

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
May 29, 2007

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 Room at City Hall, 516 E. Grand, with Mayor Homer Nicholson presiding:

Present: Homer Nicholson, Mayor
Paul Krueger, Commissioner
Stan Paynter, Commissioner
Diane Anderson, Commissioner
Gary Martin, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Wayne Foxworthy, Commissioner

Others Present: Chris Henderson, Don Nuzum, Clayton Johnson, Craig Stephenson, Tana McKinley, Butch Herring, City staff; Rhonda Skrapke, Grants Consultant; Rolf Clements, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:32 p.m.
2. Invocation – Bob Innis, Word of Life Church, gave the invocation followed by the pledge of allegiance.

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for May: Boldness presented by Steve Ketchum.
. The Board of Commissioners found items#5, #6, #7, #8, and #9 non-controversial and routine in nature.

Commissioner Paynter made the motion to approve the consent agenda. Krueger seconded.

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners work session held April 2, 2007, Special Sessions held April 16 and 17, 2007, work session held May 7, 2007 and regular session held May 14, 2007.

6. **RESOLUTION NO. 5607**

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> |
|----------------------------|------------------|--------------|------------------------|
| Historic Preservation | Karen Banta | Re-Appointed | 2010 |
| Historic Preservation | Bret Carter | Appointed | 2009 |
| Historic Preservation | Lillian Taylor | Re-Appointed | 2010 |
| Library Board | Chris Littlecook | Appointed | 2010 |
| Library Board | Glenn Sloan | Re-Appointed | 2010 |

7. RESOLUTION NO. 5608

A RESOLUTION CLOSING OUT THE CITY HALL TAX FUND AND RE-NAMING IT THE RECREATION CENTER TAX FUND, AND DIRECTING THE FINANCE DIRECTOR TO IMPLEMENT THE TERMS OF THIS RESOLUTION.

8. RESOLUTION NO. 5609

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 PROVIDE PRELIMINARY ENGINEERING REPORT TO: RECONFIGURE AND RECONSTRUCT THE TERMINAL RUNWAY 17-35; RECONFIGURE AND RECONSTRUCT THE TERMINAL APRON AND TERMINAL AIRCRAFT PARKING; RECONSTRUCT THE CONNECTING TAXIWAYS, TAXILANES, AND ACCESS APRONS ONLY AS REQUIRED TO MEET FAA STANDARDS, AIP3-40-0078-012-2007 AND PNC-07-FS.

9. RESOLUTION NO. 5610

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

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

10. None.

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

11. Commissioner Paynter commented on an article in the Daily Oklahoman about the "Social Host Program", which is a deterrent of city ordinance for underage drinking, instead of having a county charge; they have implemented a city ordinance where city police could act immediately on underage drinking. Paynter further added that he would like to get further information and bring this before a work session. Paynter stated he felt this would be good for Ponca City to implement such a program to curb the underage drinking, and also assist the police officers in enforcement.

City Attorney Murphy further informed the Commission that the program instead of imposing sanctions upon children or necessarily upon adults that may furnish them alcoholic beverages, the hosting of a premise where underage drinking occurs is subject to punishment. Murphy gave an example by saying this would include parties at adults homes where underage drinking may be going on; even though the alcohol may not have been furnished by the adult, and if they knew or should have known that drinking was occurring, and they took no action to control it, then they could also be liable under such an ordinance. Murphy concluded that a draft of this ordinance would be brought to the next work session.

Commissioner Anderson related that she had attended a ground breaking for a building complex at the Otoe-Missouri, and a plaque (which she forgot) was presented to the Mayor, and the Chairman of the tribe was very complimentary of the City in the working relationship they have with the City of Ponca City.

****REPORTS****

12. CITY MANAGER'S REPORT

City Manager Gary Martin advised that he had received verbal comments from OMPA in regards to the contract they have with the City regarding the diesel plant. Martin stated that in this contract is a clause stating that they may determine that a unit should not be repaired due to financial considerations. Martin further advised that OMPA has given notification that diesel unit #6 has a cracked head, and it is their intent to deadline that unit. Martin further added that they will still continue to operate four or five other units, but have given notice that by the year 2012 they will discontinue the operation of the plant. Martin informed the Commission that unit #6 was the City's black start unit; so therefore, will not be able to start the diesel plant under a black start condition. However, Martin added, that OMPA is working hard on the development of a procedure at the hydro plant whereas, they can black start from that location, and be able to supply power on to Ponca City. Martin concluded that formal notification would come at a later date.

Martin stated that he hoped citizens were watching the City's television Channel 22, as new programming has been added.

