

MINUTES OF REGULAR MEETING OF
MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA,
TRUSTEES OF THE ENID MUNICIPAL AUTHORITY, A PUBLIC TRUST, AND
TRUSTEES OF THE ENID ECONOMIC DEVELOPMENT AUTHORITY, A PUBLIC TRUST
HELD ON THE 16TH DAY OF APRIL 2013

The Mayor and Board of Commissioners of the City of Enid, County of Garfield, State of Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, and the Trustees of the Enid Economic Development Authority, a Public Trust, met in regular meeting in the Council Chambers of the Administration Building of the City of Enid, located at 401 West Owen K. Garriott Road in said city, at 6:30 P.M. on the 16th day of April 2013, pursuant to notice given by December 15, 2012 to the Clerk of the City of Enid, and pursuant to notice thereof displayed at the entrance to the Administration Building of said city, in prominent view and which notice was posted prior to 5:00 P.M. on the 15th day of April 2013.

-MAYOR AND BOARD OF COMMISSIONERS-

Mayor Shewey called the meeting to order with the following members present and absent:

PRESENT: Commissioners Janzen, Blackburn, Ritchie, Wilson, Vanhooser and Mayor Shewey.

ABSENT: Commissioner Stuber.

Staff present were City Manager Eric Benson, Assistant City Manager Joan Riley, City Attorney Andrea Springer, City Clerk Linda Parks, Director of Engineering Services Chris Gdanski, Chief Financial Officer Jerald Gilbert, Public Works Director Jim McClain, Police Chief Brian O'Rourke, Fire Chief Joe Jackson, Director of Marketing and Public Relations Steve Kime, Human Resource Director Sonya Key, Safety Director Billy McBride, Director of Aviation Dan Ohnesorge, and Ex-Officio member Col. Darren James.

Pastor Josh Hayes from North Garland Church of Christ gave the Invocation, and Mr. Dan Ohnesorge led the Flag Salute.

Motion was made by Commissioner Vanhooser and seconded by Commissioner Janzen to approve the minutes of the regular Commission meeting of April 2, 2013, and the vote was as follows:

AYE: Commissioners Janzen, Blackburn, Ritchie, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

Mr. Stan Locke presented "Red", a male red Border Collie, available for adoption at the Enid Animal Shelter.

Mayor Shewey expressed his personal thanks to commissioners Blackburn and Ritchie for their time and dedication while serving on the Commission.

Proclamations were read and presented proclaiming April 16, 2013 as "Taurion Taye Sullivan Day," April 24, 2013 as "Arbor Day," the week of April 22-28, 2013 as "National Crime Victims' Rights Week," and the month of April 2013 as "Child Abuse Prevention Month," "Fair Housing Awareness Month," and "Civitan Awareness Month."

Motion was made by Commissioner Janzen and seconded by Commissioner Blackburn to appoint Mr. Dalen McVay to the Police Civil Service Commission, said term to expire April 19, 2018, and the vote was as follows:

AYE: Commissioners Janzen, Blackburn, Ritchie, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

Ballots were taken for two (2) vacancies on the Park Board. The successful candidates were Ms. Carmen Ball and Mr. Mark Keefer, said terms to expire March 1, 2016.

Ballots were taken for two (2) vacancies on the Library Board. Mr. Bert Clampitt was reappointed, and Mr. Ryan Schaller was appointed to the Board, said terms to expire in May 2016.

A hearing was conducted regarding the Five-Year Consolidated Plan for Community Development programs, and to consider \$384,949.50 in proposed allocations from the Fiscal Year 2013 Community Development Block Grant (CDBG) funding cycle, as recommended by the CDBG Funding Committee. Opening comments were made by Ms. Stephanie Carr, CDBG Coordinator. She stated that because funding allocations from the Department of Housing & Urban Development had not yet been determined, Fiscal Year 2013 CDBG allocations recommended by staff and the CDBG Funding Committee were based on a five percent (5%) decrease from the prior year's allocations, for a total of \$384,949.50. Commissioners were advised that the final Consolidated Plan and Action Plan would be brought back for consideration on May 6, 2013.

