

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
APRIL 26, 2010

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

Absent: None.

Others Present: Jim Sindelar, Joe Allen, Mike Lane, Terry Brown, Chris Henderson, Mike Chapman, Clayton Johnson, Butch Herring, Holly LaBossiere, Tana McKinley, City staff; Boy Scout Troop 5, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Kevin Grant, Providence Baptist Church
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Proclamation: Post Office Food Drive.

****CONSENT AGENDA****

The Board of Commissioners found items #5, #6, #7, #8, and #9 non-controversial and routine in nature. Commissioner Flegler made the motion to approve the consent agenda. Chapman seconded

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held April 12, 2010.

6. **RESOLUTION NO. 5833**

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

7. Consider and vote on a permanent utility easement release across property legally described as being a portion of the SE/4, Section 11, Township 26 North, Range 2 East, Kay County, Oklahoma, located north of the 2300 block of east Prospect Avenue.
8. Consider and vote on awarding annual audit of the City of Ponca City and Ponca City Utility Authority Financial Statements for fiscal year 2009-10 to Archambo & Mueggenborg P.C. in a total amount not to exceed \$39,500.00 and authorize the Mayor to sign the engagement letter.
9. Consider and vote on Change Order #1 in the add amount of \$2,755.00, Change Order #2 in the deduct amount of \$100.00, Change Order #4 in the add amount of \$100.00, and final payment in the amount of \$25,123.25 to Sooner Construction for the Library Bathroom Remodel.
10. Consider and vote upon any item removed from the Consent Agenda.

None.

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

11. Mayor Nicholson commented on the many activities that had gone on the past weekend throughout the community.

Commissioner Chapman recognized a celebration that was to be held at the Senior Center this coming weekend on Friday and Saturday, and hoped that everyone could attend.

****REPORTS****

12. CITY MANAGER'S REPORT

City Manager Craig Stephenson informed the Commission that this year's "Lose to Win Challenge" kick off will be at the Hutchins tomorrow at 6:30 p.m. Stephenson added that the guest speaker for this event would be Shawn Anderson, radio personality, weight loss blog, and motivational speaker, who will speak on "Change Chooses You". Stephenson stated that this is a joint project with the City of Ponca, Ponca City Medical Center, YMCA, Team Radio, the Ponca Theater, Curves of Ponca City, Jazzercise of Ponca City, OM Yoga & Pilates Studio, and Nga Wells State Farm.

Stephenson also informed the Commission of the numbers of the most recent "Spring Clean-Up" saying that there were 977 trips to the landfill made by the citizens of Ponca City, and 670 tons were taken to the landfill from all sources. Stephenson stated that this was an increase of 50% over past years.

Stephenson also advised the Commission that Friday there would be a delegation of approximately 40 to 50 representatives from the Wyoming Main Street Program touring City Hall and downtown Ponca City. Stephenson stated that Ponca City had been specifically chosen to learn how Main Street works with the City government and the local Chamber of Commerce.

Other items addressed by Stephenson were city staff will be having meetings next week to be informed of the changes to the city's health insurance plan, City Safety Banquet to be

held on May 8, 2010 from 11:00 a.m. to 1:00 p.m. at the Wentz Mess Hall, and last there would be a delegation from Melbourne, Australia to look at the City's WI-FI system as they are interested in a WI-FI system for their city.

Mayor Nicholson editorialized saying that he felt it was very significant that Ponca City had made international news with their WI-FI system. Nicholson stated that it is "State-of-the-Art", fastest wireless mesh internet in the world.

Commissioner Anderson also congratulated all the runners from Ponca City who participated in the Oklahoma City Memorial Marathon. Anderson stated that some of the schools had taken some of their students and wanted them to know that she appreciated their doing this.

13. OKLAHOMA MUNICIPAL POWER AUTHORITY UPDATE BY JENNIFER ROGERS, MEMBER SERVICES REPRESENTATIVE

Ms. Rogers gave an update on OMPA by saying that on May 12, 2010 there will be an Energy Services meeting at the OMPA offices in Edmond, which will start at 10:00 a.m. with Representatives from OG&E will go over their smart meter technology that they have been implementing in other towns.

Rogers further spoke about the Public Power workshop that was held at Quartz Mountain, and that next year this meeting will be held at Western Hills in Waggoner, OK. Rogers stated that she was glad to have Ponca City represented at the workshop. Rogers further informed the Commission that the Turk Plant, which is OMPA's ultra super coal fire plant in Fulton, AR, has received air permits, and should be online in 2012.

Rogers also informed the Commission that OMPA is now a transmission provider with two ties being recently completed – one in southwest Oklahoma to AEP and one in the Ponca City area to OG&E. Rogers also told the Commission that OMPA had recently expanded the REAP Program, received a \$3M stimulus grant, which will be called the Comfort Program, and also the DEEP efficiency program, which two Ponca City industries have signed up to participate in.

In conclusion, Rogers encouraged cities to have Twitter and Face Book, and she is presently writing a policy for OMPA, and would help Ponca City if they so desired.

****PUBLIC HEARINGS****

14A. Conduct a Public Hearing on Subparagraph (B) Hereof.

Chris Henderson, Development Services Director, explained to the Commission that the petition for the Special Use Permit is for a liquor store to occupy a portion of a building currently utilized as a beauty supply business. Henderson stated that liquor stores are by right permitted in the C-2 General Commercial district, but require a special use permit in the C-1 Local Commercial district because of the usual proximity of single-family neighborhoods to local commercial businesses. Henderson went on to explain that the surrounding land use is a mix of commercial and residential, but that it should be taken into consideration that the corner of Union and Hartford could be and probably should be zoned general commercial.

