BOARD OF CITY COMMISSIONERS
REGULAR MEETING

JULY 14, 2014
6:00 P.M.

City Council Chambers
111 North Elm

A G E N D A

1. Meeting called to order

2. Declaration of a quorum

3. Pledge of Allegiance

4. Prayer

5. Consent Agenda
   (a) Consider approval of minutes of regular meeting of June 9, 2014 and special meeting of June 25, 2014 (Pages 3-11)
   (b) Discuss and acknowledge Invoice Paid report for June 2014

6. Open Bids for 2014 Asphalt Overlay - Street Improvement Program (Page 12)

7. Consider Approval of Resolution 2014-17; A Resolution Supporting Telecommunications Infrastructure For Local Governments; and, Authorize Execution of a Letter of Support (Pages 13-21)

8. Consider Approval of Purchase Order #6129, in an Amount not to Exceed $45,000.00, to Wesco-Diversified Electric of Broken Arrow, for the Purchase of six (6) Hubbell Pole Mounted Capacitor Banks with Supporting Parts and Materials (Pages 22-24)

9. Consider Approval of Change Order #1, in the Amount of $9,287.00, for the I-40/Hwy 64 Waterline Relocation Project (Pages 25-27)
10. Consider Approval of Planning Commission Action; Plat Approval of St. Francis Xavier Catholic Church Addition  (Pages 28-30)

11. Discuss Travel Trailers, Recreational Vehicles, etc., Parked in Residential Areas with Marley Abell, Chairman of the Sallisaw Planning Commission; and, Provide Guidance to Planning Commission

12. Discuss Central Business District Issues; and, Provide Guidance to Planning Commission

13. Receive Comments from the Public

14. Administrative Reports

15. New business

16. Adjourn

Posted: July 10, 2014

Time: ___1:30 p.m.___

Dianna Davis
MINUTES
BOARD OF CITY COMMISSIONERS
REGULAR MEETING
JUNE 9, 2014

The Board of City Commissioners met in a regular meeting on June 9, 2014, in the city council chambers, located at 111 North Elm. Notice of the meeting was given by e-mailing to Sequoyah County Times; by posting at city hall; and, by giving notice to the City Clerk.

Members present: Julia Ferguson, Mayor
Ronnie Lowe, Member, Ward 1
Ro Poindexter, Member, Ward 2
Julian Mendiola, Member, Ward 3
Vicki Sawney, Member, Ward 4

Staff present: Bill Baker, City Manager
John R. Montgomery, City Attorney
Keith Skelton, Assistant City Manager
Dianna Davis, City Clerk
Robin Haggard, Chief Accountant
Dewey Keith, Grants Administrator
Randy Sizemore, Purchasing Agent
Lori Moore, Accounting
Keith Miller, Building Development Director
Terry Franklin, Chief of Police
Susie Taylor, Customer Service Supervisor
Davonna Carroll, Customer Service
Daniel Emerson, Customer Service
David Chandler, Equipment Services
Gene Martin, Equipment Services
Don Riggs, Equipment Services Supt.
Jamie Phillips, Solid Waste Superintendent
Willie Downs, Solid Waste
Dewayne Overby, Solid Waste
Randy Jones, Wastewater Treatment
Blakely Smith, Electric Superintendent
Austin Poindexter, Electric
Sheldon Caughman, Electric
David McMurtry, Electric
Kris McCawley, Electric
Charles Richardson, Street
Sam Randolph, Street Superintendent
Kenny Shakingbush, Street
Tom Norman, Street
Todd Brewer, Street
Pat Forslund, Street
Michael McGlothlin, Street
Jim Alderson, Building Development
Billy Oliver, Police
Tucker Martens, Police
Tyler Wilson, Police
Matthew Ellis, Police
Lewis Brown, Parks
Ted Capps, Water/Sewer Superintendent

Others present: Gina Smith; Sally Maxwell; Kelley Ray; Carol Brown; Margaret Perry; Lloyd Haskins; Pat Martin; Dale Brown; Chris Poindexter; Josh Bailey; Tracy Gish; Erica Martens; Judy Martens; Kyle Waters; Bernell Edwards; Jack Jamison; Bud and Ann Miller; Stimson Rogers; Shannon Vann; Diana Gurley; James and Sandra Isham; Joyce Robinson; others unidentified.

Mayor Ferguson called the meeting to order at 6:00 p.m. and declared a quorum was present.

PLEDGE OF ALLEGIANCE

Mayor Ferguson led those present in the Pledge of Allegiance. Pastor Diana Gurley offered prayer.

RECOGNITION OF MAYOR’S SPECIAL GUEST(S)

None.

CONSIDER APPROVAL OF RESOLUTION 2014-06; A RESOLUTION AMENDING THE MASTER FEE SCHEDULE, ESTABLISHING CERTAIN RATES AND FEES FOR THE CITY OF SALLISAW AND SUPERSEEDING PREVIOUS RESOLUTIONS

Resolution 2014-06 was presented for consideration. Commissioner Poindexter noted that the utility (water/sanitation) increases in this resolution was not for employee salary increases. She said there were rumors to that effect and she wanted it made clear that was not true. She also wanted to make clear to the public, that the increase in rates were for the July billing cycle, which would be due in August.

Motion was made by Poindexter, seconded by Lowe, for approval of Resolution 2014-06. Vote: Poindexter aye; Lowe aye; Ferguson naye; Mendiola naye; Sawney aye. Motion carried 3-2.
PUBLIC HEARING ON PROPOSED BUDGET FOR FISCAL YEAR 2014-2015

Mayor Ferguson noted that the purpose of the public hearing was to receive questions and/or comments on the proposed budget for FY 2014-15. Mayor Ferguson declared the public hearing open at 6:09 p.m.

