- **ADVANTAGES:** None.

- **DISADVANTAGES:** The City of Enid would lack a plan for drought conditions and inability to enforce water conservation.

**2011-2012 BUDGETED ITEM:** Not applicable.

**FUNDING SOURCE:** Not applicable.

**ATTACHMENTS:** Draft Ordinance.

**PRESENTER:** Scott Morris, Utility Services Manager.

**8.6 ADOPT AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2003, REGARDING UPDATED PRICING ON WATER METER INSTALLATION, SOLID WASTE RATES, AND LANDFILL RATES.**

**BACKGROUND:** This amendment was discussed at the March 6, 2012, Study Session. It will update solid waste and landfill rates that have not been adjusted in the past 12 years. Monthly Residential trash rates will increase from \$12.65 to \$14.00. Landfill rates per ton will increase from \$21.00 to \$28.00. Commercial solid waste rates will be set by the City Manager. Water meter installation rates will adjust to actual cost, and since meter costs vary on an annual basis, such will be removed from the ordinance. All rate changes will be effective on July 15, 2012.

**OPTIONS:**

- **OPTION A:** Adopt Ordinance.
- **OPTION B:** Do not adopt Ordinance.

**OPTION A:**

- **ADVANTAGES:** Provides revenue to continue offering premium service to solid waste customers and updated pricing on new meter installation.
- **DISADVANTAGES:** None.

**OPTION B:**

- **ADVANTAGES:** None.
- **DISADVANTAGES:** Revenue will be lost, and the premium solid waste service will be downgraded.

**2011-2012 BUDGETED ITEM:** Not applicable.



**FUNDING SOURCE:** Not applicable.

**ATTACHMENTS:** Draft Ordinance.

**PRESENTER:** Tiffiney Walls, Solid Waste Supervisor.

**8.7 ACCEPT A PROJECT WITH CUMMINS CONSTRUCTION COMPANY, ENID, OKLAHOMA, FOR THE 2011 LOCAL STREET PROGRAM, R-1101A CONTRACT NO. 2.**

**BACKGROUND:** The 2011 Local Street Program was awarded to Cummins Construction Company in the amount of \$1,115,782.65 to reconstruct the following local streets:

- State Avenue from Monroe Street to Grand Avenue.
- Jefferson Street from State Avenue to Garriott Road.
- Adams Street from State Avenue to ½ Block North.
- Washington Street from State Avenue to Garriott Road.
- Cottonwood Avenue from Grand Avenue to 4<sup>th</sup> Street.

Change Order No. 1 added \$93,947.13 to reconstruct the intersection at State Avenue and Independence Avenue, and Heritage Trail from Cleveland Street to Double Tree Lane.

This project is complete, and the final inspection has been done. The total contract amount is \$1,209,729.78, and there is a three (3) year Maintenance Bond on this project.

**2011-2012 BUDGETED ITEM:** Yes.

**FUNDING SOURCE:** Street and Alley Fund.

**ATTACHMENTS:** None.

**RECOMMENDATION:** Accept project.

**PRESENTER:** Robert Hitt, P.E., Director of Engineering Services.

**9. CONSENT.**

**9.1 AWARD A CONTRACT TO HEMBREE AND HODGSON CONSTRUCTION, LLC, PONCA CITY, OKLAHOMA, FOR AN ADDITION TO THE BUILDING MAINTENANCE FACILITY, M-1212A, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS AFTER REVIEW BY THE CITY ATTORNEY.**

**BACKGROUND:** This project will construct a 50 foot by 60 foot pre-fabricated metal building addition to the existing 50 foot by 60 foot Building Maintenance Facility located at the Service Center. It will serve as a central location for parts and supplies used by the Technical Services Department.

Three (3) bids were received (shown low to high):

- |                                   |              |
|-----------------------------------|--------------|
| 1. Hembree & Hodgson Construction | \$118,250.00 |
| 2. Henson Construction            | \$142,212.00 |
| 3. Rick Scott Construction        | \$149,000.00 |

Hembree & Hodgson Construction, LLC, submitted the lowest, responsible bid with a contract time of 120 calendar days.

