

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
JULY 13, 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
Diane Anderson, Commissioner
Lanita Chapman, Commissioner
Bill Flegler, Commissioner
Paul Krueger, Commissioner
Craig Stephenson, City Manager
Paulette Cross, Deputy City Clerk

Absent: Kevin Murphy, City Attorney

Others Present: Rhonda Skrapke, Chris Henderson, Terry Brown, Hong Fu, Jim Sindelar, City Employees; Tom Ramsey, Beverly Bryant, Ponca City News

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Tom Ramsey, First Lutheran Church
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for July is Gentleness.

****CONSENT AGENDA****

The Board of Commissioners found items #5, #6, #7, #8, #9, #10, #11, #12, #13, #14, and #15 non-controversial and routine in nature. Commissioner Chapman made motion to approve the consent agenda. Anderson seconded.

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held June 22, 2009.
6. **RESOLUTION NO. 5774**

WHEREAS, THE OKLAHOMA MAIN STREET CENTER HAS BEEN ESTABLISHED IN THE OKLAHOMA DEPARTMENT OF COMMERCE TO ASSIST SMALL TOWNS AND CITIES TO DEVELOP A PUBLIC/PRIVATE EFFORT TO REVITALIZE THEIR "MAIN STREET" AREAS, AND WHEREAS, THE CITY OF PONCA CITY DESIRES TO CONTINUE PARTICIPATING IN THE OKLAHOMA MAIN STREET CENTER; NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA.

7. Consider and vote on renewal agreement between the City of Ponca City and Ponca City Main Street in the amount of \$30,000.00 and authorize the Mayor to sign the agreement on behalf of the City.
8. Consider and vote on renewal agreement between the City of Ponca City and the Northern Oklahoma Youth Services Center & Shelter, Inc. (NOYS) in the amount of \$15,000.00 and authorize the Mayor to sign agreement on behalf of the City.
9. Consider and vote on renewal agreement between the City of Ponca City and United Community Action Program, Inc. for transportation services provided by Cimarron Transit in the amount of \$25,000.00.
10. Consider and vote on an agreement between the City of Ponca City and the Ponca City Area Chamber of Commerce, Inc., for the Chamber to operate the Ponca City Tourism Bureau for the purpose of encouraging, promoting, and fostering the Convention and Tourism Development of Ponca City.
11. Consider and vote on an agreement to provide funding for Give Ponca The Business in the amount of \$5,000.00.
12. Consider and vote on authorizing the Mayor to sign the annual lease agreement between the City of Ponca City and the American Business Club of Ponca City to permit the lease of the motocross track from July 1, 2009 through June 30, 2010.

13. **RESOLUTION NO. 5775**

A RESOLUTION READOPTING THE CITIZEN PARTICIPATION PLAN FOR THE CITY OF PONCA CITY, OKLAHOMA DATED JUNE 11, 2001.

14. **RESOLUTION NO. 5776**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGETS OF VARIOUS FUNDS FOR FISCAL YEAR 2008-09.

RESOLUTION NO. 5777

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A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGETS OF VARIOUS FUNDS FOR FISCAL YEAR 2009-2010

16. **RESOLUTION NO. 5778**

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

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

17. None

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

18. Mayor Nicholson spoke about the loss of three of Ponca City's prominent citizens, saying that the whole town extends their sympathy to their families in the loss of their loved ones.

Chapman echoed Mayor Nicholson's sympathies.

Anderson reminded the citizens it is reported that we will have the same stifling conditions for the next several days, and those who do not have air conditioning can go into public buildings such as the library and get out of the heat.

Flegler also sent out his heartfelt prayers and sympathies to the families that lost loved ones in the tornado.

****REPORTS****

19. CITY MANAGER'S REPORT

City Manager Craig Stephenson informed the Commission that the contractor on the downtown sidewalk project, made the first pour of colored concrete today.

Stephenson also reported that the Oklahoma Water Resources Board would have their meeting regarding stimulus monies tomorrow. Stephenson further added that the City has two (2) projects for the board to consider, and that they have asked that the City representatives stay after the meeting, so it is assumed that the City will receive 30% of the \$890,000.00 stimulus money, and the other 70% will be a low interest rate loan. Representing the City at this meeting, Stephenson said, would be Dr. Fu, the City's Environmental Services Director, and John Brooks from our bond counsel.

Stephenson went on to advise the Commission that the City still has three (3) applications into ODEQ for drinking water projects but have not heard definitely on these, but the City hopes to get at least one of these projects funded.

Stephenson concluded by saying the City received a Citation of Merit from the State Historical Preservation office for outstanding accomplishments in contributing to Oklahoma Heritage at the recent State Historical Conference.