Lloyd Haskins addressed council. He stated that we cannot continue to increase the budget. He reviewed several points. Sandra Isham addressed council. She noted that people on her street are retired and live on a fixed income. Mayor Ferguson asked if there were any other questions or comments. There were none. She declared the public hearing closed at 6:15 p.m. Joyce Robinson asked if she could speak. Mayor Ferguson reopened the public hearing at 6:16 p.m. Ms. Robinson noted that she was on social security and a rate increase is worrisome for those on fixed incomes. She noted that AT&T and DirecTV were also raising their rates. Brenda Brazzle noted that the government gives them a 1 1/2 % increase. She was opposed to the rate increase, but noted it had nothing to do with the employees. Randy Jones noted that it was not just the City, that there is inflation on everything. Everything is going up in price. Don Riggs noted if the city cuts costs/services then we fall backward. He stated that with equipment, you have to look at the cost of operating and repairing old equipment, verses newer equipment. He noted the debt from bond issues, etc., was voted in by the public. Jack Jamison asked if DiamondNet was supporting itself now. Mr. Baker explained that some months the revenue will exceed the operating costs and capital debt and some months it will fall below. He noted that the general fund is still subsidizing DiamondNet, but just barely. Keith Skelton noted they will be cutting $100,000 in expenses this year in DiamondNet. James Isham spoke briefly. Mayor Ferguson asked if there were any other questions or comments. There were none. She closed the public hearing at 6:30 p.m.


Resolution 2014-07 was presented for consideration. Commissioner Poindexter took a moment to commend and thank staff for the months spent working on the budget. She also commended council for their hours spent reviewing the budget. She noted the enormous amount of time that goes into balancing the budget. Keith Skelton needed to clarify a few of items: employee cola's are off the board; he will need to purchase electric capacitors (around $50,000-80,000); North 59 Highway project has been moved up and he is not sure of the cost to relocate utilities as some are not reimbursable; $100,000 is needed for a pole replacement project. Mr. Baker recommended not awarding employee cola's, but keeping the merits in place. He also wanted those present to be aware that just because a superintendent
requests something, does not mean they get it. He noted that of the 3.8 million in budget requests, he only included 1.1 million. He noted that years ago the electric revenue subsidized everything, but it can no longer do that. He noted that with the new rates, the average customer will see an increase of $3.15.

Following discussion, motion was made by Poindexter, seconded by Sawney, for approval of Resolution 2014-07 with the amount for cost of living increases being moved to the contingency fund. Vote: Poindexter aye; Sawney aye; Lowe aye; Mendiola aye; Ferguson aye. Motion carried 5-0.

CONSENT AGENDA

(a) Consider approval of minutes of regular meeting of May 12, 2104 and special meetings of May 19, 2014 and May 28, 2014

(b) Discuss and acknowledge Invoice Paid report for May 2014

(c) Acknowledge Administrative Approval of Case #PC2014-1; Two Lot Plat by St. Francis Xavier Catholic Church

(d) Consider approval of renewal of Lease Agreement between the City of Sallisaw and SAC Counties Nutrition Project

(e) Consider approval of Agreement between the City of Sallisaw and Sallisaw Chamber of Commerce

(f) Consider approval of Contract for Economic Development Services between the City of Sallisaw and the Sallisaw Improvement Corporation

(g) Consider approval of Lease between the City of Sallisaw and the Sallisaw Improvement Corporation for Incubator Building

(h) Consider approval of Agreement between the City of Sallisaw and the Boys and Girls Club of Sequoyah County

(i) Consider approval of lease renewal between the City of Sallisaw and Kevin Maust and Dawn Maust (KOA)

(j) Consider approval of Agreement between the City of Sallisaw and Sallisaw Lumber Company

(k) Consider approval of resolutions for lease purchase renewals; Resolutions 2014-08 through 2014-15
(1) 2014-08 Eight (8) 2012 Chevrolet Tahoe Police Pursuit Vehicles (payoff 11/2014)

(2) 2014-09 One (1) 2012 Freightliner 20-Yard Residential Sanitation Truck w/ Pak-Mor Body (payoff 12/2014)

(3) 2014-10 One (1) 2011 Caterpillar D4K2 LGP Dozer; Vin #KKRR0016 (payoff 07/2015)

(4) 2014-11 One (1) Tymco Model 600 Street Sweeper; Vin #201208SNQ64181 (payoff 09/2015)

(5) 2014-12 Two (2) Certified Rebuilt Al-Jon Landfill Compactors (payoff 11/2016)

(6) 2014-13 One (1) Altec AM 4300 Bucket Truck SN#0613DM4560; VIN#3HAMMAAN7EL497267 (payoff 08/2016)

(7) 2014-14 One (1) 2014 Mack MRU613 Front Load Sanitation Truck; Vin#1M2AV04C8EM010569 (payoff 09/2016)

(8) 2014-15 One John Deere 5M Tractor w/triple flail mowers, Ser#1LV5100MJEB641516 (payoff 05/2017)

The City Manager noted that item (c) needed to be stricken from the consent agenda, as staff has learned this is more than five (5) acres so it must go to the planning commission first.

Motion was made by Lowe, seconded by Poindexter, to strike item (c) from the consent agenda. Vote: Lowe aye; Poindexter aye; Sawney aye; Mendiola aye; Ferguson aye. Motion carried 5-0.

Motion was made by Lowe, seconded by Poindexter for approval of the consent agenda without item (c). Vote: Lowe aye; Poindexter aye; Mendiola aye; Sawney aye; Ferguson aye. Motion carried 5-0.

CONSIDER ANY ITEM REMOVED FROM CONSENT AGENDA

None.

CONSIDER APPROVAL OF AGREEMENT FOR JUVENILE COURT BETWEEN THE CITY OF SALLISAW AND THE OKLAHOMA DISTRICT COURT SERVING SEQUOYAH COUNTY, A/K/A SEQUOYAH COUNTY DISTRICT COURT
Motion was made by Poindexter, seconded by Mendiola, for approval of the Juvenile Court Agreement as presented. Vote: Poindexter aye; Mendiola aye; Lowe aye; Sawney aye; Ferguson aye. Motion carried 5-0.