**2011-2012 BUDGETED ITEM:** Yes.

**FUNDING SOURCE:** Capital Improvement Fund.

**ATTACHMENTS:** Canvass of Bids.

**RECOMMENDATION:** Award a contract to Hembree & Hodgson Construction, LLC, in the amount of \$118,250.00, and authorize the Mayor to execute all contract documents after review by the City Attorney.

**PRESENTER:** Robert Hitt, P.E., Director of Engineering Services.

- 9.2 **AWARD A CONTRACT TO S.L. MADISON CONSTRUCTION, LLC, CRESCENT, OKLAHOMA, FOR RESTROOM IMPROVEMENTS AT MEADOWLAKE SOUTH AND NORTHEAST, PROJECT P-1207A, IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS AFTER REVIEW BY THE CITY ATTORNEY.**

**BACKGROUND:** This project will modify the existing restroom building located on the south side of Meadowlake Park in order to meet Americans with Disabilities Act (ADA) regulations.

Two (2) bids were received (shown low to high):

- |                                  | <u>Base</u> | <u>Alternate No. 1</u> |
|----------------------------------|-------------|------------------------|
| 1. S.L. Madison Construction     | \$47,423.00 | \$ 7,300.00            |
| 2. D.C. Bass & Sons Construction | \$61,316.00 | \$19,602.00            |

The alternate bid includes repairs to the currently closed restroom building located at the northwest corner of the park. The severely damaged masonry above the doors at both the men's and women's restrooms will be repaired and new doors installed.

S.L. Madison Construction submitted the lowest, responsible bid with 90 calendar days to complete the project.

**2011-2012 BUDGETED ITEM:** Yes.

**FUNDING SOURCE:** Capital Improvement Fund.

**ATTACHMENTS:** Canvass of Bids.

**RECOMMENDATION:** Award a contract to S.L. Madison Construction in the amount of \$54,723.00 including Alternate No. 1, and authorize the Mayor to execute all contract documents after review by the City Attorney.

**PRESENTER:** Robert Hitt, P.E., Director of Engineering Services.

**9.3 ACCEPT AN EASEMENT FOR PUBLIC HIGHWAY FROM BOB E. MCKINNON AND GRACEVA F. MCKINNON FOR THE WILLOW ROAD WIDENING PROJECT, R-0303D.**

**BACKGROUND:** This easement for public highway provides additional right-of-way at No. 4 Woodlands, and is required to widen the road to four (4) lanes at Willow Road between Cleveland Street and Oakwood Road. The cost of this right-of-way is \$23,150.00 of which \$6,720.00 is for damages based on the appraisal.

**2011-2012 BUDGETED ITEM:** Yes.

**FUNDING SOURCE:** Capital Improvement Fund.

**ATTACHMENTS:** Location map. Easement is on file in the Office of the City Clerk.

**RECOMMENDATION:** Accept easement for public highway.

**PRESENTER:** Robert Hitt, P.E., Director of Engineering Services.

**9.4 CONSIDER AND DENY THE TORT CLAIM OF BETHEL BAPTIST CHURCH & ACADEMY.**

**BACKGROUND:** On April 6, 2012, Bethel Baptist Church & Academy submitted a tort claim for property damage in the amount of \$2,309.66. The claim alleged that damage occurred as a result of a backup in the main City sewer line. The City forwarded that claim to its insurer, Oklahoma Municipal Assurance Group (OMAG), which opened an investigation of the claim. OMAG found no liability on behalf of the City of Enid, and recommended denial of the claim.

**2011-2012 BUDGETED ITEM:** Not applicable.

**FUNDING SOURCE:** Not applicable.

**ATTACHMENTS:** None. Documents are on file in the Office of the City Attorney.

**RECOMMENDATION:** Deny the tort claim.

**PRESENTER:** Andrea Springer, City Attorney.

**9.5 APPROVE CHANGE ORDER NO. 2 WITH LAYNE CHRISTENSEN COMPANY, OKLAHOMA CITY, OKLAHOMA, FOR THE WELL REPLACEMENT PROGRAM, W-0906A.**

**BACKGROUND:** Layne Christensen has placed 18 test wells that have identified four (4) locations for placement of production wells. This change order will allow placement of three (3) production wells. Two (2) will be located in Cleo Springs on May's property and Holt's property, and one (1) on Garfield County Fair Grounds. One (1) well site will be covered by existing funds at Ames 35.