Martin communicated that during the "Plan and Hand" walk through for the downtown project, which is the replacing of the concrete that could lead to trip hazards, ODOT informed the City that there are new regulations which need to be complied with under ADA. Martin further added that these new regulations will change the scope of the work. Martin stated that the new regulations say that anywhere within a block or within two areas in replacement of the concrete, if there is a slope difference of 2.2%, then all the concrete in that block must be replaced. Martin concluded saying that Mike Lane, Traffic Manager will present the changes to the Commission at a future meeting.

Martin also commented on the Honeywell Project, by saying that the study of the electronic reading of meters has been delayed, as they are still working on some cost numbers, but will be in Ponca City later this week to meet with staff to review the cost of the project.

Martin also informed the Commission of a new bill that the governor has signed that will affect the City's hiring process, as the City will now be required to verify social security numbers, which will take longer to get through the employment process.

Other items reviewed to the Commission by Martin were the building of a new Holiday Inn Express, fuel prices have far exceeded the amount budgeted for the current year, staff is working on the new recreation center, and environmental reviews are being done on the property. Martin further added that City Attorney Kevin Murphy has been working on the legal aspects in regards to the property, and Monday's work session will be cancelled if there is nothing urgent to be discussed.

Mayor Nicholson stated that he would like to digress back to Item #7 on the consent agenda. Nicholson stated that the agenda item was a resolution to close out the "City Hall Tax Fund" and re-name it the "Recreation Center Tax Fund", but on the agenda summary it called it the "Recreation Complex Tax Fund", and does this need a clarification.

Finance Director Marc LaBossiere stated that this was an accounting issue and would go with the Recreation Center Tax Fund as stated in the Resolution.

****PUBLIC HEARINGS****

13. Conduct a Public Hearing on Edward Byrne Memorial Justice Assistance Grant.

Clayton Johnson, Ponca City Police Chief, advised that this is an annual federal grant that the Police Department has traditionally received. Johnson explained that these are federal funds that are administered to the state, and the state is responsible for distributing the funds across Oklahoma. Johnson further explained that it is a formula grant based on crime statistics, and that the grant requires a Memorandum of Understanding in place with the Kay County Sheriff's office, as the grant requires that the City work out a split with the Sheriff's office. Johnson stated that there is also the requirement that there be a Public Hearing to solicit input from the elected body, as well as the Community in regards to the grant. Johnson informed the Commission that the total award is \$19,639.00, with a 75/25 split with the Kay County Sheriff's Department. Johnson stated that the Sheriff's Department would receive \$4,916.49 with the remainder going to the Police Department.

Johnson further added that the grant not only requires a Public Hearing, but also documentation on how the grant monies are to be utilized. Johnson communicated that the Kay County Sheriff's Department proposes to use their portion for taser and stinger spike strip equipment, and the Police Department's proposal is for a target turning system for the outdoor range.

Mayor Nicholson opened the Public Hearing and asked if there be any comments regarding this grant. There being no comments the Public Hearing was closed.

- 14A. Conduct a Public Hearing; And

Chris Henderson, Development Services Director, stated that this is a petition for a Special Use Permit requesting the establishment of a sidewalk café in conjunction with the everyday operations of the Happy Days Restaurant. Henderson stated that the recommendation of the Planning Commission was to approve the Special Use Permit, but that it should be limited to the Grand Avenue, sidewalk because the 5th Street sidewalk is narrower in width. Henderson further added that the owner would be required to maintain the minimum levels of liability insurance, with the City being shown as an insured on the policy.

Mayor Nicholson opened the Public Hearing and asked if there were any comments for or against a sidewalk café on Grand Avenue. Commissioner Krueger commented that it was his understanding that the width of the tables had not been provided to the Planning Commission at the time the application for the Special Use Permit was submitted, and therefore; the Planning Commission approved only the use of the Grand Avenue side and not Fifth Street. Krueger suggested that perhaps now that the width of the tables was known, they should go back before the Planning Commission for approval for tables also on Fifth Street. There being no other comments the Public Hearing was closed.

- 14B. Consider and vote on a petition for a Special Use Permit in the CBD Central Business District for a Sidewalk Café, located at 423 East Grand Avenue.

Commissioner Krueger made the motion to approve the petition for a Special Use Permit in the CBD Central Business district for a Sidewalk Café, located at 423 East Grand Avenue. Anderson seconded.

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

- 15A. Conduct a Public Hearing And;

Mayor Nicholson opened the Public Hearing and asked if there was anyone who would like to comment on the annexation of the property located west of the 2700 block of North Prentice Road.. There being no comments Mayor Nicholson closed the Public Hearing.