**DISCUSS AND CONSIDER ACCEPTING A COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE STREET OVERLAY PROJECT; AND, AUTHORIZE EXECUTION OF CONTRACT AND RELATED DOCUMENTS**

The Oklahoma Department of Commerce had advised the City that its grant application for $150,000 for the Street Overlay Project had been approved. Staff noted that the City must formally accept the grant and execute the contract and related documents. Total cost of the project is estimated to be $366,119. The Street and Alley Fund includes $216,119 to provide local match and balance of required funding.

Motion was made by Mendiola, seconded by Lowe, to accept the Community Development Block Grant for the street overlay project and authorize execution of contract and related documents. Vote: Mendiola aye; Lowe aye; Poindexter aye; Sawney aye; Ferguson aye. Motion carried 5-0.

**CONSIDER AWARD OF BID FOR THE PURCHASE OF ONE (1) TRAILER MOUNTED HIGH PRESSURE SEWER CLEANER**

Bids on this item were opened during the May 12th meeting. At that time four (4) bids were received. Staff had reviewed the bids received and recommended award to J & R Equipment of Oklahoma City, in the amount of $57,001.00. Staff noted that J & R Equipment was not the low bidder, but was the only bidder who met all specifications. Also, the City has purchased from J & R in past years and has been very satisfied with their service response and parts availability. Staff noted there is $70,000 budgeted in the current fiscal year for this purchase.

Motion was made by Mendiola, seconded by Lowe, to award the bid for the purchase of one (1) trailer mounted high pressure sewer cleaner from J & R Equipment of Oklahoma City, in the amount of $57,001.00. Vote: Mendiola aye; Lowe aye; Poindexter aye; Sawney aye; Ferguson aye. Motion carried 5-0.

**REDEPOSIT OF TEMPORARILY IDLE FUNDING**

Mayor Ferguson opened and read aloud the bids as follows:

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<thead>
<tr>
<th>Fund</th>
<th>Amount</th>
<th>Days</th>
<th>Firstar</th>
<th>National</th>
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<tbody>
<tr>
<td>Cemetery</td>
<td>$144,792.27</td>
<td>182</td>
<td>.2%</td>
<td>.36%</td>
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<tr>
<td>Sallisaw Reserve</td>
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<td>.2%</td>
<td>.36%</td>
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<td>Sallisaw Reserve2</td>
<td>$70,209.23</td>
<td>182</td>
<td>.15%</td>
<td>.36%</td>
</tr>
</tbody>
</table>
Motion was made by Mendiola, seconded by Sawney, to deposit this month's temporarily idle funds with National Bank, the high bidder. Vote: Mendiola aye; Sawney aye; Poindexter aye; Lowe aye; Ferguson aye. Motion carried 5-0.

RECEIVE COMMENTS FROM THE PUBLIC

Mr. Baker noted that Mayor Ferguson had requested this item be placed on the agenda. He wanted to discuss the matter with council because the commission, as a whole, should decide what they want to do. He suggested, if they are going to have this on the agenda that staff draft rules and procedures as to how this item will be handled. It was the general consensus of council that staff draft rules and procedures for public comment period and bring back for council approval.

ADMINISTRATIVE REPORTS

None.

NEW BUSINESS

None.

Motion was made by Sawney, seconded by Mendiola, to adjourn the meeting there being no further business. Vote: Sawney aye; Mendiola aye; Lowe aye; Poindexter aye; Ferguson aye. Motion carried 5-0. The meeting adjourned at 7:08 p.m.

APPROVED the 14TH day of JULY 2014.

ATTEST:

JULIA FERGUSON, Mayor

Dianna Davis, City Clerk

(SEAL)
MINUTES
BOARD OF CITY COMMISSIONERS
SPECIAL MEETING
JUNE 25, 2014

The Board of City Commissioners met in a special meeting on June 25, 2014, in the city council chambers, located at 111 North Elm. Notice of the meeting was given by e-mailing to Sequoyah County Times; by posting at city hall; and, by giving notice to the City Clerk.

Members present: Julia Ferguson, Mayor (arrived @ 10:07 a.m.)
Ronnie Lowe, Member, Ward 1
Ro Poindexter, Member, Ward 2
Julian Mendiola, Member, Ward 3
Vicki Sawney, Member, Ward 4

Staff present: Bill Baker, City Manager
Keith Skelton, Assistant City Manager
Dianna Davis, City Clerk
Debby Keith, Grants Administrator

Others present: Gina Smith; Ryan Merrill.

Acting-Mayor Poindexter called the meeting to order at 10:03 a.m. A quorum was declared, with Mayor Ferguson absent.

CONSIDER APPROVAL OF CONTRACT BETWEEN THE CITY OF SALLISAW AND MIKE HANCOCK FOR MANAGEMENT OF BRUSHY LAKE PARK

Staff noted there were no changes to the current contract. Motion was made by Lowe, seconded by Mendiola, for approval. Vote: Lowe aye; Mendiola aye; Poindexter aye; Sawney aye. Motion carried 4-0.

CONSIDER APPROVAL RESOLUTION 2014-16; A RESOLUTION RELATING TO THE INCURRING OF INDEBTEDNESS BY THE TRUSTEES OF THE SALLISAW MUNICIPAL AUTHORITY TO BE ACCOMPLISHED BY SECURING A SHORT TERM LOAN TO PROVIDE FUNDS FOR EXPENSES RELATED TO THE SALLISAW SPORTS COMPLEX

Keith Skelton reviewed this item. (Mayor Ferguson arrived at 10:07 a.m.) Approval of Resolution 2014-16 will allow staff to secure a short term loan to light the last baseball field at the new sports complex.
Motion was made by Mendiola, seconded by Poindexter, for approval of Resolution 2014-16. Vote: Mendiola aye; Poindexter aye; Lowe aye; Sawney aye; Ferguson aye. Motion carried 5-0.

