

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
OCTOBER 8, 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
Diane Anderson, Commissioner
Wayne Foxworthy, Commissioner
Paul Krueger, Commissioner
Gary Martin, City Manager
Marc LaBossiere, Finance Director/City Clerk

Absent: Stan Paynter, Commissioner
Kevin Murphy, City Attorney

Others Present: Terry Brown, Dwaine Vincent, Chris Henderson, David Horinek, Sherri Tapp, Mike Lane, Ken Bryer, Butch Herring, Don Nuzum, Tana McKinley, City staff, Allan Brooks, Bond Council, Keith McDonald, Financial Advisor; citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:32 p.m.
2. Invocation – Mary Olinger, New Life Pentecostal Holiness Church gave the invocation followed by the pledge of allegiance.

****CEREMONIES AND PROCLAMATIONS****

4. Proclamation: White Cane Awareness Week

The Board of Commissioners found items #5, #6, #7, #8, and #9 non-controversial and routine in nature.

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

Roll: Yeas; Krueger, Anderson, Nicholson, and Foxworthy. Nays; None. Motion carried.
5. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held September 24, 2007.
6. Consider and vote upon a Resolution designating and confirming Mayor's nominations for various boards and commissions.

RESOLUTION NO. 5642

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>
Airport Advisory Board	Dawson Smith	Appointed	2008
Animal Control Board	David Kinkaid	Re-Appointed	2010
Energy Advisory Board	Robert A. Howard	Appointed	2010
Housing Authority	Todd Burlie	Appointed	2008
Marland Estate Commission	Patricia Carpenter	Appointed	2010

7. Consider and vote on the Police Department accepting a \$50,000.00 grant from the Oklahoma Highway Safety Office, entering into a contract with OHSO and authorizing the Mayor to sign all related documents.
8. Consider and vote on request by John Soderstrom, representative of Mertz Manufacturing LLC, to burn weeds, grass and other items collected within the City limits on the property located on the southwest lot where Waverly and Industrial intersect.
9. **RESOLUTION NO. 5643**

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 Krueger encouraged citizens to have patience with road work around Ponca City, as it means improvements to the city.

Mayor Nicholson echoed Commissioner Krueger's comments regarding the street work, and thanked all who participated in Oktoberfest this weekend.

****REPORTS****

12. CITY MANAGER'S REPORT

City Manager Gary Martin thanked Sherri Tapp for chairing the Oktoberfest, all other City staff, and everyone who helped make it a success.

Martin also advised that Halloween would be on Wednesday, October 31, and further added that the bid opening on Wentz Camp Project would be on Thursday, October 11, 2007.

Other items of interest related by Martin were: the Attorney General will be at Pioneer Tech for a seminar on open meeting and record acts, Wednesday there will be a Public Power Appreciation event for citizens at City Hall, the Honeywell Project is moving rapidly, Pecan

Street work is completed and all other street projects are going very well.

Martin also informed the Commission that grant writer Rhonda Skrapke attended a meeting in an effort to get a grant for downtown lighting, and found out that this project would not be eligible, but in turn found out that she could get a lighting grant for \$22,500.00 for the new BMX park. Martin further added that he was advised that the Alternate Sports Association and the skate park people have come to a consensus on the skate park design.

Martin concluded by saying that Ponca City Energy Board has been cancelled, as they are having trouble with getting a quorum for the meetings. Martin further added that after a meeting with the Chairman of this board, it has been decided to move to quarterly meetings.

****PUBLIC HEARINGS****

13A. Conduct a Public Hearing.

Chris Henderson, Community Services Director, stated that this Public Hearing was in regards to a petition involving a 46-acre tract of land that has been proposed for an indoor/outdoor recreational complex, which was recently approved by the voters. Henderson explained that this property is zoned R-1, and R-1 does not permit a recreation center; therefore, it is necessary to zone this tract of land appropriately to "P" or "Public." Henderson further explained that Public is typically attached to Public buildings such as libraries, parks, schools, and police and fire stations, etc., and require a "Public" zoning.

Henderson communicated that a protest petition has been submitted by eleven persons living in the 100 block of South Olympia, as this is the sub-division closest to the tract in question. Henderson stated that those citizens filing the petition are concerned about the traffic leaving and entering from the public roads that dead end to this site, including Olympia. Henderson further advised that the plans show no access except from Waverly and Grand Avenue, and the area that borders the neighborhoods will be screened and there will be a buffer yard separating that area from the facility.