****PUBLIC HEARINGS****

- 20A. Conduct a Public Hearing on item listed below

Chris Henderson, Development Services Director, explained to the Commission that this Public Hearing is in regards to a zoning petition request involving a building located in the 600 block of West Highland at Palm Street and Highland. Henderson further explained that a small cluster of businesses has existed along the Highland corridor for many years, and the current zoning classification for all of the area is C-1 Local Commercial. Henderson related that the owner/applicant purchased the property in 2007, and has since operated a business restoring and customizing automobiles. Henderson stated that the business activities captured the attention of staff only when automobiles in a state of disrepair began appearing on the site, and complaints regarding the appearance of the property were called in to the Code Division. Henderson explained that the City's Zoning Code specifically prohibits

“paint and body shops” in the C-1 Local Commercial District, because many such businesses include wrecker services, and you usually find damaged vehicles stored outside. Henderson advised that repair and maintenance of automobiles might be permitted by Special Use Permit. Henderson informed the Commission that the applicant was given a choice to either cease and desist or seek a zoning change that would bring him into compliance with the zoning Ordinance.

Henderson explained to the Commission the difference between a C-1 zoning and a C-2 zoning. Henderson stated that with a C-1 zoning most of your business occurs on the inside, and with a C-2 zoning business you get more outside exposure, such as the automobile car lots, or any business with a large amount of outside storage.

Henderson stated that in order to bring this land use into compliance with City Codes, the applicant has several options. Henderson explained to the Commission that the recommendation of the Planning Commission was to approve a Special Use permit for an automobile restoration business, with the condition that any outside storage of vehicles and parts thereof shall be screened in a manner that is approved by the appropriate City staff.

Stuart Schupbach, owner of 621 E. Highland Ave., answered questions from the Commissioners, and showed them pictures of three different types of fencing that he could use around the property; metal, aged wood, or new wood. Schupbach stated that he was already in the works of fencing the east side of the property. Schupbach advised that the metal would be a 26-gauge metal that would match the corrugated building.

Commissioner Krueger asked Henderson his opinion of the metal vs. wood fencing. Henderson answered by saying that personally he did not like metal fencing, that it gave the appearance of being a junk yard, but at the same time if a wood product is not painted or taken care of, cannot look good either. Commissioner Anderson in regard to fencing-and the timing of when can it be done without a creating a hardship on the property owner. Henderson answered that he felt 30 days was a reasonable amount of time, and Schupbach agreed.

Mayor Nicholson opened the Public Hearing and asked if anyone would like to speak for or against the rezoning of this property.

There being no comments from the floor, Mayor Nicholson closed the public hearing.

20B.

ORDINANCE NO. 6101

AN ORDINANCE APPROVING (CONDITIONALLY) A SPECIAL USE PERMIT FOR REAL PROPERTY DESCRIBED AS THE WEST 20 FEET OF LOT 24 AND ALL OF LOTS 25 THROUGH 30, BLOCK 1, TAYLOR ADDITION TO THE CITY OF PONCA CITY, LOCATED AT 615 WEST HIGHLAND AVENUE, C-1 LIGHT COMMERCIAL, “AUTOMOTIVE RESTORATION BUSINESS”, PLACING CONDITION(S) UPON SAID APPROVAL, AND DIRECTING THE DEVELOPMENT SERVICES DIRECTOR TO CHANGE THE OFFICIAL ZONING MAP OF THE CITY ACCORDINGLY, AND DIRECTING THE CITY CLERK TO FILE OF RECORD.

Commissioner Chapman made the motion to approve the Ordinance, keep the property located at 615 W. Highland zoned as C-1, and allow the property owner to obtain a special use permit for the auto restoration business with a screening approved by Development Services Director, Chris Henderson. Chapman also requested that Henderson look at the metal fencing, as in her opinion the metal fencing would look better for longer. Krueger seconded.

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

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

21. Consider and vote on a contract between the Oklahoma Department of Commerce and the City of Ponca in the amount of \$1,075,000.00 for the Neighborhood Stabilization Program.

Rhonda Skrapke, Grants Administrator, spoke to the Commission concerning the Neighborhood Stabilization Program. Skrapke explained how the monies would be distributed, saying that \$750,000.00 would be to purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon. Skrapke stated that the remainder of the money, \$250,000.00, would be to demolish blighted structures, and \$75,000 would be for administrative fees.

Commissioner Krueger expressed his appreciation to Skrapke for her hard work, and made the motion to approve the contract between the Oklahoma Department of Commerce and the City of Ponca in the amount of \$1,075,000.00 for the Neighborhood Stabilization Program. Chapman seconded.

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

22. **RESOLUTION NO. 5779**

A RESOLUTION READOPTING THE CITIZEN PARTICIPATION PLAN FOR THE CITY OF PONCA CITY, OKLAHOMA DATED JUNE 11, 2001.