CONSIDER APPROVAL OF CHANGE ORDER(S) FOR AWARDING OF BASEBALL FIELD LIGHTING, AND RELOCATION OF GOLF CART PATH AT SHADOW CREEK TO ACCOMMODATE SEWER LINE TO THE SPORTS COMPLEX PROJECT

Change Order #1, Alternate Seven (7), baseball field lighting, and Change Order #2, relocation of golf cart path, were presented for consideration. Change Order #1 was in the amount of $119,430.15. Change Order #2 was in the amount of $21,730.00.

Motion was made by Sawney, seconded by Mendiola, for approval of Change Order #1 in the amount of $119,430.15, and Change Order #2 in the amount of $21,730. Vote: Sawney aye; Mendiola aye; Poindexter aye; Lowe aye; Ferguson aye. Motion carried 5-0.

CONSIDER ALLOWING STAFF TO OPEN BIDS FOR REPLACEMENT OF CITY FACILITY ROOF (BOYS & GIRLS CLUB)

Staff requested permission to open bids for replacement of the roof of the Boys & Girls Club facility. They were requesting this in order to bid the project, have contract awarded, and complete during summer months. Staff will bring bid results back to council with a recommendation for award of contract.

Motion was made by Lowe, seconded by Poindexter, to allow staff to open bids for replacement of city facility roof (Boys & Girl Club). Vote: Lowe aye; Poindexter aye; Sawney aye; Mendiola aye; Ferguson aye. Motion carried 5-0.

Motion was made by Mendiola, seconded by Poindexter, to adjourn the meeting there being no further business. Vote: Mendiola aye; Poindexter aye; Lowe aye; Sawney aye; Ferguson aye. Motion carried 5-0. The meeting adjourned at 10:15 a.m.

APPROVED the 14TH day of JULY 2014.

JULIA FERGUSON, Mayor

ATTEST:

Dianna Davis, City Clerk

(SEAL)
## BID TAB SHEET

### 2014 SUMMER STREET PROGRAM

#### BID OPENING

**JULY 14, 2014**

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<th>COMPANY</th>
<th>BID AMOUNT</th>
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<tr>
<td>FORSGREN INC. FORT SMITH, AR</td>
<td></td>
</tr>
<tr>
<td>JOB CONSTRUCTION POTEAU, OK</td>
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AGENDA ITEM COMMENTARY

MEETING DATE: July 14, 2014   BOARD: Board of City Commissioners

ITEM TITLE: Consider Approval of Resolution 2014-17; A Resolution Supporting Telecommunications Infrastructure For Local Governments; and, Authorize Execution of a Letter of Support

INITIATOR: Assistant City Manager / Director of Finance

STAFF INFORMATION SOURCE: Institute for Local Self-Reliance, Oklahoma Government Information Technology Association, Federal Communications Commission, Community Broadband Networks

BACKGROUND: The FCC is considering its authority to remove state barriers to municipal networks. The Institute for Local Self-Reliance drafted a letter of support earlier this year and plans to send it to FCC Chairman Tom Wheeler as this discussion continues to advance. Staff finds it very encouraging that the FCC is considering removing all state barriers currently existing in many states, and since the City operates its own fiber system, we should support the FCC and other local governments across the United States in their efforts to remove barriers that prevent many city governments from constructing their own networks. The 2014 Conference of Mayors recently passed a resolution supporting removing state barriers.

EXHIBITS:
1. Resolution 2014-17
2. Letter of Support
3. Articles on FCC removal of barriers, including the 2014 Conference of Mayors Resolution.

KEY ISSUES:
1. A January District of Columbia Circuit Court of Appeals decision opened the path for the FCC to take action Chairman Wheeler proposes. Since then, communities have expressed their desire for local authority with resolutions and letters of support.

2. The City of Sallisaw needs to support efforts to remove state barriers currently keeping many city governments across the United States from constructing their own telecommunications networks. Twenty states currently have laws preventing city governments from constructing these networks. Oklahoma currently does not have restrictions.

FUNDING SOURCE: N/A

RECOMMENDATION: Approval of Resolution 2014-17 and execution of a letter of support.
RESOLUTION 2014-17
A Resolution Supporting
Telecommunications Infrastructure
For Local Governments

WHEREAS, local governments, being closest to the people, are the most accountable level of government and are held responsible for any decisions they make; and

WHEREAS, community/municipal broadband networks provide opportunities to improve and encourage innovation, education, health care, economic development, and affordable Internet access; and

WHEREAS, historically, the City of Sallisaw, has ensured access to essential services by providing those services that were not offered by the private sector at a reasonable and competitive cost; and

WHEREAS, in 2004 the City of Sallisaw took steps to construct its own Fiber to the Premise telecommunications system and now provides the community with quality state-of-the-art broadband services including video, High Speed Internet and telephone services, that otherwise would not be available today; and

WHEREAS, local government leaders recognize that their economic health and survival depend on connecting their communities, and they understand that it takes both private and public investment to achieve this goal; and

WHEREAS, the universal availability of affordable, high speed internet access for all citizens has been identified as a national priority; and

WHEREAS, the DC Circuit Court has determined that Section 706 of the Federal Telecommunications Act of 1996 unambiguously grants authority to the Federal Communications Commission (FCC) to remove barriers that deter network infrastructure investment.

NOW, THEREFORE, BE IT RESOLVED that the Board of City Commissioners of the City of Sallisaw, Oklahoma, supports FCC efforts to ensure local governments are able to invest in essential telecommunications infrastructure, if they so choose, without state-imposed barriers to discourage such an approach.

ADOPTED by the Governing Body this __14th__ day of __July__, 2014.