Commissioner Vanhooser voiced concerns with respect to the proposed allocation for administration overhead in the amount of \$70,000.00, stating he felt the number was high.

Ms. Carr spoke regarding her role as CDBG Coordinator, and stated there were no significant cuts she could identify in the proposed allocation.

City Manager Eric Benson stated that Ms. Carr was also filling the position of Grants Administrator, a previously internally funded position, which had enabled some savings from that collaboration. He went on to say that the opportunity to identify that savings and devote it to these elements existed, and asked commissioners to be mindful of that during upcoming budget meetings, as these requests could also be funded from sources other than CDBG.

There being no further comments, the hearing concluded.

Motion was made by Commissioner Ritchie and seconded by Commissioner Blackburn to approve an emergency resolution authorizing the City Attorney to levy a judgment of the Workers' Compensation Court of the State of Oklahoma, entered in favor of Charlie W. Stanley, and against the City of Enid, in the amount of \$20,366.00; providing that the judgment will be levied pursuant to 62 O.S. Section 365.1-365.6 and Title 2, Chapter 3, Section 2-3-2(D) of the Enid Municipal Code 2003; and approving an agreement acknowledging such judgment and providing for the payment of such judgment in exchange for the City's promise to repay such judgment from collected tax levies, and the vote was as follows:

AYE: Commissioners Janzen, Blackburn, Ritchie, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

Thereupon, motion was made by Commissioner Ritchie and seconded by Commissioner Wilson to approve the Emergency Section of said resolution, and the vote was as follows:

AYE: Commissioners Janzen, Blackburn, Ritchie, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

(Copy Resolution)

Motion was made by Commissioner Ritchie and seconded by Commissioner Blackburn to approve an emergency resolution authorizing the City Attorney to levy a judgment of the Workers' Compensation Court of the State of Oklahoma, entered in favor of Michael D. Schatz, and against the City of Enid, in the amount of \$27,455.00; providing that the judgment will be levied pursuant to 62 O.S. Section 365.1-365.6 and Title 2, Chapter 3, Section 2-3-2(D) of the Enid Municipal Code 2003; and approving an agreement acknowledging such judgment and providing for the payment of such judgment in exchange for the City's promise to repay such judgment from collected tax levies, and the vote was as follows:

AYE: Commissioners Janzen, Blackburn, Ritchie, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

Thereupon, motion was made by Commissioner Ritchie and seconded by Commissioner Wilson to approve the Emergency Section of said resolution, and the vote was as follows:

AYE: Commissioners Janzen, Blackburn, Ritchie, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

(Copy Resolution)

Motion was made by Commissioner Janzen and seconded by Commissioner Ritchie to approve an agreement with Northern Oklahoma College to lay, maintain, and operate a communications line within City of Enid rights-of-way on East Maine Street, approximately 300 feet east of University Avenue, and the vote was as follows:

AYE: Commissioners Janzen, Blackburn, Ritchie, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

Discussion was held regarding an Agreement for Professional Services with Wiggins Auctioneers, LLC, to act as the water rights acquisition agent for the City of Enid in conjunction with Project W-1304A, Water Rights Acquisition. It was noted that based on three (3) proposals received, Wiggins Auctioneers, Enid Oklahoma, was chosen as the best professional firm based on qualifications, experience, and knowledge of the process. It was further noted that payment to Wiggins Auctioneers would be based on actual acres of water rights acquired, in an amount not to exceed \$250,000.00.

Motion was made by Commissioner Ritchie and seconded by Commissioner Blackburn to approve said agreement as presented, and the vote was as follows:

AYE: Commissioners Janzen, Blackburn, Ritchie, Wilson, Vanhooser and Mayor Shewey.

NAY: None.

Discussion was held regarding a request to name the gymnasium located on North 10th Street in Champion Park.

Opening comments were made by Commissioner Ritchie who stated he had brought this item to commissioners at the March 19, 2013 Study Session after being approached by a constituent of his, Mr. Rick Hughes, who had a desire to name the gymnasium at Champion Park after his father, Mr. Gene A. Hughes. He went on to say that in return, Mr. Hughes had offered to assist in the collection of refuse around the area.

