

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
OCTOBER 10, 2011

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
Bill Flegler, Commissioner
Paul Krueger, Commissioner
Diane Anderson, Commissioner
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, City Clerk/Finance Director

Absent: Lanita Chapman, Commissioner

Others Present: Chris Henderson, Terry Brown, Mike Lane, Skip Jump, Earl Watkins, Tana McKinley, City staff; citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:32 p.m.
2. Invocation – Steve Brown, Life Springs Church
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for October: Dependability

****CONSENT AGENDA****

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

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held September 26, 2011 and Work Session held October 3, 2011.

6. **RESOLUTION NO. 5931**

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

7. Consider and vote upon authorizing advertisement of bids for Project Number GEN 10-5U, Water and Sewer Line relocation for Lake Ponca Bridge Replacement.

8. Consider and vote upon a Traffic Commission recommendation to flash the downtown traffic signals during the hours from 11:00 p.m. to 6:00 a.m.

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

9. None.

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

10. Commissioner Anderson extended condolences to the Kistler family for the loss of Commissioner Stan Kistler. Flegler seconded Anderson's condolences and stated that he would be greatly missed.

****REPORTS****

11. CITY MANAGER'S REPORT

City Manager Craig Stephenson reported to the Commission that the Water Plant lime softening system would be offline for two weeks, October 14 through October 28, 2011. This temporary shutdown is due to our scheduled fall maintenance on the sedimentation basins. During this maintenance period, the treatment process does not have the ability to handle the sludge generated by the lime system. Customers whose processes are sensitive to the hardness of the treated water have been contacted.

Evans & Associates Construction Co. started the project to mill and overlay Grand Avenue from Ash Street to 10th Street on Monday, October 3, 2011. They have completed the mill and overlay from the railroad tracks east to 10th Street. They are currently working on sidewalk ramp installation west of the RR tracks from Oak to Ash, and that work will continue through this week, and must be completed before the mill and overlay work can begin west of the tracks. The ramp work should be done by the end of this week, and the mill and overlay work will start the following week. The mill and overlay work west of the railroad tracks will be done during daylight hours, and is scheduled to be completed by October 21, 2011 barring weather delays.

Stephenson thanked all of the City departments and volunteers that helped with Oktoberfest. Although the weather was better on Saturday than on Sunday, Stephenson stated, it was still quite a successful event. Stephenson reminded everyone that all of the proceeds go back to support renovations of the Marland Mansion. Stephenson said that even though there is not a final count, the guess is that there were approximately 21,000 to 22,000 in attendance.

This week is Fire Prevention Week and the theme this year is "Protect Your Family from Fire!" A nationwide fact states that about sixty-three percent of home fire deaths occur in homes where there was no smoke detector or a smoke detector was present but was not operational. Please remember to check the batteries regularly on your smoke detector, or install one if you do not have one in your home. The Ponca City Fire Department provides and installs smoke detectors for free to Ponca City residents in need.

Stephenson concluded that all children 12 and under are invited to join us to make a scarecrow that they can take home. All materials will be provided for this FREE program. Children must be accompanied by an adult.

12. RECEIVE BUDGET STATUS REPORT FOR THE FOURTH QUARTER ENDED JUNE 30, 2011.

Finance Director Marc LaBossiere gave an overview of major funds for the fiscal year ended June 30, 2011. LaBossiere's report included the General Fund, Hotel/Motel Tax Fund, Water Fund, Wastewater Fund, and Marland Estate Fund. LaBossiere concluded that it was a positive year for the City, especially considering the lagging national economy.

****PUBLIC HEARINGS****

13A. Conduct a Public Hearing on Subparagraph (B) Hereof.