______________________________
Julia Ferguson, Mayor

______________________________
Dianna Davis, City Clerk

(SEAL)
July 14, 2014

Dear Chairman Wheeler:

Economic development flourishes where there is fast, affordable, and reliable access to the open Internet. Some communities have found the best way of ensuring this access is by taking an active role, whether by working with a trusted partner, deploying conduit and dark fiber, or even offering services directly. The community of Sallisaw, Oklahoma realizes that access to fast, reliable, and affordable broadband is essential for any community thrive. For these reasons, and others, Sallisaw constructed its own Fiber to the Premise system in 2004 and now provides quality video, High-Speed Internet and telephone services to our community.

On February 19, 2014, you announced that the FCC will exercise its authority under Section 706 of the Telecommunications Act of 1996 to “enhance Internet access competition.” We encourage the FCC to use this authority to remove state legislative barriers limiting local authority to deploy Internet infrastructure. We believe any decision on these matters should be made at the local level.

We encourage the FCC to exercise its full power to remove any restrictions on local authority for a community to decide whether such an investment is a wise decision.

Sincerely,

Board of City Commissioners
City of Sallisaw, OK

Julia Ferguson, Mayor
Ro Poindexter, Commissioner Ward 2
Vicki Sawney, Commissioner, Ward 4

Ronnie Lowe, Commissioner Ward 1
Julian Mendiola, Commissioner Ward 3
A group of Democratic members of Congress have voiced support for the idea "that municipal governments should not be inhibited if they wish to pursue creation of their own [broadband] networks." The members were Sens. Edward Markey, D-Mass.; Al Franken, D-Minn.; Amy Klobuchar, D-Minn.; Richard Blumenthal, D-Conn.; and Cory Booker, D-N.J.; and Reps. Mike Doyle, D-Pa.; Henry Waxman, D-Calif.; and Anna Eshoo, D-Calif.

In a June 27 letter to Federal Communications Commission Chairman Tom Wheeler, the five senators and three representatives said they are pleased by Wheeler’s recent comments to that effect. Local communities "should have the opportunity to decide for themselves how to invest in their own infrastructure, including the options of working with willing incumbent carriers, creating incentives for private sector development, entering into creative public-private partnerships, or even building their own networks, if necessary or appropriate," the letter said.

"Communities are often best suited to decide for themselves if they want to invest in their own infrastructure and to choose the approach that will best work for them," the lawmakers said. "In fact, it was the intent behind the Telecommunications Act of 1996 to eliminate barriers to entry into the broadband market and promote competition in order to stimulate more innovation and consumer choice." They urged the FCC "to utilize the full arsenal of tools Congress has enacted to promote competitive broadband service to ensure America’s communities obtain a 21st century infrastructure."

The members of Congress asked the commission to let them know within 30 days what plans the agency intends to pursue to make progress on community broadband.

Ratings

Be the first to rate this item!

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Fiber to the Home Council Applauds Chairman’s Call to Enhance Internet Access Competition

By: Carol Brunner on Mar 21, 2014

The Fiber to the Home (FTTH) Council Americas issued the following statement from Heather Burnett Gold, President of the Council:

Communities want ultra-high bandwidth networks to drive their economies, care for their residents, and enable robust conversations. While the private sector has undertaken the vast majority of all-fiber deployments, where they don’t step up, communities need to be able to get this essential infrastructure. We applaud Chairman Wheeler’s call to remove barriers to broadband investment, which will help communities that cannot find willing broadband partners to chart a path for their own solutions.

About Fiber to the Home Council Americas

The Fiber to the Home (FTTH) Council Americas is a non-profit association consisting of companies and organizations that deliver video, Internet and/or voice services over high-bandwidth, next-generation, direct fiber optic connections – as well as those involved in planning and building FTTH networks. Its mission is to accelerate deployment of all-fiber access networks by demonstrating how fiber-enabled applications and solutions create value for service providers and their customers, promote economic development and enhance quality of life. For more information about the Council, visit www.ftthcouncil.org.

Contact: Ellen Satterwhite, ellen@ftthcouncil.org

# # #
Senators and Representatives Back FCC Move to Restore Local Authority

Citing the importance of Internet access to economic development, a number of Congressional Democrats are calling on FCC Chairman Wheeler to make good on his intention to remove barriers to community owned networks. Senator Edward Markey is the lead from the Senate and Representative Doyle in the House. And this Minnesotan takes pride in seeing both Senators Franken and Klobuchar signed on.

The letter states: "Local communities should have the opportunity to decide for themselves how to invest in their own infrastructure, including the options of working with existing carriers, creating incentives for private sector development, entering into creative public-private partnerships, or even building their own networks, if necessary or appropriate.

Communities are often best suited to decide for themselves if they want to invest in their own infrastructure and to choose the approach that will work best for them. In fact, it was the intent behind the Telecommunications Act of 1996 to eliminate barriers to entry into the broadband market and promote competition in order to stimulate more innovation and consumer choice. We urge you and your colleagues to utilize the full arsenal of tools Congress has enacted to promote competitive broadband service to ensure America's communities obtain a 21st century infrastructure to succeed in today's fiercely competitive global economy.

Signing the letter included Senators Edward Markey, Al Franken, Amy Klobuchar, Richard Blumenthal, and Cory Booker as well as Representatives Mike Doyle, Henry Waxman, and Anna Eshoo. We thank each of them for standing up for local authority.

Yesterday, we gave a [http://www.muniwires.org/content/congressional-letter-fcc-moving-forward-local-authority] link to chairman wheeler to read. Democrats on both sides of the aisle made a strong case for local decision-making.

Cable and DSL-based fixed wireless simply aren’t good enough to compete in the modern economy but the big carriers have enough clout in state capitals to push laws limiting competition and enough power in DC to feel confident in their anti-consumer mergers. Given this dynamic, communities are smart to examine whether local investments will reduce their dependency on distant carriers with different interests - but they cannot do that where state law restricts local authority.

Given that the letter asks Chairman Wheeler to respond with a plan for restoring local authority, we should soon learn what the next steps will be in our efforts to ensure communities have all options on the table for improving Internet access to their businesses and residents.