Mr. Rick Hughes, 1222 North 10th, spoke regarding his desire to honor his father's efforts in protecting this country for 20 years, by naming the gymnasium at Champion Park the Gene A. Hughes Memorial Gym.

Motion was made by Commissioner Wilson and seconded by Commissioner Ritchie to name the gymnasium at Champion Park the Gene A. Hughes Memorial Gym.

Commissioner Janzen stated that a policy should be in place to evaluate these types of requests, and asked that the item be tabled until a policy was developed.

Commissioner Ritchie agreed that a policy should be in place, but added that Mr. Hughes had gone through the appropriate channels in submitting his request.

Following further discussion, Commissioner Vanhooser seconded Commissioner Janzen's motion to table the item.

Commissioners were reminded that a prior motion was on the table and had not been withdrawn.

Commissioner Wilson agreed that a process should be in place, but stated that Mr. Hughes had followed the only process the Commission had, which was to contact his commissioner to place the item on the agenda.

The vote on the original motion was then taken as follows:

AYE: Commissioners Ritchie, Wilson and Mayor Shewey.

NAY: Commissioners Janzen, Blackburn and Vanhooser.

Motion failed.

City Attorney Andrea Springer stated that she was developing a park naming policy, and that the request could be brought back for consideration by the Commission after the policy was in place.

Motion was made by Commissioner Ritchie and seconded by Commissioner Wilson to approve staff recommendations on the following Consent Items as listed, and the vote was as follows:

AYE: Commissioners Janzen, Blackburn, Ritchie, Wilson and Mayor Shewey.

NAY: Commissioner Vanhooser.

- (1) Approval of contracts for Mowing and Cleaning Lots for Calendar Year 2013, with Ron's Mowing Service, Enid, Oklahoma, and Girls Getter Done, Enid, Oklahoma;
- (2) Award of contract for Professional Engineering Services for Enid Woodring Regional Airport, to the only respondent, Cobb Engineering Company, Oklahoma City, Oklahoma, and authorize the Mayor to execute said contract after review by the City Attorney. It was noted that the contract amount would be amended based on work details for each project;
- (3) Approval of Change Order No. 2 with S. L. Madison Construction, LLC, for Project F-0905A, 42nd Street and Market Avenue Drainage Improvement, which will provide for additional work necessary to realign and lower the pipe system to clear an Oklahoma Natural Gas high pressure gas line encountered during construction, at an additional cost of \$11,792.78, for a total revised contract amount of \$111,667.60; and acceptance of work in said project as completed by the contractor;
- (4) Approval of Change Order No. 1 with Continental Construction Corporation, for Project M-1201B, Pedestrian Trail Project, Phase IV, which will rebuild the curb inlets at South Cleveland Street and Indian Drive due to deterioration, at an additional cost of \$14,743.72, for a total revised contract amount of \$320,803.16;
- (5) Acceptance of the following described Easement for Public Highway in Block One (1), Willow West Subdivision, from Mr. Brandon Turnbow, in conjunction with Project No. R-0303D, Willow Road Widening:

(Copy Description)