Development Services Director Chris Henderson gave a summary of the topic and process. Henderson explained this item is a direct result of events that occurred earlier this year. Henderson stated that specifically it involved an application for a Special Use Permit to operate a liquor store in a small strip center zoned C-1 Local Commercial. Henderson went on to add this item seemed to follow a particular trend this year, whereby liquor stores were appearing in Local Commercial zoning districts. Henderson said that at that time concern was raised, and you the Commission voted to create a moratorium on any further applications for liquor stores in the C-1 Local Commercial, until such time the Planning Commission could study the matter further, and formulate their recommendation on this matter.

Henderson stated that the C-1 Local Commercial District is intended for small scale, low impact services in retail target nearby neighborhoods, and General Commercial is found at the intersections of major streets, and larger scale businesses. The Planning Commission Advisory Board was challenged with: (1) determining if C-1 was appropriate zoning to permit liquor stores by special use review, and (2) necessity to create distance requirements between liquor stores. Henderson advised that it was the decision of the Planning Commission to: (1) allow liquor stores to remain as is and be permitted in C-1 by special use permit, and (2) not to impose any distance requirements for liquor stores. Henderson stated that the recommendation of the Planning Commission is to eliminate many of the special use permits that now exist, but not eliminate the special use permit process altogether.

Commissioner Anderson questioned Item #18 about removing the Special Use Permit in C-1 for eating establishments permitting alcoholic beverages. Anderson stated that she would like further explanation on this item. Henderson explained that it was the opinion of the Planning Commission that in general, restaurants that serve alcoholic beverages generate more traffic and stay open later than your standard restaurant, and felt that this was not an appropriate use in a neighborhood-zoning district.

Mayor Nicholson expressed gratitude for the Planning Commission and their hard work, and expressed an opinion that a distance limit between liquor stores is needed for several societal reasons, and encourages a motion to include that. Commissioner Anderson expressed a similar opinion supporting a distance requirement between liquor stores.

City Attorney Kevin Murphy asked Henderson if there were to be a limitation on the proximity of liquor stores to each other that were presently established, and if some of the existing liquor stores were closer than that definition, would these stores be grandfathered? Murphy also questioned about successive owners of stores already in operation.

Henderson answered by saying that the existing stores would be grandfathered in, and as long as the store remained in use as a liquor store under new ownership, the limitation Ordinance would not affect them.

Henderson further explained if the business were to be closed for a period of one year, then those rights would be taken away, and the store would then become a non-conforming use.

Henderson suggested that the Ordinance could be passed as is tonight, and an amendment be made later to establish distance requirements to that portion of the Ordinance.

This being a Public Hearing, Mayor Nicholson opened the floor to anyone who would like to address the Commission on this item. There being no one coming forward, Mayor Nicholson closed the Public Hearing.

13B.

ORDINANCE NO. 6145

Commissioner Flegler made the motion to approve an Ordinance amending Title 11, Chapter 7, of the code of Ponca City, entitled "Commercial Districts," providing for an amended description of the C-1 local commercial district; amending the permitted use table to permit fewer special use permits within the three commercial districts as recommended; repealing Ordinances in conflict; and providing for severability, and the issue regarding distance requirements to be amended later. Krueger seconded.

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

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

14.

RESOLUTION NO 5932

A RESOLUTION DESIGNATING CERTAIN FUND BALANCE ACCOUNTS OF GOVERNMENTAL FUND TYPES AND PONCA CITY ENERGY.

Commissioner Flegler made the motion to approve the Resolution designating certain fund balance accounts of Governmental Fund Types and Ponca City Energy. Anderson seconded.

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

****CITIZENS COMMENTS****

15. None.

RECESS TO PONCA CITY UTILITY AUTHORITY MEETING

The motion to recess to the Utility Authority meeting was made by Flegler, and seconded by Krueger.

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

Mayor Nicholson recessed the Board of Commissioners meeting at 6:23 p.m.

RETURN TO REGULAR SESSION

16. Receive Ponca City Development Authority Review.

The Commission returned to regular session at 6:37p.m. Economic Development Director David Myers gave the Commissioners an update on several issues related to the local economy, including unemployment rates and employment segments with employee and sales numbers.