Downloads

[http://www.muniwires.org/content/congressional-letter-fcc-moving-forward-local-authority]
PRESERVING A FREE AND OPEN INTERNET

WHEREAS, Since its inception, the Internet has existed based on principles of freedom and openness, core values that have made it the most powerful communication medium ever known; and

WHEREAS, The FCC is currently debating how to enshrine these Open Internet Principles into 21st century regulation; and

WHEREAS, the U.S. Court of Appeals in Washington, D.C. in 2010 determined that the long-observed Open Internet Principles of nondiscrimination, nonblocking, and transparency, described below, should not be declared in an FCC Policy Statement, but instead should be enshrined in a formal rulemaking seeking to reinstate those principles; and

WHEREAS, the FCC issued its Open Internet Order, reinstating these rules for preserving a free and open internet, on December 23, 2010, formalizing the three basic protections: transparency, no blocking of lawful content and no unreasonable discrimination of network traffic; and these rules were made effective November 20, 2011; and

WHEREAS, these rules enshrine the values of what is commonly referred to as net neutrality; and

WHEREAS, the first principle of the Open Internet Order states that fixed and mobile broadband providers must publicly disclose accurate information regarding network management practices, performance characteristics, and commercial terms of their broadband services; and

WHEREAS, the second principle states that fixed broadband providers may not block lawful content, applications, services, or non-harmful devices; mobile broadband providers may not block lawful websites, or block applications that compete with their voice or video telephony services; and

WHEREAS, the third principle states that unreasonable discrimination shall not be permitted, that fixed broadband providers may not unreasonably discriminate in transmitting lawful network traffic; and

WHEREAS, these principles, applied with the complementary principle of reasonable network management, guarantee that the freedom and openness that previously enabled the internet to flourish as an engine for creativity and commerce under the protection of the original policy statement will continue, providing greater certainty and predictability to citizens, consumers, innovators, investors, and broadband providers, while retaining the flexibility providers need to effectively manage their networks; and
WHEREAS, since the beginning of the internet, broadband internet access services have continued to invest in a single infrastructure which has increased average speeds for all users across our nation, without resorting to the practice of prioritization for users who can afford to pay the most; and

WHEREAS, online companies, or edge providers, have also invested in new innovative products and services that have driven economic growth and consumer demand for improved internet services and faster speeds from broadband internet access providers; and

WHEREAS, the dual investment of broadband Internet access service providers and edge providers has fostered a virtuous cycle of investment and innovation online; and

WHEREAS, two key rules of the three rules comprising the Open Internet Order, one pertaining to no blocking and another pertaining to no unreasonable discrimination, were again vacated on January 14, 2014 by the U.S. Court of Appeals in Washington, D.C. in the Verizon Communications Inc. v. Federal Communications Commission (2014), ruling that the FCC has no authority to enforce these rules; and

WHEREAS, the FCC on May 15, 2014, voted 3-2 to open the process of public comment on their proposed net neutrality rules that could in some circumstances allow paid prioritization of internet traffic based on a commercially reasonable standard; and

WHEREAS, paid prioritization under a commercially reasonable standard allows paid prioritization that has heretofore been understood to be unjust and unreasonable; and

WHEREAS, unreasonable paid prioritization is antithetical to a neutral Internet, and nondiscrimination is an inherent and indivisible characteristic of net neutrality; and

WHEREAS, all data on the Internet should be treated equally, not discriminating or charging differentially by user, content, site, platform, application, type of attached equipment, and modes of communication; and

WHEREAS, innovation relies on a free and open Internet that does not allow individual arrangements for priority treatment over broadband Internet access service; and

WHEREAS, preventing access to any lawful websites, slowing speeds for services, or redirecting users from one website to a competing website creates asymmetrical access which is antithetical to an Open Internet; and
WHEREAS, startups are the engine of an innovation economy, yet may not have the cash flow to pay for paid prioritization, and will therefore be unable to compete with large companies to deliver content to customers, impeding startup growth, thus limiting economic development and the creation of jobs; now

THEREFORE, BE IT RESOLVED, that the US Conference of Mayors supports a free and open internet as outlined in the FCC’s original Open Internet Order; and

BE IT FURTHER RESOLVED, that the US Conference of Mayors supports comprehensive nondiscrimination as a key principle for any FCC rulemaking; and

BE IT FURTHER RESOLVED, that the US Conference of Mayors supports securing a commitment to transparency and the free flow of information over the internet, including no blocking of lawful websites and no unreasonable discrimination of lawful network traffic; and

BE IT FURTHER RESOLVED, that the US Conference of Mayors calls on the White House to offer their support of these principles; and

BE IT FURTHER RESOLVED, that the US Conference of Mayors calls on Congress to offer their support of these principles and if necessary use their lawmaker power to enshrine access to a free and open Internet and give the FCC a clear mandate.

BE IT FURTHER RESOLVED, that the US Conference of Mayors recommends that the FCC preempt state barriers to municipal broadband service as a significant limitation to competition in the provision of Internet access.
AGENDA ITEM COMMENTARY

MEETING DATE: July 14, 2014  BOARD: Board of City Commissioners

ITEM TITLE: CONSIDER APPROVAL OF PURCHASE ORDER #61269, IN AN AMOUNT NOT TO EXCEED $45,000.00, TO WESCO-DIVERSIFIED ELECTRIC OF BROKEN ARROW, FOR THE PURCHASE OF SIX (6) HUBBELL POLE MOUNTED CAPACITOR BANKS WITH SUPPORTING PARTS AND MATERIALS

INITIATOR: Purchasing Agent
Electric Superintendent

BACKGROUND: After consulting with several different electrical engineers, it has been determined if the city would install additional pole mounted capacitor banks throughout the municipal electric system, it would considerably reduce the power factor penalties our system could incur due to inefficiency within the system.

These items will pay for themselves rather quickly, given the cost of the power factor penalties that can be incurred from GRDA.