- (6) Approval of Change Order No. 2 with Young Contracting, LLC, for Project R-1205A, Downtown Renaissance Street Improvements, Phase I, which will adjust final quantities for all corrected work, at an additional cost of \$7,293.26, for a final contract amount of \$133,569.31; and acceptance of work in said project as completed by the contractor;
- (7) Approval of Change Order No. 4 with Luckinbill, Inc., for Project S-1101A, Sanitary Sewer Point Repairs, which will add 27 additional sanitary sewer point repairs and adjust quantities of work completed in Change Order No. 3 to match quantities placed, at an additional cost of \$125,000.00, for a total revised contract amount of \$1,669,178.50;
- (8) Approval of application from Mr. Robert Hitchcock, 1318 Nancy Drive, Enid, Oklahoma, as part of the 2013 Sanitary Sewer Damage and Backflow Prevention Cost Participation Program, Project No. S-1314A. It was noted that in accordance with said program, the City of Enid's portion of costs associated with the installation of a backflow preventer at the aforementioned address was \$2,427.44;
- (9) Acceptance of Permit from the Oklahoma Department of Environmental Quality for Project No. W-1303A, waterline extension at 1200 East Ash Avenue;
- (10) Approval of Change Order No. 7 with Wynn Construction Company for Project S-0703E, Water Reclamation Facility, which will provide for additional concrete testing by Burgess Engineering to confirm concrete quality, and provide for the installation of stainless steel angles at the Vertical to allow for reducing operation of the Vertical to one (1) of two (2) trains constructed, at an additional cost of 55,685.13, for a total revised contract of \$34,470,103.95;
- (11) Conveyance of the following described Easement in Section 24-22-7, from the City of Enid to Oklahoma Gas & Electric Company, to provide for power supply to the new carousel building at Meadowlake Park, Project No. P-1205:

(Copy Description)

and

- (12) Allowance of the following claims for payment as listed:

(List Claims)

Mayor Shewey recessed the meeting to convene as the Enid Municipal Authority.

-TRUSTEES OF THE ENID MUNICIPAL AUTHORITY-

PRESENT: Trustees Janzen, Blackburn, Ritchie, Wilson, Vanhooser, Chairman Shewey, Trust Manager Eric Benson, Trust Attorney Andrea Springer, and Secretary Linda Parks.

ABSENT: Trustee Stuber.

Motion was made by Trustee Ritchie and seconded by Trustee Janzen to approve an agreement acknowledging and providing for a judgment of the Workers' Compensation Court of the State of Oklahoma, entered in favor of Charlie W. Stanley, and against the City of Enid, in the amount of \$20,366.00, and the vote was as follows:

AYE: Trustees Janzen, Blackburn, Ritchie, Wilson, Vanhooser and Chairman Shewey.

NAY: None.

Motion was made by Trustee Ritchie and seconded by Trustee Janzen to approve an agreement acknowledging and providing for a judgment of the Workers' Compensation Court of the State of Oklahoma, entered in favor of Michael D. Schatz, and against the City of Enid, in the amount of \$27,455.00, and the vote was as follows:

AYE: Trustees Janzen, Blackburn, Ritchie, Wilson, Vanhooser and Chairman Shewey.

NAY: None.

Motion was made by Trustee Ritchie and seconded by Trustee Blackburn to allow the following claims for payment as listed, and the vote was as follows:

AYE: Trustees Janzen, Blackburn, Ritchie, Wilson, Vanhooser and Chairman Shewey.

NAY: None.

(List Claims)

Chairman Shewey adjourned the meeting to reconvene as the Enid City Commission.

- MAYOR AND BOARD OF COMMISSIONERS-

Motion was made by Commissioner Ritchie and seconded by Commissioner Blackburn to convene into Executive Session to discuss economic development, pursuant to 25 Okla. Stat. Section 307(C)(10), to discuss “matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate within their jurisdiction,” because public disclosure would violate the confidentiality of the businesses involved, and the vote was as follows:

AYE: Commissioners Janzen, Blackburn, Ritchie, Wilson, Vanhooser and Chairman Shewey.

NAY: None.

The meeting convened into Executive Session at 7:35 P.M.

In Executive Session the Commission discussed economic development.

Motion was made by Commissioner Vanhooser and seconded by Commissioner Ritchie to reconvene into regular session, and the vote was as follows:

AYE: Commissioners Janzen, Blackburn, Ritchie and Vanhooser.

NAY: None.

Commissioner Wilson and Mayor Shewey absent from vote.

The meeting reconvened into regular session at 9:12 P.M.

There being no further business to come before the Board at this time, motion was made by Commissioner Ritchie and seconded by Commissioner Vanhooser that the meeting adjourn, and the vote was as follows:

AYE: Commissioners Janzen, Blackburn, Ritchie and Vanhooser.

NAY: None.

Commissioner Wilson and Mayor Shewey absent from vote.

The meeting adjourned at 9:13 P.M.