MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
MAY 13, 2013

Southwest Business Products E815989JB

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
R. Mark Macy, Commissioner (arrived at 6:33 p.m.)
Steve Hermann, Commissioner
Diane Anderson, Commissioner
Lanita Chapman, Commissioner
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Others Present: Jim Sindelar, Chris Henderson, Mike Lane, Rob Dick, Don Bohon, Don Nuzum, Butch Herring, Jim Fairbanks, Phil Johnston, Terry Brown, Holly LaBossiere, Rhonda Skrapke, Tana McKinley, Steve Sullivan, City staff; David Myers, PCDA; D.J. Combs, citizens; Beverly Bryant, Ponca City News.

1. CALL TO ORDER

   Mayor Homer Nicholson called the meeting to order at 5:32 p.m.

2. INVOCATION – Reverend Jack Pease, Life Church.

3. PLEDGE OF ALLEGIANCE

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for May: Attentiveness (item taken out of order, after item #14)

****CONSENT AGENDA****

The Board of Commissioners found #5 through #13 non-controversial and routine in nature. Commissioner Anderson requested that item #10 be removed. Commissioner Hermann made the motion to approve the balance of the consent agenda. Chapman seconded.

Roll: Yeas; Hermann, Chapman, Nicholson, Anderson. Nays; none. Motion carried.

5. Consider and Vote Upon Minutes Of The Ponca City Board of Commissioners Regular Session Held April 22, 2013 And Work Session Held May 6, 2013.

6. Consider And Vote Upon Resolution Appropriating Money For Payment Of Claims.

RESOLUTION NO. 6031

A RESOLUTION APPROPRIATING MONEY FOR THE PAYMENT OF CLAIMS.

7. Consider And Vote Upon A Resolution Amending The Operating Budget Of Various City Funds, As Outlined On Amendment #8, For Fiscal Year 2012-13.

RESOLUTION NO. 6032

A RESOLUTION AMENDING THE OPERATING BUDGET OF VARIOUS CITY FUNDS, AS OUTLINED ON AMENDMENT #8, FOR FISCAL YEAR 2012-13.

8. Consider And Vote On Authorizing Mayor To Execute "Stipulation Correcting Easement" For Property Whose Common Address Is 1031 N. Waverly Owned By K&C Manufacturing.

9. Consider And Vote On An Application For A Rural Water Meter To Be Place On A (Commercial) Tract Of Land Containing Less Than 5 Acres, Legally Described As Part Of The Southwest Quarter Of The Southwest Quarter Of Section 1, T26N, R2E, Located At 4505 North Highway 77.

10. Consider And Vote On Request From The Ponca City Phillips 66 Refinery, For Use Of "Self Contained Mobile Stage" At North Employee Parking Lot Of Phillips 66 For An Employee/Contractor Appreciation Event May 23, 2013.

11. Consider And Vote Upon Change Order No. 1 In The Add Amount Of $10,325, And The Final Payment, In The Amount Of $22,319.36, To Earth Smart Construction, Inc. To Accept All Work As Complete For "Lansbrook Culvert And Channel Improvements" Project No. HMGPC 13-1.

12. Consider And Vote For An Agreement For Professional Airport Consulting Services With LBR, Inc. For The Ponca City Regional Airport.

13. Consider And Vote On Amendment No.1 To LBR, Inc. For Professional Airport Consulting Services For Airport Improvement Projects (AIP).

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

14. Motion by Commissioner Hermann to approve item #10 was seconded by Commissioner Chapman.

Roll: Yeas; Hermann, Chapman, Nicholson. Nays; Anderson (abstained). Motion carried.

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

15. Mayor Nicholson encouraged all to slow down as school ends, and beware of pedestrians. Commissioner Hermann gave positive comments on the new Lake Ponca Bridge.

****REPORTS****

16. CITY MANAGER'S REPORT

City Manager Craig Stephenson reported that Oklahoma Main Street held their 24th Annual Main Street Awards and once again Ponca City Main Street was to be commended. There

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were three finalists and two top award winners. In the Best Community Education/Public Awareness Activity the Ponca City Main Street's "Magic School Bus Tour through Adventures in History" garnered top honors. Our very own Jayne Detten was selected as the Program Manager of the Year. Congratulations to Jayne and for all Ponca Main Street as they also had a finalist in the Best Façade Rehabilitation Under $10,000 for the "Pine Street Wood Shop".

The City is planning a ribbon cutting for both the Lake Ponca Bridge project and the Lake Ponca Lift Station and Restroom project on May 28, 2013 at 4:00 p.m.

