

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
FEBRUARY 23, 2009

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  
Stan Paynter, Commissioner  
Wayne Foxworthy, Commissioner  
Lanita Chapman, Commissioner  
Diane Anderson, Commissioner  
Craig Stephenson, City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Finance Director/City Clerk

Others Present: Chris Henderson, Phil Johnston, Jim Fairbanks, Rod Alexander, Jim Sindelar, Judge Bill Kirkpatrick, Tana McKinley, Terry Brown, Darwin Haney, Don Nuzum, City staff; Bill Flegler, Paul Krueger, Commissioners-elect; David Myers, PCDA; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – David Frees – St. Luke’s Church of the Nazarene
3. Pledge of Allegiance

**\*\*CEREMONIES AND PROCLAMATIONS\*\***

4. Presentation of Service Medallion to Commissioners Foxworthy and Paynter.
5. Oath of Office for Commissioners William C. Flegler and Paul M. Krueger.

Mayor Nicholson recognized Scout Troop 524 from First Lutheran.

**\*\*CONSENT AGENDA\*\***

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

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

6. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held February 9, 2009.
7. **RESOLUTION NO. 5743**

***A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AND ESTABLISHING THE TERMS OF THE OFFICE THEREOF.***

<u>BOARD OR COMMISSION</u>	<u>NAME</u>	<u>TERM</u>	<u>TERM EXPIRATION</u>
Construction Appeals	Howard Wells	Appointed	2013
Ponca City Development Authority	Paul M. Krueger	Appointed	2012
Senior Advisory Board	Lanita Chapman	Appointed	2011

8. Consider and vote on the Ponca City Leadership Class of 2009 Community Project Committee request to erect a Fire Station Bell Monument outside the Fire Department at the southwest corner of the city hall lawn.
9. Consider and vote on the purchase of an extended cab diesel pickup with utility bed from All Wheel Drive Equipment for the Public Works Department, Street and Drainage Division in the amount of \$39,061.00.

10. **RESOLUTION NO. 5744**

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

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

11. None.

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

12. Commissioner Wayne Foxworthy expressed how much he had enjoyed the past three years, and appreciated the great way the City is run.

Commissioner Stan Paynter thanked his family and Commissioners past and present for their kindness, guidance, and understanding the past six years. Paynter also praised the City of Ponca City staff, saying that they were one of the finest in the United States. Paynter concluded by saying how proud he was to be a citizen of this community.

Commissioner Anderson expressed her appreciation to both outgoing Commissioners.

Commissioner Chapman echoed Anderson's appreciation and wished them both the best.

Mayor Nicholson also wished Paynter and Foxworthy the very best.

**\*\*REPORTS\*\***

13. **CITY MANAGER'S REPORT**

City Manager Craig Stephenson advised that the actual dates for the new Commissioners-Elect would be March 1, 2009.

Stephenson advised that the budget work sessions for the Board of Commissioners and staff are scheduled to be held Wednesday and Thursday, April 15 and 16, 2009.

Stephenson further informed the Commission that work has begun on the Aquatic Center, and the final 50 bids for this project will be opened on March 19. Stephenson further stated that Lake Road has been opened up, and that the project of Pecan Road from Lake Road to Juanito will begin within a couple of weeks.

Other items of interest relayed by Stephenson were the Environmental Services and the Finance Departments have been working diligently on a list of projects to be presented to OWRB when there is access to the stimulus money, centennial benches have been taken out of the Centennial Plaza by Prizm Powder Coating to be re-coated, Thursday the City will be hosting the OMPA area meeting, on Friday the 27<sup>th</sup> Senator Myers and Representative Luttrell will be at Pancakes and Politics to update on issues of interest, March 2 is OML Legislative Day, and also the City is helping with the Lose to Win Challenge, which was started by Ponca City Medical Center, by letting them use the Hutchins, as there are already over 500 participants.

Stephenson concluded by thanking Commissioners Paynter and Foxworthy for their support for the past three and six years.

**\*\*PUBLIC HEARINGS\*\***

None.

**\*\*UNFINISHED BUSINESS\*\***

None.

**\*\*NEW BUSINESS\*\***

14. **RESOLUTION NO. 5745**

***A RESOLUTION AUTHORIZING THE MAYOR OF PONCA CITY TO SIGN A GRANT AGREEMENT BETWEEN THE CITY OF PONCA CITY AND FEDERAL AVIATION ADMINISTRATION (FAA) AND THE OKLAHOMA AERONAUTICS COMMISSION (OAC) FOR IMPROVEMENTS TO PONCA CITY REGIONAL AIRPORT TO RECONSTRUCT A PORTION OF THE PARALLEL TAXIWAY AND ASSOCIATED CONNECTING TAXIWAYS AS REQUIRED TO MEET FAA STANDARDS, AIP 3-40-0078-014-2009 AND PNC 09-F.***

Commissioner Foxworthy made the motion to approve the Resolution authorizing the Mayor of Ponca City to sign a grant agreement between the City of Ponca City and Federal Aviation Administration (FAA) and the Oklahoma Aeronautics Commission (OAC) for improvements to Ponca City Regional Airport to reconstruct a portion of the parallel taxiway and associated connecting taxiways as required to meet FAA standards, AIP 3-40-0078-014-2009 and PNC-09-F. Paynter seconded.

