

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
FEBRUARY 9, 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, Dwaine Vincent, Jim Sindelar, Rhonda Skrapke, Mike Lane, Sherri Tapp, Butch Herring, City staff; Timilyn Crank, Paul Krueger, Jaden Worley, Mindy Littlecook, Tana McKinley, Jayne Detten, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:31 p.m.
2. Invocation – David Frees – St. Luke’s Church of the Nazarene
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for February is Forgiveness to be presented by Steve Ketchum.

****CONSENT AGENDA****

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

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners work session held January 19, February 2, 2009, and regular session held January 26, 2009.
6. Consider and vote on authorizing the Mayor to sign a Memorandum of Agreement between the City of Ponca City and Kay County Health Department for the use of facilities as Vaccination Clinics or Antibiotic Distribution Centers
7. Consider and vote on dues payment to the Oklahoma Mid-Size City Coalition, Inc.
8. **RESOLUTION NO. 5741**

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

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

9. None.

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

10. Commissioner Anderson commented that one of the high school clubs is going to be doing a different program each Friday this month in celebration of Black History month.

****REPORTS****

11. CITY MANAGER'S REPORT

City Manager Craig Stephenson reminded everyone that Honeywell and their subcontractor PMI are starting maintenance work on the water meters, and there should be no disruption of residential service.

Stephenson advised that the bids on the downtown sidewalks will be opened on February 12, 2009, and work is to begin next Monday, February 16, 2009, on the Family Recreation and Aquatic Center.

Stephenson also stated that Ponca City was once again recognized as a Tree City USA, and a celebration is planned at the state capital on March 17, 2009.

Stephenson informed the Commission that the State Department of Health has finally given permission to install a wrought iron fence at Wentz, and solicitation of bids for the material will begin in the near future.

Stephenson also informed the Commission that DEQ & the Water Resources Board are facing \$3.1 million in budget cuts, so the governor indicated that obviously the way to make it up is through increased permit fees, which is a direct impact on the City's operations, which in turn affects the consumer.

Stephenson concluded by saying that the Work Session would be moved from Monday the 16th to Tuesday the 17th at 2:00 p.m.

12. BUDGET STATUS REPORT

Receive Budget Status Report for the second quarter ended December 31, 2008.

****PUBLIC HEARINGS****

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

Community Development Director Chris Henderson explained that the Public Hearing is for a zoning permit and a special use permit for property north of the 2300 block of East Prospect. Henderson stated that this is a request by the First Assembly of God Church for the construction of a new church facility on approximately 15 acres of the forty acres owned by the church.

Henderson further added that churches are not permitted in residential zones by right, but may be permitted if sited in such a way that the impact will not damage the quality of the surrounding neighborhoods. Henderson stated that this is a two-part process where first you consider if this is an appropriate location for a church; and secondly you get into the details of the site plan that accompanies this.

Henderson advised that the Planning Commission met on this item, and voted to approve the Special Use Permit for the church to be located at this location.

Mayor Nicholson opened the Public Hearing for anyone who would like to speak for or against the rezoning of this property for the new church facility. There being no comments Mayor Nicholson closed the Public Hearing.

- 13B. Consider and vote on a petition for a Special Use Permit in the R-1 Single Family Residential District for a church to be located at 2313 East Prospect Avenue.

Commissioner Paynter made the motion to approve the Special Use Permit in the R-1 Single Family Residential District for a church to be located at 2313 East Prospect Avenue. Anderson seconded.

Roll: Yeas; Paynter, Anderson, Nicholson, and Chapman. Nays; Foxworthy abstained. Motion carried.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

- 14A. Consider and vote on a Site Development Plan for the First Assembly of God Church located at 2313 East Prospect Avenue.

Commissioner Paynter made the motion to approve the Site Development Plan for the First Assembly of God Church located at 2313 East Prospect Avenue. Chapman seconded.

Roll: Yeas; Paynter, Chapman, Nicholson, and Anderson. Nays; Foxworthy abstained. Motion carried.

- 14B. Consider and vote on the construction of a "Wet Detention" Pond.

Community Development Director Henderson explained to the Commission that Ponca City has extensive drainage ordinances for controlling stormwater, and detention is required on all projects that generate a substantial amount of stormwater. Henderson further advised that the church has proposed building a "wet detention pond", which means that the pond area would hold water continuously, instead of only during and after rainstorms. Henderson went on to say that this detention pond would have a pool elevation of three to five feet twenty-four hours a day, which if not maintained correctly could become an attractive nuisance.

Henderson stated that due to the pond being located near an elementary school, the church has proposed to put a fence around the pond to keep children from getting into the pond.

Henderson concluded that the issue is if the Commission feels comfortable enough to permit a “wet detention pond” at this location.

James R. Hansen, 2609 Wintergreen Avenue, an Assembly of God church member addressed some questions initiated by the Commission, by stating that the design of the pond has not proceeded to the point of the design of the fence. Hansen further added that what had been envisioned when this project started was that the detention pond would be similar to a reflecting pool. Hansen concluded by assuring the Commission that whatever the design of the fence, they want it to look very nice.

Commissioner Paynter made the motion to approve the construction of a “Wet Detention” Pond with condition that fencing meets State Department of Health guidelines. Chapman seconded.

Roll: Yeas; Paynter, Chapman, Nicholson, and Anderson. Nays; Foxworthy abstained. Motion carried.

15. Consider and vote on a contract between the City of Ponca City and Jo Meacham & Associates for the preparation of a National Register Nomination for Wentz Camp.

Commissioner Anderson made the motion to approve the contract between the City of Ponca City and Jo Meacham & Associates for the preparation of a National Register Nomination for Wentz Camp. Foxworthy seconded.

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

RESOLUTION NO. 5742

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

Commissioner Chapman made the motion to approve the Resolution amending the operating budgets of various City funds for fiscal year 2008-9. Anderson seconded.

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

****CITIZENS COMMENTS****

17. None.

18. Commissioner Foxworthy made the motion to adjourn. Anderson seconded.

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

Mayor Nicholson adjourned the Ponca City Board of Commissioners meeting at 6:43 p.m.

PASSED IN SESSION AND APPROVED THIS 23RD DAY OF FEBRUARY 2009.

MAYOR

ATTEST:

CITY CLERK