May 12 - 18, 2013 is National Police Week. May 15, 2013 is Peace Officer's Memorial Day, and in 1962 President John F Kennedy signed into public law that the week in which May 15th falls is National Police Week. The law, amended a few times since, now directs that the United States flag be displayed at half-staff on all government buildings on May 15th each year.

This year's Take 25 event will take place Friday, May 24, 2013 at the Ponca City Aquatic and Family Center-YMCA from 5:00 to 8:00 p.m. A myriad of fun events is planned. Safety items and brochures will be distributed and refreshments served. This is the second year for the event to be held locally.

The Environmental Services Department is beginning to provide education in the form of news briefs to promote water conservation to the residents of the community. The water well fields and water plant are in good shape, but it is prudent that we educate and promote water conservation as water is an extremely valuable resource.

May is National Physical Fitness and Sports Month. Just 30 minutes of moderate exercise per day, five days a week, can help adults reduce their risks for high blood pressure, high blood cholesterol, heart disease and Type 2 diabetes – all of which affect Oklahomans at a higher rate than the national average. Health experts encourage children and teenagers to get at least 60 minutes of physical activity each day to improve muscular fitness, along with bone and heart health.

17. RECEIVE PONCA CITY DEVELOPMENT AUTHORITY REVIEW

Ponca City Development Authority Executive Director David Myers gave an update on the local economy. Myers reviewed unemployment numbers, the latest successes of Project Blue wave, and a status update on construction of the new spec building. Myers then highlighted recent job related announcements in Ponca City and concluded with news that they have 11 companies in active project list.

****NEW BUSINESS****

18. Consider And Vote On A Resolution Of The City Of Ponca City Requesting The Support Of Our Elected Representatives To Support HB 1875 For The 2013 State Of Oklahoma Legislative Session.

RESOLUTION NO. 6033

A RESOLUTION OF THE CITY OF PONCA CITY REQUESTING THE SUPPORT OF OUR ELECTED REPRESENTATIVES TO SUPPORT HB 1875 FOR THE 2013 STATE OF OKLAHOMA LEGISLATIVE SESSION.

Commissioner Hermann made the motion to approve item 18. Commissioner Anderson seconded.

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

19. Consider And Vote On A Contract In The Amount Of $58,386 Between Polaris Integrated Library System And The Ponca City Library To Provide Software, Data Migration And Staff Training.

Commissioner Anderson made the motion to approve the contract in the amount of $58,386 between Polaris Integrated Library System and the Ponca City Library to provide software, data migration and staff training. Commissioner Chapman seconded.

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

20. Consider And Vote On The Purchase Of A Type 1 Class 1 Ambulance Vehicle In The Amount Of $107,943 From Southwest Ambulance Sales For The City Of Ponca City Fire Department.

Commissioner Chapman made the motion to approve the item as stated. Commissioner Anderson seconded.

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

21. Consider And Vote On Purchase Of Land In The Amount Of $30,000 For The New Substation On Union Street From Gary Strickland; Including Authorizing Mayor To Execute Purchase Contract And Other City Officials To Take All Actions Necessary To Consummate Sale, Including Paying Closing Costs At Time Of Closing.

Commissioner Hermann made the motion to approve item 21. Commissioner Anderson seconded.

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

22. Consider And Vote Upon Change Order No. 1, In The Add Amount Of $24,098.50 To Ron Welcher Construction, Inc. For The Lake Ponca Restroom And Sanitary Sewer Project.

Commissioner Macy entered the meeting at 6:33pm.

Commissioner Hermann made the motion to approve item 22. Commissioner Anderson seconded.

Roll: Yeas; Hermann, Anderson, Nicholson, Chapman, Macy. Nays; None. Motion carried.

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23. Consider And Vote Upon Planning Commission Recommendation To Remove 2-Hour Parking Restrictions At Various Downtown Locations.

Commissioner Anderson made the motion to approve item 23. Commissioner Chapman seconded.

Roll: Yeas; Anderson, Chapman, Hermann, Nicholson, Macy. Nays; None. Motion carried.

24A Consider And Vote On Ordinance Amending Title 11, Chapter 5, Chapter 6, And Chapter 17, Of The Code Of Ponca City, Providing For The Application Of Specific Bulk Standards For The Placement Of Accessory Buildings; Establishing Setback Ratio Requirements; Amending The Notice Requirements Provided Prior To The Issuance Of A Building Permit; Providing For A Special Exception To The Bulk Standards For Accessory Buildings; Repealing Ordinances In Conflict; And Providing For Severability.

