

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
APRIL 11, 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
Diane Anderson, Commissioner
Lanita Chapman, Commissioner
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Others Present: Butch Herring, Chris Henderson, Clayton Johnson, Jim Sindelar, Terri Sherbon, Jim Fairbanks, Tana McKinley, Mike Chapman, City staff, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Pastor Steve Brown – Life Springs Family Worship
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for April: Humility

****CONSENT AGENDA****

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

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held March 28, 2011 and Special Work Session held March 28, 2011.

6. **RESOLUTION NO. 5891**

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

7. Consider and vote on Change Orders in the amount of \$13,756.00 to construction contract with Sooner Construction Company for the rehabilitation of 2105 and 2204 Canary, Ponca City, Oklahoma, acknowledging that the project is complete and authorizing the final payment of \$14,875.60.

8. Consider and vote on Change Orders in the amount of \$8,518.65 to construction contract with Rick Scott Construction, Inc. for the rehabilitation of 417 W. Emporia, Ponca City, Oklahoma and acknowledge that the NSP Rehabilitation Project is complete.
9. Consider and vote on Change Orders in the amount of \$5,046.00 to construction contract with Sooner Construction Company for the Rehabilitation of 2009 North Osage, Ponca City, Oklahoma, acknowledge that the project is complete, and authorize the final payment of \$9,463.40.
10. Consider and vote on the preparation of transfer documents for the Neighborhood Stabilization Program (NSP) transferring title to the properties located at 2013 Joe, 69 Elmwood, 417 W. Emporia, 2105 Canary, 2204 Canary and 2009 N. Osage, to the Ponca City Housing Authority and authorize the Mayor to execute the necessary documents.

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

11. None.

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

12. Mayor Nicholson spoke about the past weekend, and how good it was to see neighbors helping neighbors, and expressed his gratitude to all the citizens and city workers who spent long hours working to help clean up the debris.

Commissioners Chapman, Anderson, Flegler and Krueger echoed positive comments about the community and City workforce.

****REPORTS****

13. CITY MANAGER'S REPORT

Stephenson thanked all City crews for the work done after the Friday storm, as well as residents stepping up to help. Stephenson informed everyone that the Mayor had signed a Disaster Emergency Declaration Proclamation, which is being sent to the governor for financial aid. Stephenson added that the county has done likewise, and hopefully the two will go together.

Stephenson went on to say that those not needing an electrician to do work on their homes should now have electrical service, and that lines along Waverly are still being replaced.

Stephenson also thanked the City of Blackwell for sending over some spotters, who helped with traffic control.

Stephenson advised the public on storm debris removal, saying that storm debris would be picked up free of charge for citizens until April 17, 2011. Stephenson further added that disposal would be free at the landfill for residential storm debris only, and open top containers would be located at various locations for further assistance in disposing of storm debris.

Stephenson noted that roofers would be moving into the area and soliciting business. Stephenson went on to advise that as of January 1, 2011, roofers have to be registered with the state. Stephenson further added that they must have proof of experience, liability insurance, and workers compensation insurance. Stephenson went on to say that the roofers should have their state number on their truck, their business card, and any communications.

Stephenson reminded the Mayor and Commissioners that next Monday and Tuesday would be all day work sessions regarding the 2011-2012 budgets.

Other items of interest mentioned by Stephenson were: Community Health Fair at Hutchins Memorial on April 13; Chamber of Commerce Leadership Day beginning at 7:30 a.m.; Earth Day, April 20; from 9:00 a.m. to 1:30 p.m.; April 26 at 2:00 p.m. ribbon cutting for the new Ambuc playground equipment at Lake Ponca; Ponca Politics on April 29; and the Police Department is planning a "Take Back" prescription drugs day from 10:00 a.m. to 2:00 p.m. April 30 in front of City Hall.

****PUBLIC HEARINGS****

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

Development Services Director Chris Henderson gave background details on the special use permit application, stating that this permit is to place a liquor store in a small strip center. Henderson then explained that the Special Use Permit allows uses that may be more intensive than the uses already in a district. Henderson further stated that there are many businesses in this area that have intense usage.

Police Chief Clayton Johnson responded to the Commissioners saying that in his opinion from his law enforcement perspective there have been more problems with convenience stores that sell beer and are open longer hours. Johnson went on to say that, the problems at Thirteenth Street and South Avenue are caused by the depressed neighborhood, and the vacant lots that are north and west of where liquor store is located. Johnson emphasized that this is his opinion, and it is difficult to prove one way or another.

Mayor Nicholson opened the floor for the Public Hearing for comments for or against the Special Use Permit.

Kaci Grass, 13th and Ponca Avenue, stated that she was speaking on behalf of those people who signed a petition that she had circulated asking that the Special Use Permit not be approved. Grass stated that three of the houses that are within the 300' radius needed to sign the petition are vacant. Grass stated that she was concerned about the liquor store for the neighborhood and her family. Grass stated that her family and the family to the south have ten children under the age of eighteen. Grass stated that she walked from her house to the business in question, and there were only 86 steps from her driveway to the front door of the proposed liquor store. Grass added that this is already a high crime, area and feels that the liquor store would just promote more crime and problems for their neighborhood.

Rick Gilbert, owner of a shoe repair shop close to the proposed liquor store, stated that he was worried about theft and panhandling increasing if the liquor store were allowed to open at this location.