EXHIBITS: Hubbell Quotation # 30944329 from our distributor Wesco-Diversified Electric

FUNDING SOURCE: Contingency and FY 2015 Capital Improvement Fund

RECOMMENDATION: Approval of purchase order # 61269, in an amount not to exceed forty-five thousand dollars, to Wesco-Diversified Electric for the purchase of six (6) Hubbell pole mounted capacitor banks with supporting parts and materials.
PRICES ARE VALID FOR SHIPMENT TO YOUR STOCK. A 10% NET ORDER VALUE DROP SHIPMENT MENT CHARGE WILL BE ADDED TO ALL PURCHASE ORDERS REQUESTING DELIVERY TO A LOCATION OTHER THAN A RECOGNIZED BUYER'S STOCKING WAREHOUSE, WITH THE EXCEPTION OF FULL TRUCKLOAD AND/OR PROJECT MATERIAL. THIS IS IN ADDITION TO ANY OTHER APPLICABLE CHARGES.

PRICES ARE VALID FOR THE QUANTITIES QUOTED. USAGE EXCEEDING THESE QUANTITIES WILL BE SUBJECT TO PRICE REVISIONS.

<table>
<thead>
<tr>
<th>Item</th>
<th>Type</th>
<th>Brand</th>
<th>Qty</th>
<th>UM</th>
<th>Catalog Number/Quote Group</th>
<th>Description</th>
<th>Additional Information</th>
<th>Weight Dimensions</th>
<th>Pkg Qty</th>
<th>Net Price</th>
<th>Price</th>
<th>Value</th>
</tr>
</thead>
</table>
| 10   | TRIN | 5,800 | EA  |    | CB06FDXX9YX148             | CAP BANK, 600KVAR, 7.2KV, 95KVBIL, FIXED           | Standard Material: N  
Ord Notes:  
Pole-Mounted, Fixed Capacitor bank 600kVAR, 15kV (12.47/7.2kV), 95kV BIL, Grounded Wye  
Includes:  
(1) Three position aluminum self supporting capacitor rack  
(3) Trinetics 200kvar 7200V 95kV BIL 2 bushing Capacitors, # 33229448  
(3) 10kV distribution class arresters  
Wildlife protectors included.  
Min Ord Qty: 1  
Estimated Lead Time: 6 to 8 Weeks After DWG APP / Quantity available on 06/27/2013: 0 | 1.000 |         | $3,245.00 | $6,530.00 |
| 20   | TRIN | 7,800 | EA  |    | CB06FDXAO9Y6X01            | CAP BANK, 600KVAR, 7.2KV, 95KVBIL, CS              | Standard Material: N  
Ord Notes:  
Pole-Mounted, Switched Capacitor bank 600kVAR, 15kV (12.47/7.2kV), 95kV BIL, Grounded Wye  
Includes:  
(1) Three position aluminum self supporting capacitor rack  
(3) Trinetics CSD-95 oil filled capacitor switches  
(3) Trinetics 200kvar 7200V 95kV BIL 2 bushing Capacitors, # 33229448  
(1) 0.5 KVA 7200/120 control power transformer  
(3) 10kV distribution class arresters  
(1) Junction box  
(1) Meter socket with 30' 16/7 control cable wired to junction box  
(1) Trinetics C2000 VAR controller  
(1) Lindsey line post sensor | 1.000 |         | $8903.00 | $34,812.00 |
<table>
<thead>
<tr>
<th>Item</th>
<th>Type</th>
<th>Brand</th>
<th>Qty</th>
<th>UM</th>
<th>Catalog Number/Quote Group</th>
<th>Description</th>
<th>Weight</th>
<th>Dimensions</th>
<th>Net Price</th>
<th>Price UM</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Factory wiring of capacitors and switches to junction box. Wildlife protectors included. Min Ord Qty: 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
<td>Estimated Lead Time: 6 TO 8 Weeks After DWG APP / Quantity available on 06/27/2013: 0</td>
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Merchandise Total: $77,246.00
Sales Tax: 0.00
Total: $77,246.00

Subject to HPS published terms and conditions which can be found at http://www.hubbellpowersystems.com/resources/terms/
# CONTRACT CHANGE ORDER

**ORDER NO.** 1  
**DATE** July 8, 2014  
**STATE** Oklahoma  
**COUNTY** Sequoyah  
**Job No:** 12-6670

**TO:** Goodwin & Goodwin, Inc.  
You are hereby requested to comply with the following changes from the contract plans and specifications:

<table>
<thead>
<tr>
<th>Description of Changes</th>
<th>DECREASE in Contract Price</th>
<th>INCREASE in Contract Price</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Items</strong></td>
<td><strong>Description</strong></td>
<td></td>
</tr>
<tr>
<td>2. F &amp; I 6&quot; PVC Waterline</td>
<td>Decrease 45 LF @ $ 15.00</td>
<td>$ - 675.00</td>
</tr>
<tr>
<td>4. F &amp; I 6&quot; Gate Valve</td>
<td>Decrease 1 EA @ $ 1,200.00/EA</td>
<td>$ - 1,200.00</td>
</tr>
<tr>
<td>5. F &amp; I 2&quot;Gate Valve</td>
<td>Increase 1 EA @ $ 700.00/EA</td>
<td></td>
</tr>
<tr>
<td>11. F &amp; I Mechanical Fittings w/ Mega Lugs</td>
<td>Increase 482 LBS @ $ 5.00/LB</td>
<td>$ + 2,410.00</td>
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<tr>
<td><strong>New Items:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. F &amp; I 6&quot; x 6&quot; Tapping Saddle w/ 6&quot; Gate Valve</td>
<td>1 EA @ $ 2,500.00/EA</td>
<td>$ + 2,500.00</td>
</tr>
<tr>
<td>14. F &amp; I 2&quot; Blow-off Hydrant</td>
<td>2 EA @ $ 1,000.00/EA</td>
<td>$ + 2,000.00</td>
</tr>
<tr>
<td>15. F &amp; I 3/4&quot; Service line</td>
<td>132 LF @ $ 11.00/LF</td>
<td>$ + 1,452.00</td>
</tr>
<tr>
<td>16. Exploratory Digging on 2&quot; waterline</td>
<td>Lump Sum</td>
<td></td>
</tr>
</tbody>
</table>