Myers then reviewed progress at Dorada Foods, their ribbon cutting, product lines, and employment numbers. Myers reviewed other initiatives underway with local businesses and expansion possibilities. Myers noted that the audit of PCDA has recently been completed and will be brought to the PCDA Board of Directors at their next meeting. Myers concluded with a State

report from the Governor's Office for economic development in the State.

17. Commissioner Flegler made the motion to enter into executive session at 6:55 p.m. pursuant to Title 25 Section 307 Oklahoma Statutes for purpose of:
 - A. Conferring on matters pertaining to Economic Development upon finding that the matter to be discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business.
 - B. Negotiations with the International Association of Fire Fighters (I.A.F.F.) and Fraternal Order of police (F.O.P.)

Krueger seconded.

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

18. At 8:00 p.m., the Board of Commissioners returned to regular session with no action being taken.
19. Commissioner Krueger made the motion to adjourn the regular session of the Board of Commissioners. Flegler seconded.

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

Mayor Nicholson adjourned the Board of Commissioners at 8:00 p.m.

PASSED IN SESSION AND APPROVED THIS 24TH DAY OF OCTOBER 2011.

VICE-MAYOR

ATTEST:

CITY CLERK

.MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
OCTOBER 10, 2011

Pursuant to notice as required by law, the Board of Trustees of the Ponca City Utility Authority met in regular session at 5:30 p.m. in the Commission Chamber at City Hall, 516 E. Grand, with Chairman Homer Nicholson presiding.

Present: Homer Nicholson, Chairman
Paul Krueger, Trustee
Bill Flegler, Trustee
Diane Anderson, Trustee
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Lanita Chapman, Trustee

Others Present: Chris Henderson, Terry Brown, Skip Jump, Earl Watkins, Tana McKinley, City staff; Beverly Bryant, Ponca City News

1. Chairman Homer Nicholson called the meeting to order at 6:23 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2, #3, and #4, noncontroversial and routine in nature by the governing body and are approved by one motion.

Trustee Anderson made the motion to approve the consent agenda. Flegler seconded.

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

2. Consider and vote upon the minutes of the regular session held September 26, 2011.

3. **RESOLUTION NO. 806**

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

4. Consider and Vote on Acknowledging Receipt of Construction Permit No. WL000036110569 To Relocate Water Line in the 1500 Block of LA Cann Road for the Lake Ponca Bridge Relocation Project and Construction Permit No. SL000036110570 to Relocate Sewer Line in the 1500 Block of LA Cann Road for the Lake Ponca Bridge Relocation Project.

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

5. None

****NEW BUSINESS****

6. **RESOLUTION NO. 807**

A RESOLUTION OF THE PONCA CITY UTILITY AUTHORITY, PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGET OF VARIOUS PCUA FUNDS FOR THE FISCAL YEAR 2011-12.

Trustee Flegler made the motion to approve the Resolution of the Ponca City Utility Authority, Ponca City, Oklahoma amending the operating budget of various PCUA funds for the Fiscal Year 2011-12. Krueger seconded.

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

7. Consider and vote on contract with Cabbusiness Engineering in the not-to-exceed amount of \$30,000 to provide Engineering, Bidding, and Construction Administration Services for Union Street Water Main Replacement Project.

Trustee Flegler made the motion to approve the contract with Cabbusiness Engineering in the not-to-exceed amount of \$30,000 to provide Engineering, Bidding, and Construction Administration Services for Union Street Water Main Replacement Project. Krueger seconded.

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

8. Trustee Anderson moved to adjourn the Ponca City Utility Authority meeting. Flegler seconded.

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

Chairman Nicholson adjourned the Ponca City Utility Authority at 6:37 p.m.

PASSED IN SESSION AND APPROVED THIS 24TH DAY OF OCTOBER 2011.

CHAIRMAN:

ATTEST:

TRUST SECRETARY