Mayor Nicholson opened the Public Hearing to any comments concerning the Special Use Permit for a Liquor Store at 1900 N. Union.

Will McKee, requester of the Special Use Permit, volunteered to answer any questions that anyone might have. Commissioner Anderson inquired from Henderson as to the proximity of this business in conjunction to the daycare facility on Union. Henderson answered by saying that the distance is a 300' spacing, and this of course, is further than away than 300', and should have no impact. Mayor Nicholson spoke about the blighting problem that sometimes can affect an area with this type of business. Henderson answered by saying that liquor stores can be construed to be blighting influences, but the Planning Commission met last Tuesday, and voted unanimously to recommend approval. Henderson stated that as usual in zoning issues, notices were sent to all property owners within 300' of this property and no protests have been received.

Commissioner Anderson asked how many property owners actually live in that area. Henderson explained that there only a few property owners in the area, which is a good indicator that you are in a business district.

Mayor Nicholson closed the Public Hearing.

- 14B. Consider and vote on a petition for a Special Use Permit in the C-1 Local Commercial District for a Liquor Store, located at 1900 N. Union.

Commissioner Flegler made the motion to approve the petition for a Special Use Permit in the C-1 Local Commercial District for a Liquor Store, located at 1900 N. Union. Krueger seconded.

Roll: Yeas; Flegler, Krueger, Nicholson, and Chapman. Nays; Anderson. Motion Carried.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

15A.

ORDINANCE NO.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY REPEALING SECTION 9-5-9(H) WHICH PROHIBITS SWIMMING IN LAKE PONCA; PERMITTING SWIMMING IN DESIGNATED PARTS OF LAKE PONCA; PROHIBITING OPERATION OF WATER VEHICLES IN SWIMMING AREAS AND INCREASING LENGTH OF BOATS PERMITTED ON LAKE PONCA; CREATING PENALTIES; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 2010.

Commissioner Krueger made the motion to approve the Ordinance amending the Code of Ordinances by repealing Section 9-5-9(H) which prohibits swimming in Lake Ponca; permitting swimming in designated parts of Lake Ponca; prohibiting operation of water vehicles in swimming areas and increasing length of boats permitted on Lake Ponca; creating penalties; repealing Ordinances in conflict; providing for severability; and establishing an effective date of May 1, 2010, with an amendment to add provisions for fines if caught swimming after dark. Flegler seconded.

Further discussion ensued and Commissioner Krueger withdrew his motion and made a motion that this item be continued at the May 3, 2010 work session, and should be brought back as two Ordinances, one to address the swimming in Lake Ponca and a second Ordinance that addresses the length of boats allowed upon the lake. Flegler withdrew his second and made a second to the new motion by Commissioner Krueger.

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

15A. To be continued with the above item.

16. Consider and vote on Construction Payment No. 14 to Lambert Construction Company in the amount of \$1,187,500.00 for Construction of the Ponca City Aquatic & Family Center-YMCA.

Commissioner Anderson made the motion to approve Construction Payment No. 14 to Lambert Construction Company in the amount of 1,187,500.00 for Construction of the Ponca City Aquatic & Family Center-YMCA. Chapman seconded.

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

17. Consider and vote on Traffic Commission recommendations for Fiscal Year 2010/11 Street Improvement Sales Tax Maintenance Projects.

Commissioner Flegler made the motion to approve the Traffic Commission's recommendation for Fiscal Year 2010/11 Street Improvement Tax Maintenance Projects. Chapman seconded.

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

****CITIZENS COMMENTS****

18. None.

RECESS TO PONCA CITY UTILITY AUTHORITY MEETING

19. Commissioner Flegler entertained the motion to return to regular session at 6:52 p.m. and enter into Executive Session pursuant to Title 25 Section 307 Oklahoma Statutes for purposes of discussing negotiations with the Fraternal Order of Police (FOP) Anderson seconded.

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

20. At 7:03 p.m., the Board of Commissioners returned to regular session with no action being taken.

Commissioner Flegler made the motion to adjourn the regular session of the Board of Commissioners. Krueger seconded.

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

Mayor Nicholson adjourned the Board of Commissioners at 7:03 p.m.

PASSED IN SESSION AND APPROVED THIS 10TH DAY OF MAY 2010.

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
APRIL 26, 2010

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
Lanita Chapman, Trustee
Diane Anderson, Trustee
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Secretary

Absent: None.

Others Present: Mike Lane, Terry Brown, Chris Henderson, Mike Chapman, Clayton Johnson, Butch Herring, Tana McKinley, City staff; Boy Scout Troop 5, citizens; Beverly Bryant, Ponca City News.

1. Chairman Nicholson called the meeting to order at 6:48 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2, #3, #4, #5, and #6 non-controversial and routine in nature by the governing body and are approved by one motion.

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

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

2. Consider and vote upon the minutes of the regular session held April 12, 2010.

3. **RESOLUTION NO.**

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

4. Consider and vote upon authorizing Chairman to submit Monthly Operating Statement to OWRB.
5. Consider and vote on Acknowledgement and approval of a Septic Hauler Use Permit for Donny Potty's on the Spot LLC.
6. Consider and vote upon Change Order No. 1 and No. 2 to construction contract with Clarke Well & Equipment, Inc. for the two new Water Wells Project in the add amount of \$18,771.00.

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

7. None.

****NEW BUSINESS****

None.

7. Trustee Flegler made the motion to adjourn. Anderson seconded.

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

Chairman Nicholson adjourned the Ponca City Utility Authority meeting at 6:51 p.m.