

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
OCTOBER 12, 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
Bill Flegler, Commissioner
Paul Krueger, Commissioner
Lanita Chapman, Commissioner
Kevin Murphy, City Attorney
Craig Stephenson, City Manager
Marc LaBossiere, Finance Director/City Clerk

Others Present: Mike Lane, Terry Brown, Paula Cain, Mike Chapman, Earl Watkins, Butch Herring, Tana McKinley, Chris Henderson, City staff, Jayne Detten, Richard Winterrowd, Michelle Baskin, Main Street; Dick Stone, J.R. Bales, Fred Boettcher, Dave Bauer, Clement Collogan, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:33 p.m.
2. Invocation – Gayle Young, First Baptist Church.
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Proclamation – White Cane Safety Week
5. Proclamation – Main Street Week
6. Character Trait for October is Patience.

****CONSENT AGENDA****

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

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

7. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held September 25, 2009.
8. **RESOLUTION NO. 5800**

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

9.

RESOLUTION NO. 5801

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGETS OF VARIOUS FUNDS FOR THE FISCAL YEAR 2009-10.

10. Consider and vote on the Police Department's acceptance of a \$31,300.00 grant from the Oklahoma Highway Safety Office and authorizing the Mayor to execute all related grant documents.
11. Consider and vote on the State-Local Disaster Assistance Agreement in the amount of \$26,650.00 between the City of Ponca City and the Oklahoma Emergency Management Department for the Hazard Mitigation Grant Program (HMGP) to purchase NOAA Weather Radios for public distribution.
12. Consider and vote on the State-Local Disaster Assistance Agreement in the amount of \$39,041.00 between the City of Ponca City and the Oklahoma Emergency Management Department for the Hazard Mitigation Grant Program (HMGP) to replace the back-up generator at the Public Safety Center.
13. Consider and vote on the Oklahoma Municipal Assurance Group (OMAG) "Municipal Liability Protection Plan" for the City of Ponca City for the police period November 1, 2009 through November 1, 2010.

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

14. None

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

15. Mayor Nicholson acknowledged that it was Columbus Day.

****REPORTS****

16. **CITY MANAGER'S REPORT**

City Manager Craig Stephenson reported to the Commission that he and Mayor Nicholson would be attending the water summit in Midwest City on Friday, where he would be giving a presentation.

Stephenson further added that the City of Ponca City has made a request to the Oklahoma Municipal League that all residential and commercial owners insurance policies contain coverage for sanitary sewer backups, which Oklahoma Municipal League has adopted as a legislative issue for 2010.

Stephenson updated the Commission on the Amnesty Program, saying that to date the program has cleared 183 cases from individuals taking advantage of the program, and has collected \$16,704.00 after the discount. Stephenson further added that the program will end on November 15, 2009, and reminded everyone that the names of those individuals with outstanding warrants are listed on the City's web page, if anyone needs to find out if they have a warrant.

Another item of interest Stephenson said would be an event, weather permitting, to recognize National Main Street Week, with Ponca City's Main Street hosting a picnic with a short presentation, and a street dance, followed by a free movie at the Poncan Theater at 7:00 p.m.

Stephenson also asked that since the busy holiday season was approaching quickly, for the Commissioners to mark their calendars for an event that is to be held on Thursday, December 10, 2009, at the Marland Estate and the Poncan Theater.

Stephenson concluded by advising that the Main Street Halloween event would be held on October 29, 2009, and Veterans Day Parade would be on November 7, 2009.

****PUBLIC HEARINGS****

- 17A. Conduct a Public Hearing on Subparagraph (B) Herof.

Mayor Nicholson commented on the topic of the Public Hearing by saying that since last week's Planning Commission meeting, there has been an effort on the part of several people to delve a little deeper into the issue of Mr. Bales building a new building at 305 West Grand Avenue. Nicholson further added that all parties involved have learned a little bit more about the pros, cons, and options available.

Commissioner Anderson extended her appreciation to the Planning Commission, Main Street and Mr. Bales for all their work and effort in regards to this matter. Anderson further added that she was pleased that Mr. Bales was trying to update & beautify his property and to keep a business in town. Anderson stated that she felt this item should be removed from the agenda and sent back to the Planning Commission, Main Street, and Mr. Bales for resolution.

City Attorney Kevin Murphy interjected by saying that this item can be sent back to the Planning Commission, but that Main Street has already dealt with this issue, and therefore the issue is closed with Main Street.

Anderson then made the motion to remove this item from the agenda, and send it back to the Planning Commission for resolution. Flegler seconded.

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

Mayor Nicholson explained that with this motion being approved that there would not be a Public Hearing, and the item would be returned to the Planning Commission for resolution.

- 17B. Consider and vote on an appeal by JR Bales regarding a Certificate of Approval from Ponca City Main Street for the demolition and construction of a new building at 305 West Grand Avenue.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

18. Consider and vote on Construction Payment No. 8 to Lambert Construction Company in the amount of \$955,800.00 for construction of the Ponca City Aquatic & Family Center-YMCA

Commissioner Krueger made the motion to approve Construction Payment No. 8 to Lambert Construction Company in the amount of \$955,800.00 for construction of the Ponca City Aquatic & Family Center-YMCA. Chapman seconded.

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

****CITIZENS COMMENTS****

19. None.
20. Commissioner Flegler made the motion to adjourn the Board of Commissioners meeting. Chapman seconded.

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

Mayor Nicholson adjourned the Board of Commissioners meeting at 6:03 p.m.

PASSED IN SESSION AND APPROVED THIS 26TH DAY OF OCTOBER 2009.

MAYOR

ATTEST:

CITY CLERK