**Net Decrease**  
$ - 1,875.00  

**Net Increase**  
$ + 11,162.00  

**NET CHANGE IN CONTRACT**  
$ + 9,287.00

**JUSTIFICATION:** Field Modifications

**ORIGINAL CONTRACT PRICE**  
$ 77,655.00

**CHANGE ORDER #1**  
$ 9,287.00

**NEW CONTRACT PRICE**  
$ 86,942.00

The amount of the Contract will be (Decreased) (Increased) By The Sum Of  
Nine Thousand Two Hundred and Eighty Seven 00/100 Dollars ($9,287.00)  
The Contract Total including this and previous Change Orders Will Be:  
Eighty Six Thousand Nine Hundred and Forty Two 00/100 Dollars ($86,942.00)

The Contract Period provided for Completion Will Be (Increased) (Decreased) (Unchanged): - 0 - Days.

This document will become a supplement to the contract and all provisions will apply hereto.

Requested:  
(Owner)  
(Owner's Engineer)  
(Contractor)  

Recommended:  
7-9-2014  

Accepted:  
7-9-2014
Goodwin & Goodwin, Inc.
Utility, Building, & Plumbing Contractors
(479)783-7333 Office (479)783-7555 Fax

<table>
<thead>
<tr>
<th>BILL TO</th>
<th>SHIP TO</th>
<th>INSTRUCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sallisaw</td>
<td>Same as recipient</td>
<td>City of Sallisaw - Water System Improvements</td>
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<tr>
<td>Job No. 13-6670</td>
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<td></td>
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<table>
<thead>
<tr>
<th>HR</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>TOTAL</th>
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<tbody>
<tr>
<td>1</td>
<td>7hrs Exploratory digging to Locate 2&quot; bore to cut and cap line in Sallisaw</td>
<td>$300/hr</td>
<td>$2,100</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBTOTAL 7HRS RATE</th>
<th>$300/HR</th>
</tr>
</thead>
</table>

| TOTAL               | $2,100  |
### Goodwin & Goodwin, Inc.
Utility, Building, & Plumbing Contractors
(479)783-7333 Office (479)783-7555 Fax

**PROJECT:** City of Sallisaw Water Systems Improvements  
I-40 and Highway # 64  
**LOCATION:** Sallisaw, Sequoyah County, Oklahoma  
**CONTRACTOR:** Goodwin & Goodwin, Inc.

<table>
<thead>
<tr>
<th>ITEM #</th>
<th>DESCRIPTION</th>
<th>UNITS</th>
<th>TOTAL QUANTITY</th>
<th>PREVIOUS PERIODS</th>
<th>THIS PERIOD</th>
<th>UNITS PLACED</th>
<th>UNITS PRICE</th>
<th>% COMPLETE</th>
<th>EARNINGS TO DATE</th>
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</thead>
<tbody>
<tr>
<td>13</td>
<td>Furnish &amp; Install 6x6 Tapping Sleeve &amp; Valve</td>
<td>EA</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>$2,500.00</td>
<td>100%</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>14</td>
<td>Furnish &amp; Install 2” Blowoff</td>
<td>EA</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>$1,000.00</td>
<td>100%</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>15</td>
<td>Furnish &amp; Install 3/4” Water Service Line</td>
<td>LF</td>
<td>132</td>
<td>0</td>
<td>132</td>
<td>0</td>
<td>$11.00</td>
<td>100%</td>
<td>$1,452.00</td>
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**TOTAL AMOUNT DUE**  

$84,842.00
MEETING DATE: July 14, 2014
BOARD: Board of City Commissioners

ITEM TITLE: Consider Approval of Planning Commission Action; Plat Approval of St. Francis Xavier Catholic Church Addition

INITIATOR: Kelly Osburn, Osburn Land Surveyors

STAFF INFORMATION SOURCE: Building Development Director

BACKGROUND: St. Francis Xavier Catholic Church has decided to build a home for the Church's Father and wishes to keep the property for it separate from the remainder of the church property. To do so, requires platting for the subdivision of the land. Planning Commission approved this plat on July 1, 2014.

EXHIBITS: Plat and application

KEY ISSUES: None

FUNDING SOURCE: N/A

RECOMMENDATION: Approval of Plat.
CASE # PC 2014-1

ADMINISTRATIVE APPROVAL OF LOT PLAT

Application is hereby made to the Building Development Director for ADMINISTRATIVE approval of a Single Lot Replat. Recommendation to the Sallisaw Board of Commissioners for approval of the following said action will take place at the next regularly scheduled meeting.

*Legal Description: The South West Quarter of Section 28, Township 1 North, Range 33 East of the 2nd P.M.,

*Local Street Address or Block: NE Corner 5th Street & Taylor Drive

*Present Use of Property: Church

*Proposed Use of Property: Church and Res. Dwelling

*Record Owner of Property: ST Francis Catholic Church

Are there any Private or Deed Restrictions controlling the use of this property?

The information submitted is complete, true and accurate. False or misleading information shall result in forfeiture of fee and application denial.

Address of responsible party: P.O. Box 146 Sallisaw

Owner Signature: ____________________________________________________________________________________

APPLICANT: DO NOT WRITE IN THIS AREA

Application Received by: Keith Miller Fee Received: ____________________________________________________________________________________

Administrative Reviewer: Keith Miller Present Zoning: R-1

Administrative Approval: YES ☐ NO ☐ Rezoning Required: YES ☐ NO ☐

Planning Commission Action: YES ☒ NO ☐ City Council Approval: YES ☒ NO ☐

Directors Signature: ______________________________________________________________________________ Date: ______________