Commissioner Foxworthy asked questions regarding lighting of the t-ball and softball facilities. Henderson explained that the lighting system for the softball and baseball fields would be computer designed to minimize any bleeding off from the site.

Mayor Nicholson opened the Public Hearing and asked for anyone who wished to speak for or against the rezoning of this property.

Lou Ann Bush, resident of south Olympia, expressed concern of increased traffic in their neighborhood, as well as increased noise and lighting.

Mayor Nicholson assured Ms. Bush that the City does not want to be an infringement on the neighborhood, and that this will be a well designed project that should be an asset to the neighborhood.

Mayor Nicholson then asked if there was anyone else to speak for or against the rezoning of this property. There being no other persons coming forward, Mayor Nicholson closed the Public Hearing.

Commissioner Krueger stated that he had further questions regarding the type of fencing, and perhaps a combination of stockade and chain link should be considered. Chris Henderson replied that at any time there is a project of this magnitude next to an area that is incompatible,

you must screen it. Henderson addressed this issue by saying in his opinion stockade fences do not age well, and chain link with interwoven slats in a green color, backed with vegetation is the best long term solution.

13B.

ORDINANCE NO. 6068

AN ORDINANCE REZONING REAL PROPERTY DESCRIBED AS A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER AND SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 26 NORTH, RANGE 2 EAST, MORE FULLY DESCRIBED BELOW, LOCATED AT 1602 WEST GRAND AVENUE, FROM R-1 SINGLE FAMILY DWELLING DISTRICT TO "P"-PUBLIC, AND DIRECTING THE COMMUNITY DEVELOPMENT DIRECTOR TO CHANGE THE OFFICIAL ZONING MAP OF THE CITY ACCORDINGLY, AND DIRECTING THE CITY CLERK TO FILE OF RECORD.

Commissioner Krueger made the motion to approve the Ordinance rezoning real property described as tract of land located in the northeast quarter and southwest quarter of section 29, township 26 north, range 2 east, more fully described as 1602 West Grand Avenue, from R-1 single family dwelling district to "P" – Public and directing the Community Development Director to change the official zoning map of the city accordingly and directing the City Clerk to file of record. Foxworthy seconded.

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

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

14.

RESOLUTION NO. 5644

A RESOLUTION APPROVING ACTION TAKEN BY THE PONCA CITY UTILITY AUTHORITY AUTHORIZING ISSUANCE, SALE AND DELIVERY OF A PROMISSORY NOTE OF THE AUTHORITY TO THE OKLAHOMA WATER RESOURCES BOARD; RATIFYING, CONFIRMING, AND APPROVING A LEASE AGREEMENT; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Commissioner Anderson made the motion to approve action taken by the Ponca City Utility Authority authorizing issuance, sale, and delivery of a promissory note of the authority to the Oklahoma Water Resources Board; ratifying, confirming, and approving a lease agreement; and other provisions related thereto. Foxworthy seconded.

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

15. Consider and vote on amendment No. 1 to the engineering contract with Myers Engineering

for services on the Downtown Sidewalk Improvement Project in the amount of \$8,400.00.

Commissioner Krueger made the motion to approve amendment No. 1 to the engineering contract with Myers Engineering for services on the Downtown Sidewalk Improvement Project in the amount of \$8,400.00. Anderson seconded.

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

16.

RESOLUTION NO. 5645

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, KAY COUNTY, STATE OF OKLAHOMA, APPOINTING REPRESENTATIVES AS MEMBERS OF THE JOINT AIRPORT ZONING BOARD OF THE PONCA CITY MUNICIPAL AIRPORT.

Commissioner Foxworthy made the motion to approve the Resolution appointing representative as members Steve McGuire and Homer Nicholson of the Joint Airport Zoning Board of the Ponca City Municipal Airport. Krueger seconded.

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

****CITIZENS COMMENTS****

17. None.

RECESS TO AUTHORITY MEETING

18. Mayor Nicholson recessed to the Utility Authority meeting at 6:22 p.m.

The Board of Commissioner reconvened their meeting at 6:37 p.m. and entered into Executive Session pursuant to Title 25, Section 307 O.S. for the purpose of: (a) discussing negotiations with the I.A.F.F.

The Board of Commissioner returned to Regular Session at 6:50 p.m. with no action being taken on the I.A.F.F. negotiations.

Motion by Foxworthy was seconded by Krueger to adjourn the meeting at 6:50 p.m.

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

PASSED IN SESSION AND APPROVED THIS 22ND DAY OF OCTOBER 2007.

ATTEST

MAYOR

CITY CLERK