Change Order No. 2 will add \$489,022.00 to the contract for a revised total amount of \$1,188,812.00.

**2011-2012 BUDGETED ITEM:** Yes.

**FUNDING SOURCE:** Water Capital Improvement Fund.

**ATTACHMENTS:** None. Change Order No. 2 is on file in the Office of the City Clerk.

**RECOMMENDATION:** Approve Change Order No. 2.

**PRESENTER:** Robert Hitt, P.E., Director of Engineering Services.

**9.6 APPROVAL OF CLAIMS IN THE AMOUNT OF \$2,038,974.31.**

**ATTACHMENTS:** List of claims.

10. RECESS TO CONVENE AS THE ENID MUNICIPAL AUTHORITY.
11. TRUSTEES OF THE ENID MUNICIPAL AUTHORITY REGULAR MEETING.
12. ENID MUNICIPAL AUTHORITY REGULAR MEETING.
  - 12.1 CONDUCT A PUBLIC HEARING ON THE PROPOSED FISCAL YEAR 2012-2013 FINANCIAL PLAN FOR THE ENID MUNICIPAL AUTHORITY.

**BACKGROUND:** This is a companion to Items 6.1 and 15.1.

**2011-2012 BUDGETED ITEM:** Not applicable.

**FUNDING SOURCE:** Not applicable.

**ATTACHMENTS:** None.

**RECOMMENDATION:** Conduct hearing.

**PRESENTER:** Jerald Gilbert, Chief Financial Officer.

- 12.2 DISCUSS AND TAKE ACTION ON THE FISCAL YEAR 2012-2013 ENID MUNICIPAL AUTHORITY FINANCIAL PLAN.

**BACKGROUND:** This is a companion to Items 8.1 and 15.2. The City of Enid has prepared a draft financial plan for the Enid Municipal Authority (EMA), and is not subject to the state budget law.

**ATTACHMENTS:** None.

**RECOMMENDATION:** None.

**PRESENTER:** Jerald Gilbert, Chief Financial Officer.

- 12.3 APPROVAL OF CLAIMS IN THE AMOUNT OF \$73,222.43.

**ATTACHMENTS:** List of claims.

13. ADJOURN TO CONVENE AS THE ENID ECONOMIC DEVELOPMENT AUTHORITY.
14. TRUSTEES OF THE ENID ECONOMIC DEVELOPMENT AUTHORITY REGULAR MEETING.
15. ENID ECONOMIC DEVELOPMENT AUTHORITY REGULAR MEETING.

**15.1 CONDUCT A PUBLIC HEARING ON THE PROPOSED FISCAL YEAR 2012-2013 FINANCIAL PLAN FOR THE ENID ECONOMIC DEVELOPMENT AUTHORITY.**

**BACKGROUND:** This is a companion to Items 6.1 and 12.1.

**2011-2012 BUDGETED ITEM:** Yes.

**FUNDING SOURCE:** Capital Improvement Fund.

**ATTACHMENTS:** None.

**RECOMMENDATION:** Conduct hearing.

**PRESENTER:** Jerald Gilbert, Chief Financial Officer.

**15.2 DISCUSS AND TAKE ACTION ON THE FISCAL YEAR 2012-2013 ENID ECONOMIC DEVELOPMENT AUTHORITY FINANCIAL PLAN.**

**BACKGROUND:** This is a companion to Items 8.1 and 12.2. The City of Enid has prepared a draft financial plan for the Enid Economic Development Authority (EEDA), and is not subject to the state budget law.

**ATTACHMENTS:** None.

**RECOMMENDATION:** None.

**PRESENTER:** Jerald Gilbert, Chief Financial Officer.

**15.3 APPROVAL OF CLAIMS IN THE AMOUNT OF \$153,013.00.**

**ATTACHMENTS:** List of Claims.

**16. ADJOURN TO RECONVENE AS THE ENID CITY COMMISSION.**

**17. PUBLIC DISCUSSION.**

**18. ADJOURN.**