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

15. **RESOLUTION NO. 5746**

***A RESOLUTION AMENDING THE OPERATING BUDGETS OF VARIOUS CITY FUNDS FOR FISCAL YEAR 2008-09.***

Commissioner Paynter made the motion to approve the Resolution amending the operating budgets of various City funds for fiscal year 2008-09. Foxworthy seconded.

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

16. Consider and vote on awarding bid on Project No. WTP-136E(109)EH, Ponca City Downtown Sidewalk Improvements to Hembree and Hodgson Construction in the amount of \$344,057.14 and authorize the mayor to execute contract.

Commissioner Foxworthy made the motion to continue this item to the March 9, 2009 regular meeting for further investigation into the cost of brick pavers vs. stamped concrete. Paynter seconded.

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

17. Consider and vote upon adopting a new Sanitary Sewer Standards for the City of Ponca City.

Jim Fairbanks, City Engineer, explained to the Commission that for many years there has been the need for the formalization and adoption of sanitary sewer standards for the City. Fairbanks went on to say that the standards that are being presented to the Commission for approval and adoption at this time represent the documentation of the current practices and policies of the City of Ponca City. Fairbanks also iterated to the Commission that the Oklahoma Department of Environmental Quality, which must review and permit all sanitary sewer construction projects, has also reviewed and approved these standards. Fairbanks concluded by saying that it is the recommendation of the staff to adopt the new sanitary sewer standards.

Commissioner Paynter made the motion to approve the adoption of a new Sanitary Sewer Standards for the city of Ponca City. Foxworthy seconded.

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

18. Consider and vote on a Letter of Intent to be sent to the Osage Nation on their request to construct a sanitary sewer connecting the Osage Million Dollar Casino in Osage County to the city's sewage treatment plant.

Commissioner Paynter made the motion to approve sending a Letter of Intent to the Osage Nation on their request to construct a sanitary sewer connecting the Osage Million Dollar Casino in Osage County to the city's sewage treatment plant. Foxworthy seconded

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

19A. **ORDINANCE NO. 6093**

***AN ORDINANCE AMENDING TITLE 11, CHAPTER 5, SECTION 11-5- 1 (B)(6) OF THE CITY CODE OF PONCA CITY, 2003 ENTITLED "USE STANDARDS"; PROVIDING FOR AMENDED STANDARDS FOR THE LOCATION AND CONSTRUCTION OF CARPORTS; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND DECLARING AN EMERGENCY AND EFFECTIVE DATE.***

Henderson explained to the Commission that the committee updating the City's Comprehensive Master Plan found in the Land Use and Appearance chapter that there were no provisions for metal carports. Henderson further noted that during the updating process it was noted that there was a proliferation of metal carports in the community.

Henderson noted that in analyzing ordinances from 24 other Oklahoma communities several recommendations have been made to amend the City's Ordinance and strengthen it. Henderson outlined for the Commission the amendments that are being brought before them for approval. Henderson advised the Commission that the current Ordinance does either permit or prohibit metal carports, therefore this needs to be added to the Ordinance, and secondly the Ordinance needs to address the construction, so that the carport is of a similar design or architecture to be compatible with the house; and third differentiates between carports and detached carports. Henderson clarified that detached carports are considered an accessory building, and should not be permitted in the front yard. Henderson added that existing carports at this time, if permitted, might continue.

City Attorney Kevin Murphy interposed that a phrase was omitted in subsection G on page 2, this being that the poles must be placed in concrete footings of at least 12" in depth; and if the Ordinance were adopted, would like this to be adopted as part of the Ordinance.

Commissioner Paynter made the motion to approve the Ordinance amending Title 11, Chapter 5, Section 11-5-1(B)(6) of the City Code, 2003 entitled "Use Standards"; Providing for amended standards for the location and construction of carports; providing for repealer; severability; codification; with the addition of City Attorney's addition, and declaring an emergency and effective date. Foxworthy seconded.

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

19B. Consider and vote on the Emergency Clause.

Commissioner Paynter made the motion to approve the Emergency clause. Foxworthy seconded.

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

**ORDINANCE NO. 6094**

20.

***AN ORDINANCE AMENDING THE CITY CODE TO PROHIBIT THE SALE TO OR POSSESSION OF SPRAY PAINT OR BROAD TIPPED INDELIBLE MARKERS BY MINORS; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING EFFECTIVE DATE.***

Commissioner Foxworthy made the motion to approve the amendment of the City Code, as is, which would prohibit the sale to, or possession of spray paint or broad tipped indelible markers by minors; repealing Ordinances in conflict; providing for severability and declaring an effective date, and giving 180 days for merchants to comply with lock down requirements. Paynter seconded.

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

**\*\*CITIZENS COMMENTS\*\***

21. None.

22. Commissioner Paynter made the motion to adjourn. Foxworthy seconded.

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

Mayor Nicholson adjourned the Ponca City Board of Commissioners meeting at 7:07 p.m.

***PASSED IN SESSION AND APPROVED THIS 9TH DAY OF MARCH 2009.***

---

MAYOR

ATTEST:

---

CITY CLERK