Rhonda Skrapke, Grants Administrator, summarized this item by saying that the City of Ponca City is eligible for CDBG grant funding in the amount of \$81,412.00 through the Small Cities Set-Aside program. Skrapke explained that this grant requires a 50% cash match specific to the designated project, and 51% of the project beneficiaries are required to be low and moderate income-persons.

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

23. Consider and vote on construction payment No. 5 to Lambert Construction Company in the amount of \$622,338.00 for construction of the Ponca City Aquatic & Family Center-YMCA.

City Manager, reporting for Mike Chapman on the Ponca City Aquatic & Family Center-YMCA, updated the Commission on the project.

Commissioner Chapman made the motion to approve construction payment No. 5 to Lambert Construction Company in the amount of \$622,338.00 for construction of the Ponca City Aquatic & Family Center-YMCA. Krueger seconded.

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

24A.

ORDINANCE NO. 6102

AN ORDINANCE AMENDING SECTIONS 6-1-8, 6-2A-7(A), 6-2A-7(B) AND DELETING CHAPTER 2 "WEED CONTROL" OF THE CITY CODE FOR THE PURPOSE OF DESIGNATING THE DEVELOPMENT SERVICES DIRECTOR AS THE "HEARING OFFICIAL" FOR THE HEARING OF APPEALS FROM VARIOUS NUISANCE AND DILAPIDATED BUILDING FINDINGS OF CODE ENFORCEMENT OFFICERS; REPEALING ORDINANCES IN CONFLICT; PROVIDING SEVERABILITY AND DECLARING AN EMERGENCY.

Commissioner Anderson made the motion to approve the Ordinance amending sections 6-1-8, 6-2A-7(A), 6-2A-7(B) and deleting chapter 2 "weed Control" of the city code for the purpose of designating the development services director as the "hearing official" for the hearing of appeals from various nuisance and dilapidated building findings of code enforcement officers; repealing ordinances in conflict; providing severability and declaring an emergency. Chapman seconded.

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

24B. Consider and vote on the emergency clause of the Ordinance.

Commissioner Krueger made the motion to approve the emergency clause on the above Ordinance. Anderson seconded.

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

****CITIZENS COMMENTS****

25. Bill Horsley, 216 W. Hartford, spoke to the Commission in regard to the disrepair of the Hutchins Memorial.

26. Commissioner Anderson made the motion to adjourn the Board of Commissioners. Flegler seconded.

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

Mayor Nicholson made the motion to adjourn at 6:35 p.m.

PASSED IN SESSION AND APPROVED THIS 27TH DAY OF JULY 2009.

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
JULY 13, 2009

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
Diane Anderson, Trustee
Lanita Chapman, Trustee
William Flegler, Trustee
Craig Stephenson, City Manager
Paulette Cross, Deputy City Clerk

Absent: Kevin Murphy, City Attorney

Others Present: Rhonda Skrapke, Chris Henderson, Terry Brown, Hong Fu, City Employees; Beverly Bryant, Ponca City News

1. Chairman Nicholson called the meeting to order at 6:35 p.m.

****CONSENT AGENDA****

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

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

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

2. Consider and vote upon the minutes of the regular session held June 22, 2009.
3. Consider and vote on annual "Pledge and Guarantee" document which is part of a participation agreement with the Association for Landfill Financial Assurance (ALFA).
4. **RESOLUTION NO. 730**

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****

5. None.

****NEW BUSINESS****

6. Consider and vote upon change Order No. 1 to construction contract with Urban Contractors, Inc. of Oklahoma City for the Pizza Hut to J.C. Penney Sanitary Sewer Interceptor Replacement in the add amount of \$29,748.00.

Hong Fu, Environmental Services Director, explained to the Commission that during the construction of the replacement of the interceptor sewer line, the contractor discovered a section of undersized 15” sewer main immediately downstream of the project’s south terminal manhole. Fu further added that this line was originally considered to be an 18” sewer main. Fu stated that this undersized section would create a hydraulic bottleneck in the system, and could cause there to be a backup problem in the new interceptor, and possibly overflow during periods of heavy rainfall. Fu advised that both city staff and the project engineer think the undersized section should be replaced an adequate 18” pipe. Fu concluded by saying that this the change order reflects the extra construction cost associated with this additional downstream construction.

Trustee Krueger made the motion to approve Change Order No. 1 to construction contract with Urban Contractors, Inc. of Oklahoma City for the Pizza Hut to J.C. Penney Sanitary Sewer Interceptor Replacement in the add amount of \$29,748.00. Flegler seconded.

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

7. Trustee Flegler made the motion to adjourn the Ponca Utility Authority. Anderson seconded.

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

Chairman Nicholson adjourned the Ponca City Utility Authority meeting at 6:45 p.m.

PASSED IN SESSION AND APPROVED THIS 27TH DAY OF JULY 2009.

CHAIRMAN:

ATTEST:

TRUST SECRETARY