A. B. Elliott, owner of several properties north of where the new liquor store is proposed to be opened, stated that he felt that another liquor store in this area would not do well for the neighborhood. Elliott emphasized that it is not the traffic as much as it is the people.

Richmond Grass , 1301 E. Ponca, stated that he knew that whatever business went into that location the traffic would increase, but he added that he felt the possibility of a drunk driver coming to a liquor store, would be higher than some another type of business. Grass stated that this makes him fearful for the safety of his children and other children playing outside. Grass concluded by saying that he hoped and prayed that the vote tonight is for the good of Ponca City, and the citizens of the south side.

Lisa Seabridge, spoke against the approval of the Special Use Permit for the liquor store, explaining that she has grandchildren living in this neighborhood, and is also concerned for their safety.

Larry Murphy, 2304 Copperfield Circle, informed everyone that the applicant, even though living in Stillwater, is employed in Ponca City and has been successfully over fifteen years.. Murphy expressed that statistics show most businesses will not be successful in a two-year time, so conditional approval is not recommended, and that the property owner is reputable and is careful who he would lease the properties to.

Kelly Murphy, resident of Stillwater and applicant, noted that he works in Ponca City and is involved on several boards here. Murphy stated he lives in Stillwater, because his spouse works there. Murphy stated he has the same concerns as neighbors, and does not want people lingering, and will work to prohibit that.

Commissioner Anderson questioned Murphy as to whether he had a business plan, and Murphy replied that he had done lots of study and research before making the decision to open this store. Murphy advised that he even called up a distributor and inquired if there were too many liquor stores in his distribution area, and the bank had approved his loan.

Loretta Goodman, 408 S. 13th, long time resident voiced opposition.

Betty Underside, S 13th, expressed that one liquor store in the neighborhood is enough.

Commissioner Flegler questioned Murphy's feeling given neighborhood opposition. Murphy stated it is a business, a State highway, and a commercial area, and hopefully time will show it will not have any ill effect on the neighborhood.

Bob Schuster, not a resident of Ponca City, expressed concern over safety of residents in the neighborhood, and whether this is good for Ponca City.

Commissioner comments ensued. Mayor Nicholson asked if anyone else would like to speak for or against this item. No one coming forward, 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 500 South 14th Street.

Commissioner Chapman made the motion to approve the petition for a Special Use in the C-1 Local Commercial District for a Liquor Store located at 500 South 14th Street. Anderson seconded.

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

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

15. Consider and vote on awarding the annual audit of the City of Ponca City and Ponca City Utility Authority Financial Statements for Fiscal Year 2010-11 to Archambo & Mueggenborg P.C. in a total amount not to exceed \$41,500.00, and authorize the Mayor to sign the engagement letter.

Commissioner Flegler made the motion to approve awarding the annual audit of the City of Ponca City and Ponca City Utility Authority Financial Statements for Fiscal Year 2010-11 to Archambo & Mueggenborg P.C. in a total amount not to exceed \$41,500.00, and authorize the Mayor to sign the engagement letter. Anderson seconded.

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

16. Consider and vote on awarding the Design Build Contract for the construction and installation of the War Memorial Splashpad to RJR Enterprises in the amount of \$129,800.00.

Commissioner Flegler made the motion to approve the Design Build Contract for the construction and installation of the War Memorial Splashpad to RJR Enterprises in the amount of \$129,800.00. Chapman seconded.

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

****CITIZENS COMMENTS****

17. J.D. Childress, 2105 John, expressed concern over not hearing sirens before the recent storm.

Mayor Nicholson in answer to Mr. Childress' concerns regarding the warning sirens stated that the sirens are not a cure-all, but an additional measure of a warning system. Nicholson stated that everyone should have a NOAA Weather battery back-up radio for his or her safety. City Manager Stephenson explained also that the recent storm event that happened was a microburst, and that there was no warning for anyone. Stephenson further added that it is not always easy to stay ahead of "Mother Nature".

Del Kotarski, 2309 Meadowbrook, expressed concern over zoning restrictions being too lax on outbuildings and conformity with neighborhoods.

Joyce Shereffler, 2304 Meadowbrook, showed pictures and expressed discontent with the building addition to their residential neighborhood.

18. Commissioner Flegler made the motion to adjourn the meeting. Chapman seconded

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

Mayor Nicholson adjourned the Board of Commissioners at 7:35 p.m.

PASSED IN SESSION AND APPROVED THIS 25TH DAY OF APRIL 2011.

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
APRIL 11, 2011

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
Bill Flegler, Trustee
Lanita Chapman, Trustee
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: None

Others Present: Butch Herring, Clayton Johnson, Tana McKinley, City staff; citizens;
Beverly Bryant, Ponca City News.

1. Chairman Homer Nicholson called the meeting to order at 7:36 p.m.

****CONSENT AGENDA****

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

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

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

2. Consider and vote upon the minutes of the regular session held March 28, 2011.

3. **RESOLUTION NO. 789**

***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. None.

Trustee Anderson moved to adjourn. Trustee Flegler seconded.

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

PASSED IN SESSION AND APPROVED THIS 25TH DAY OF APRIL 2011.

CHAIRMAN:

ATTEST:

TRUST SECRETARY