- 15B. **ORDINANCE NO. 6058**

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF PONCA CITY AND DESIGNATING THE AREAS OR TRACTS INCLUDED IN SUCH EXTENSION, REPEALING ALL ORDINANCES IN CONFLICT OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Commissioner Paynter made the motion to approve the Ordinance annexing the tract of land located in the Northeast Quarter of Section 18, Township 26 North (T26N), Range 3 East (R3E), of the Indian Meridian, Kay County, located west of the 2700 block of North Prentice Road. Krueger seconded.

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

- 15C. Consider and vote to zone the above described property to R1 Single Family.

Commissioner Anderson made the motion to approve the zoning of the above described property to R-1 Single Family. Krueger seconded.

- 16A. Conduct a Public Hearing And;

Mayor Nicholson opened the Public Hearing and asked if anyone would like to speak for or against the extension of the City limits to include a tract of land described as part of the NW/4 and SW/4 of Section 19, Township 26 North, Range 3 East or more particularly described as the 1000-1200 blocks of L.A. Cann Drive and the 800-1400 blocks of Kygar Road.

Kathy Longsinger, 206 N. 6th Street, questioned if the annexation included the road with the large sink hole, and if so would this be repaired before the annexation, or would the City be responsible for funding the repairs.

Chris Henderson, Development Services Director, answered by saying that the road in question with the sink hole was already in the City limits, and the City would be responsible for any repairs.

There being no further public comments, Mayor Nicholson closed the Public Hearing.

16B.

ORDINANCE NO. 6059

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF PONCA CITY AND DESIGNATING THE AREAS OR TRACTS INCLUDED IN SUCH EXTENSION, REPEALING ALL ORDINANCES IN CONFLICT OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Commissioner Paynter made the motion to approve the extension of the Corporate City Limits of Ponca City to include a tract of land described as being part of the NW/4 of Section 19, Township 26 North, Range 3 East, I.M., Kay County and more particularly described as the 1000-1200 blocks of L.A. Cann Drive and the 800-1400 blocks of Kygar Road. Anderson seconded.

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

16C. Consider and vote to zone the above described property to R-1 Single-Family Residential.

Commissioner Krueger made the motion to approve the zoning of the above described property to R-1 Single Family Residential. Paynter seconded.

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

17A. Conduct a Public Hearing And;

Mayor Nicholson opened the Public Hearing and asked for comments from anyone who is for or against the annexation of a tract of land described as being part of the NW/4 of Section 30, Township 26 North, Range 3 East, I.M., Kay County, located south of the 4500 block of Cascade Drive.

There being no public comment, Mayor Nicholson closed the Public Hearing.

ORDINANCE NO. 6060

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF PONCA CITY AND DESIGNATING THE AREAS OR TRACTS INCLUDED IN SUCH EXTENSION, REPEALING ALL ORDINANCES IN CONFLICT OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE.

Commissioner Krueger made the motion to approve the annexation of the tract of land

described as being part of the NW/4 of Section of Section 30, Township 26 North, Range 3 East, I.M., Kay County, located south of the 4500 block of Cascade Drive. Anderson seconded.

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

- 17C. Consider and vote to zone the above described property to R-2 Two-Family Residential.

Commissioner Paynter made the motion to approve the zoning of the above described property to R-2 two-family residential. Krueger seconded.

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

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

18. Consider and vote on a final plat of Spring Village II of Woodridge Place located south of the 4500 block of Cascade Drive.

Chris Henderson, Development Services Director, explained to the Commission that this is the second of a two step process of developing the two-acre parcel located adjacent and south of the Spring Village and Woodridge additions. Henderson further added that this is the final plat totaling ten (10) lots surrounding a cul-de-sac connecting to Cascade Drive. Henderson further added that the Planning Commission recommends approval of this plat.

Commissioner Krueger asked Henderson to comment on the requirements for sidewalks in this addition. Henderson answered Krueger, by stating that the developer has requested that the City waive the requirements for sidewalks, citing the lack of a sidewalk system in the adjoining subdivision. Henderson stated that given the size of the proposed lots, and the fact that many of the (underground) utilities serving the homes are located in the front yard, staff is in agreement with this waiver request.

Commissioner Krueger made the motion to approve the final plat of Spring Village II of Woodridge Place located south of the 4500 block of Cascade Drive. Anderson seconded.

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

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

19. Consider and vote to submit an application for the Small Cities Community Development Block Grant (CDBG) Program to the Oklahoma Department of Commerce for FY 2007 funding in the amount of \$105,520.00. .

Rhonda Skrapke, Grants Administrator for the City of Ponca City, explained in detail to the Commission the five requests for funding that have been received by City staff and are CDBG

eligible. Skrapke stated that there were five requests and only four of the projects were able to be funded. Those projects being funded were: (1) Demolition - \$20,000.00, (2) Interim Assistance/Special Services - \$20,000.00, (3) HomeBuyer Assistance - \$20,000.00, (4) Comprehensive Plan for the City - \$45,520.00, and the project requested that was not funded was the (5) Gateway Lights and Street Posts for the Historic District - \$0.