ORDINANCE NO. 6170

AN ORDINANCE AMENDING TITLE 11, CHAPTER 5, CHAPTER 6, AND CHAPTER 17, OF THE CODE OF PONCA CITY, PROVIDING FOR THE APPLICATION OF SPECIFIC BULK STANDARDS FOR THE PLACEMENT OF ACCESSORY BUILDINGS; ESTABLISHING SETBACK RATIO REQUIREMENTS; AMENDING THE NOTICE REQUIREMENTS PROVIDED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT; PROVIDING FOR A SPECIAL EXCEPTION TO THE BULK STANDARDS FOR ACCESSORY BUILDINGS; REPEALING ORDINANCES IN CONFLICT; AND PROVIDING FOR SEVERABILITY.

Commissioner Macy made the motion to approve item 24A as it is written. Commissioner Hermann seconded.

Roll: Yeas; Macy, Hermann, Nicholson, Chapman, Anderson. Nays; None. Motion carried.

24B. Consider And Vote On Emergency Clause Making Ordinance Effective Upon Its Publication.

Commissioner Anderson made the motion to approve emergency clause making ordinance effective upon its publication. Commissioner Macy seconded.

Roll: Yeas; Anderson, Macy, Nicholson, Hermann, Chapman. Nays; None. Motion carried.

25. Consider And Vote On An Ordinance Amending The City Code To Permit The Establishment Of Shooting Ranges Within The City According To City Codes And Other Regulations Contained Herein; Permitting The Discharge Of Firearms Within A Shooting Range; Repealing Ordinances In Conflict And Providing For Severability

ORDINANCE NO. 6171

AN ORDINANCE AMENDING THE CITY CODE TO PERMIT THE ESTABLISHMENT OF SHOOTING RANGES WITHIN THE CITY ACCORDING TO CITY CODES AND OTHER REGULATIONS CONTAINED HEREIN; PERMITTING THE DISCHARGE OF FIREARMS WITHIN A SHOOTING RANGE; REPEALING ORDINANCES IN CONFLICT AND PROVIDING FOR SEVERABILITY.

Commissioner Macy made the motion to adopt item 25 as written. Commissioner Chapman seconded.

Roll: Yeas; Macy, Chapman, Nicholson, Anderson, Hermann. Nays; None. Motion carried.

****PUBLIC HEARINGS****

26. Conduct A Public Hearing On The Proposed Budget For Fiscal Year 2013-14.

No public comment.

27A. Conduct A Public Hearing On Subparagraph (B) Hereof.

Steve Brown, pastor of Life Springs Family Worship Center and resident at 3624 Mistletoe, stated he was not aware of 12-month expiration. Brown noted that Life Springs has been in Ponca City since 1992 and the proposed project is a phase 1, 9,000 square foot multi use facility.

Kim Coons, 1108 Kygar Road, clarified she is not asking that the item be denied, but rather argued that traffic counts are very outdated and that many people will be affected by a high volume of traffic. Coons requested that a detailed traffic study be done in June-August period before the zoning is approved.

Steve Brown addressed concerns over a traffic study and disagreed with a recent letter to the editor that asserted no harm would come from waiting until a traffic study is done. Brown clarified that a contract is in place with time restrictions and delay could jeopardize their ability to buy the land.

Susan Dean, 1401 N. 4th Street, stated she is a member of Life Springs Family Worship Center, and that traffic in her neighborhood is busy during certain times and days, like most parts of the City. Dean argued this is the case all across the City, so there is little difference in concern over heavy traffic near the high school or near Kygar Road.

Dale Coons, 1108 Kygar Road, stated he had written a recent letter to the editor and noted that the land in question has been for sale for some time so he felt that delay should not affect a motivated seller and buyer.

27B. Consider And Vote On An Application For A Special Use Permit In The R-1 Single Family Residential District To Permit A Church On Property Located Northeast Of The Intersection Of Kygar And LA Cann Drive.

Commissioner Hermann recused himself from discussion on the item at the onset, at 7:17 p.m., and exited the meeting.

Commissioner Macy made the motion to approve an application for a Special Use Permit in the R-1 Single Family Residential District to permit a church on property located northeast of the intersection of Kygar and LA Cann Drive and for the City to do a detailed traffic study in the summer months.

Mayor Nicholson allowed further comment from Kim Coons. Macy then withdrew his motion.

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Commissioner Anderson moved to approve item B. Commissioner Macy seconded.

Roll: Yeas; Anderson, Macy, Nicholson. Nays; Chapman. Motion carried.

Commissioner Hermann returned to the meeting at 7:53 p.m.

28A. Conduct A Public Hearing On Subparagraph (B) Hereof.

Margie Taglialatela, 4 Skinner Lane, stated she was not a resident in the City limits, but spoke in support of the range. Taglialatela stated that a range will not be a hang out, but rather it will be a place where conceal to carry holders can get much needed experience with their guns and continuing education.

