

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
July 5, 2011

Pursuant to notice as required by law, the Ponca City Board of Commissioners met in work session at 2:00 p.m. in the Commission Chamber at City Hall, 516 E. Grand Avenue, with Mayor Homer Nicholson presiding:

Present: Homer Nicholson, Mayor
 Paul Krueger, Commissioner
 Bill Flegler, Commissioner
 Craig Stephenson, City Manager
 Kevin Murphy, City Attorney
 Marc LaBossiere, Finance Director/City Clerk

Absent: Diane Anderson, Commissioner
 Lanita Chapman, Commissioner

Others Present: Chris Henderson, Phil Johnston, Dwaine Vincent, Jim Sindelar,
 Terry Brown, City staff; Beverly Bryant, Ponca City News.

1. Mayor Nicholson called the meeting to order at 2:02 p.m.

2. RECEIVE UPDATE ON PROPERTY LOCATED AT 120 N. 3RD STREET, PONCA CITY.

Community Development Director Chris Henderson informed commissioners that there have been no changes to report. City Attorney Kevin Murphy noted that Brian Hermanson was to return a call in the previous week, but had not.

3. RECEIVE UPDATE ON PROGRESS TO DATE CONCERNING SALVAGE PROJECT AT THE DIESEL PLANT AND DISCUSS A PATH FORWARD.

City Manager Craig Stephenson reminded commissioners that the item was reviewed a year ago along with a site visit. Since that time, Ponca City Energy Manager Phil Johnston has researched companies that de-commission old diesel plants. Stephenson then reviewed a range of proposals, none of which resulted in a net cost to the City. Discussion ensued.

4. DISCUSS THE RECOMMENDATION OF THE PLANNING COMMISSION REGARDING THE PLACEMENT OF ACCESSORY BUILDINGS IN RESIDENTIAL NEIGHBORHOODS.

Community Development Director Chris Henderson reminded all that this item came up in April, when a neighborhood voiced concerns about a large accessory building that did not meet neighborhood covenant requirements. Henderson stated a work session discussing the topic followed, including what the City can and cannot do in such cases. Consensus at that time was to send the matter to the Planning Commission for consideration and to perhaps provide some kind of notice to the neighborhood.

Henderson relayed that the Planning Commission had considered the item and recommended that in neighborhoods with covenants, a seven day waiting period should be enacted between permit application and approval, and a sign giving notice of intent to construct an accessory building be posted on site for neighborhood notification. Also, the Planning Commission recommended a six-foot side yard set-back. Discussion ensued, with Commission consensus that the City is not in business of enforcing covenants, but a sign notifying neighbors so they can go to court if they choose, would be beneficial in all cases.

Henderson clarified that he would have to issue a permit in all cases if the applicant meets current City Code. Henderson also reviewed current restrictions on accessory buildings, including height limits no higher than the primary structure and size limit to twenty percent of the back yard. Discussion ensued on neighbor options, as well as possible benefit of ten days waiting period versus proposed seven.

5. RECEIVE AND DISCUSS THE RECOMMENDATIONS OF THE PLANNING COMMISSION REGARDING THE CITY'S CURRENT ZONING STANDARDS AS THEY RELATE TO THE SPECIAL USE PERMIT PROCESS IN COMMERCIAL ZONING DISTRICTS AND IN PARTICULAR, THE LOCATION OF LIQUOR STORES.

Community Development Director Chris Henderson noted that this was another item that had been addressed at a previous meeting. At that time the City Commission requested that the Planning Commission review the topic and make a recommendation. Henderson stated that the Planning Commission had addressed the issue at two separate meetings.

Henderson reported that the Planning Commission recommends that no distance limits for liquor stores be enacted and that liquor stores be permitted by the special use permit in C-1 local commercial districts. Also, the Planning Commission reviewed use tables for all three commercial districts and made recommendations. Discussion of positive and negative elements of the special use permit process followed.

6. COMMENTS FROM MAYOR AND COMMISSIONERS.

Mayor Nicholson complimented City staff for a successful Fourth Of July celebration and fireworks at Lake Ponca. Commissioner Flegler echoed Nicholson's comments.

7. CITY MANAGER COMMENTS.

City Manager Craig Stephenson relayed communications from the ODOT that the Grand Avenue mill and overlay project from Ash Street to Tenth Street was back on the schedule for the coming year. Stephenson then announced that Mayor Nicholson and Commissioner Krueger would be absent from the July 11, 2011 regular meeting, and that confirmation of attendance from the remaining three members would be critical.

Stephenson updated commissioners on the insurance claim from the April storm event, which will be approximately \$1.7M, and does not include damages not covered by insurance such as Ponca City Energy distribution or wi-fi infrastructure. Stephenson then reminded the Commission about the upcoming Oklahoma Municipal League conference to be held from September 13-15, 2011. Stephenson concluded by informing all that KOCO will be in Ponca City on July 27, 2011, and that they hope to broadcast from the Wentz Pool.

8. ENTERTAIN MOTION TO ENTER EXECUTIVE SESSION PURSUANT TO TITLE 25 SECTION 307 OKLAHOMA STATUTES FOR PURPOSES OF DISCUSSING NEGOTIATIONS WITH THE FRATERNAL ORDER OF POLICE (FOP) AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS(IAFF).

Commissioner Flegler made the motion to enter into Executive Session Pursuant to Title 25 Section 307 Oklahoma Statutes for Purposes of Discussing Negotiations with the Fraternal Order of Police (FOP) and the International Association of Fire Fighters (IAFF) at 2:56 p.m. Commissioner Krueger seconded.

9. ADJOURN

Motion by Commissioner Flegler at 3:55 p.m. to adjourn, was seconded by Commissioner Krueger

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

Mayor Nicholson adjourned the meeting at 3:55 p.m.

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

MAYOR

ATTEST:

CITY CLERK