Commissioner Krueger inquired that if the Street Light Project could not be funded this fiscal year, could it not have priority on next year's list. Skrapke advised that they can always make the request for funding.

Mayor Nicholson asked if there was anyone from the Historic District who would like to make comments.

Chris Littlecook, 300 N. 6th, suggested that the Gateway District be allowed to purchase the corner posts for the standardized street and stop signs. Littlecook stated that if the neighborhood does replace the corner posts, would the City replace the street lights with ones similar to the ones that were installed at Marland's Grand Home.

Commissioner Kruger questioned as to where there was a compromise to help these citizens with this lighting project on 6th Street. Discussion ensued and it was decided that this could be brought back before the Commission at a later date, when more information was available from Ponca City Energy Advisory Board.

Mayor Nicholson asked if there were any others who would like to address the Commission.

Steve Crank, 309 N. 6th, stated that the request of the neighborhood is for lighting that is consistent with the period of time when the neighborhood was constructed. Crank further added that the present lighting is not historic in nature and very utilitarian. Crank explained that in 2008, Ponca City will be hosting the Historic Preservation Conference, and this request is an effort to present the best possible face on the behalf of the City of Ponca City.

Commissioner Paynter made the motion to approve the submittal of an application for the Small Cities Community Development Block Grant (CDBG) program to the Oklahoma Department of Commerce for FY-2007 funding in the amount of \$105,520.00 as recommended by Staff. Anderson seconded.

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

20. Consider and vote on an Interlocal Memorandum of Understanding between the City of Ponca City and the Kay County Commission to share Justice Assistance Grant funding in the amount of \$19,639.00.

Police Chief Clayton Johnson explained that this item is the interlocal agreement discussed earlier in the meeting during the Public Hearings. Johnson stated that Commission's approval will allow the department to continue the grant application process.

Commissioner Krueger made the motion to approve the interlocal Memorandum of

Understanding between the City of Ponca City and the Kay County Commission to share Justice Assistance Grant funding in the amount of \$19,639.00. Anderson seconded.

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

****CITIZENS COMMENTS****

21. Chris Littlecook, 300 N. 6th Street, requested that the City look into replacing gutters and curbs on North 6th Street from Cleveland to Hazel. Littlecook discussed safety and aesthetic problems with the severely broken sections as well as damage to the brick streets, as curbs degrade and bricks spread.

Timilyn Crank, 309 N. 6th Street, pointed out to the Commission that the majority of the neighborhood on North 6th Street was in attendance at the meeting. Crank also questioned as to the status of the lighting for the Ruby Gates, where funds were privately raised and installed, but the wiring was not completed.

22. Mayor Nicholson adjourned the Board of Commissioners at 7:09 p.m.

PASSED IN SESSION AND APPROVED THIS 11TH DAY OF JUNE 2007.

ATTEST

MAYOR

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
MARCH 12, 2007

Pursuant to notice as required by law, the Board of Trustees of the Ponca City Utility Authority met in regular session at 6:34 p.m. in the Commissioners' Room in City Hall at 516 East Grand Avenue with Chairman Richard Stone presiding.

Present: Homer Nicholson, Chairman
Paul Krueger, Trustee
Stan Paynter, Trustee
Wayne Foxworthy, Trustee
Diane Anderson, Trustee
Gary Martin, Trust Secretary
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Others Present: Craig Stephenson, Chris Henderson, Terry Brown, Mike Lane, Tana McKinley, Phil Johnston, Butch Herring, Darwin Haney, City staff; citizens; Rolf Clements, news press.

1. Chairman Homer Nicholson called the meeting to order at 6:34 p.m.

CONSENT AGENDA*

The Board of Trustees found items #2 and #3 non-controversial and routine in nature by the governing body and are approved by one motion.

Trustee Krueger made the motion to approve the consent agenda. Foxworthy seconded.

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

2. Consider and vote upon the minutes of the regular session held on February 26, 2007.
3. **RESOLUTION NO. 646**

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

ITEMS REMOVED FROM THE CONSENT AGENDA*

4. None.

NEW BUSINESS*

5. Consider and vote upon awarding construction contract to Krapff-Reynolds Construction Co. of Oklahoma City for the Sanitary Sewer Collection System Improvement Projects in the amount of \$117,545.50.

6. Trustee Anderson made the motion to adjourn. Krueger seconded.

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

Chairman Nicholson adjourned the meeting at 7:12 p.m.

PASSED IN SESSION AND APPROVED THIS 11TH DAY OF JUNE 2007.



Norma Wickham

CHAIRMAN