DJ Combs, 1 Ramblewood, stated he was the applicant and that they plan on doing much good for Ponca City and constructing a top notch facility.

28B. Consider And Vote On An Ordinance Rezoning Property Legally Described As Lots 7 Thru 15, Block 7, Bungalow Heights Addition To The City Of Ponca City, Located At 514 South 14th Street, C-1 Local Commercial To C-2 General Commercial.

ORDINANCE NO. 6172

AN ORDINANCE REZONING PROPERTY LEGALLY DESCRIBED AS LOTS 7 THRU 15, BLOCK 7, BUNGALOW HEIGHTS ADDITION TO THE CITY OF PONCA CITY, LOCATED AT 514 SOUTH 14TH STREET, C-1 LOCAL COMMERCIAL TO C-2 GENERAL COMMERCIAL.

Commissioner Hermann made the motion to approve item 28B. Commissioner Macy seconded.

Roll: Yeas; Hermann, Macy, Anderson, Nicholson, Chapman. Nays; None. Motion carried.

****CITIZENS COMMENTS****

29. None.

RECESS TO PONCA CITY UTILITY AUTHORITY MEETING

Commissioner Anderson made the motion to recess to the Ponca City Utility Authority meeting. Commissioner Hermann seconded.

Roll: Yeas; Anderson, Hermann, Macy, Nicholson, Chapman. Nays; None . Motion carried.

Mayor Nicholson recessed to the Ponca City Utility Authority at 8:07 p.m.

At 8:10 p.m. the Commissions returned to regular session.

30. Entertain A Motion To Enter Executive Session Pursuant To Title 25 Section 307 Oklahoma Statutes For Purposes Of Conferring On Matters Pertaining To Economic Development

Upon Finding That The Matter To Be Discussed Would Interfere With The Development Of Products Or Services Or If Public Disclosure Would Violate The Confidentiality Of The Business.

A motion was made by Commissioner Hermann to enter into executive session. Commissioner Macy seconded.

Roll: Yeas; Hermann, Macy, Anderson, Nicholson, Chapman. Nays; None. Motion carried.

At 8:35 p.m. the Commission returned to regular session.

31. Return To Regular Session And Take Any Necessary Action, If Appropriate, On Items Discussed In Executive Session.

None.

32. The motion to adjourn was made by Commissioner Chapman, and seconded by Commissioner Macy.

Roll: Yeas; Chapman, Macy, Nicholson, Anderson, Hermann. Nays; none. Motion carried.

Mayor Nicholson adjourned the Board of Commissioners meeting at 8:35 p.m.

PASSED IN SESSION AND APPROVED THIS 28TH DAY OF MAY 2013.

POTEAU CITY CORPORATE SEAL STATE OF OKLAHOMA

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
May 13, 2013

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
Steve Hermann, Trustee
R. Mark Macy, Trustee
Lanita Chapman, Trustee
Diane Anderson, Trustee
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Secretary

Others Present: Tana McKinley, Mike Lane, Butch Herring, Don Bohon, Rob Dick, Terry Brown, City staff; David Myers, PCDA; Beverly Bryant, Ponca City News

1. Chairman Homer Nicholson called the meeting to order at 8:07 p.m.

****CONSENT AGENDA****

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

Trustee Macy made the motion to approve the consent agenda. Hermann seconded.

Roll: Yeas; Macy, Hermann, Nicholson, Anderson, Chapman. Nays; None. Motion carried.

2. Consider And Vote Upon The Minutes Of The Regular Session Held April 22, 2013.

3. Consider And Vote Upon A Resolution Appropriating Money For Payment Of Claims.

RESOLUTION NO. 862

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

4. Consider And Vote Upon A Resolution Amending The Operating Budget Of Various Funds Of The Ponca City Utility Authority, As Detailed On Amendment #8, For Fiscal Year 2012-13.

RESOLUTION NO. 863

A RESOLUTION AMENDING THE OPERATING BUDGET OF VARIOUS FUNDS OF THE PONCA CITY UTILITY AUTHORITY, AS DETAILED ON AMENDMENT #8, FOR FISCAL YEAR 2012-13.

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

5. None

****NEW BUSINESS****

None

6. Trustee Anderson made the motion to adjourn the meeting of the Ponca City Utility Authority. Macy seconded.

   Roll: Yeas; Anderson, Macy, Nicholson, Hermann, Chapman. Nays; None. Motion carried.

   Chairman Nicholson adjourned the PCUA Board of Trustees at 8:10 p.m.

PASSED IN SESSION AND APPROVED THIS 28TH DAY of May 2013.

ATTEST: PONCA CITY UTILITY AUTHORITY OFFICIAL SEAL OKLAHOMA

TRUST SECRETARY

CHAIRMAN: