

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
JULY 11, 2005

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 Room at City Hall, 516 E. Grand, with Mayor Richard Stone presiding:

Present: Richard Stone, Mayor
David Cummings, Commissioner
Stan Paynter, Commissioner
Paul Krueger, Commissioner
Diane Anderson, Commissioner
Gary Martin, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Others Present: Clayton Johnson, Holly LaBossiere, Jim Sindelar, Mike Lane, Craig Stephenson, Chris Henderson, Butch Herring, Jim Fairbanks, City staff; Don Bouldin, Carol Bouldin, Homer Nicholson, Jayne Detten, Wayne Levin, Everette Van Hoesen, Rick Hughes, citizens; Rod Bolin, Rog Allen, news press.

1. Mayor Richard Stone called the meeting to order at 5:30 p.m.
2. Rick Hughes, of Victory Tabernacle, gave the invocation followed by the pledge of allegiance.

****CEREMONIES AND PROCLAMATIONS****

None.

****CONSENT AGENDA****

The Board of Commissioners found items #4, #5, #6, #7, #8, and #9 non-controversial and routine in nature. Commissioner Cummings made the motion to approve the consent agenda. Paynter seconded.

Roll: Yeas; Anderson, Krueger, Stone, Paynter, and Cummings. Nays; None. Motion carried.

4. Consider and vote upon minutes of the Ponca City Board of Commissioners special session held June 20, 2005, work session held June 20, 2005, and regular session held on June 27, 2005.

5. **RESOLUTION NO. 5481**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, APPOINTING MEMBERS TO VARIOUS BOARD AND COMMISSIONS AND ESTABLISHING THE TERMS OF OFFICE THEREOF.

<u>BOARD OR COMMISSION</u>	<u>NAME</u>	<u>TERM</u>	<u>TERM EXPIRATION</u>
Historic Preservation Advisory Panel	Seyi A. Oduyungbo	Appointed	May 2007
Senior Advisory Board	Irene Czaplinski	Appointed	May 2007

6. Consider and vote to authorize 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 2005 to June 30, 2006.
7. Consider and vote on a contract to award for road construction materials to the lowest bidder available for July 1, 2005 through December 31, 2005.
8. Consider and vote on a recommendation to reject bids on 'Street Improvement Project – Asphalt Street Rebuilds' Project No. GEN 04 -14.
9. **RESOLUTION NO. 5482**

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

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

10. None.

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

11. Commissioner Anderson thanked Police Chief Clayton Johnson for speaking to the Conoco retirees and City Staff for being so efficient in cleaning up after the storm.

Commissioner Krueger thanked the electric department for their work during and after the storm and gave a Vision 20/20 update.

Commissioner Paynter congratulated Great Race entrants from Ponca City who did very well in the national race.

Commissioner Cummings commended the Fire department for their good work in the recent fire.

Mayor Stone echoed congratulations to the Fire Department and to the Great Race team. Stone also commented on the success of the 4th of July celebration.

****REPORTS****

12. **CITY MANAGER'S REPORT**

City Manager Gary Martin noted that the City has received a new command van vehicle, which will be assigned to Emergency Management under the supervision of Police Chief Clayton Johnson. Martin added that the van was funded through Homeland Security and will be used for various reasons throughout the community when it becomes necessary to set up a command center.

Martin then relayed that a meeting was held with an IRS representative this past week regarding Ponca City Tomorrow and that papers have been drawn up and a formal order issued to dissolve this organization and the 501c(3) that this organization was set up under.

Martin further added that any outstanding amounts owed to the IRS will not be paid.

Martin went on to advise the Commission that the Huffy transformer has been evaluated and it was determined that it was lightning damaged, and will be covered by insurance, but unfortunately the City has a \$50,000.00 deductible, but is cheaper than buying a brand new one, which costs over \$400,000.00, so that unit will be repaired.

Martin advised the Commission many problems were encountered during the recent storm that had not been experienced before. Martin stated that the phone system was lost, the building to use intranet, and the building to page were also inoperable. Martin went on to say that this is the first time in a long time that the City building has lost power, and it was discovered that one of the outlets in the server room was not on the emergency generator. Martin added the Communications Center also had some problems with not being connected to the emergency power generator. Martin further added that all these problems are in the process of being corrected, and this was a lesson to learn that the more electronics, the more research is needed to assure adequate backup.

Martin further iterated to the Commission about the problems at the Waste Water Treatment Plant during the storm due to the power outage. Martin added that the two top priorities during a situation such as this is to get the Water Treatment Plant and Waste Water Treatment Plant back in operation. Martin went on to say that it took an hour and forty-five minutes to get the power back on and as a result there was a major overflow. Martin stated that he anticipates the plant to be reported to the EPA and a terse letter from the EPA is expected regarding the overflow at the plant.

Martin commended the water department on their hard work in repairing the major water main break at 1st and Grand.

****PUBLIC HEARINGS****

- 13A. Conduct a Public Hearing and vote on a Resolution requesting the Oklahoma Department of Transportation to reroute Highway 60 Business North on Waverly from South Avenue to Grand Avenue then East on Grand Avenue to Pine Street.

Mayor Stone opened the public hearing and there being no comments for or against the rerouting of Highway Business 60, the public hearing was closed.

RESOLUTION NO. 5483

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, REQUESTING THE OKLAHOMA DEPARTMENT OF TRANSPORTATION TO REROUTE HIGHWAY 60 BUSINESS NORTH ON WAVERLY FROM SOUTH AVENUE TO GRAND THEN EAST ON GRAND AVENUE TO PINE STREET.

Commissioner Krueger made the motion to approve the request from the Oklahoma Department of Transportation to reroute Highway 60 Business North on Waverly from South Avenue to Grand then East on Grand Avenue to Pine Street. Paynter seconded.

Roll: Yeas; Krueger, Paynter, Stone, Cummings, and Anderson. Nays; None. Motion carried.

14. Conduct a Public Hearing and vote on an Ordinance consenting to the vacation of a portion of Quail Creek Addition to the City of Ponca City, Kay County, State of Oklahoma, and closing Falcon Drive as platted in Quail Creek Addition.

Mayor Stone opened the public hearing and there being no comments for or against the vacation of a portion of Quail Creek Addition and closing Falcon Drive as platted in Quail Creek Addition.

ORDINANCE NO. 6024

AN ORDINANCE CONSENTING TO THE VACATION OF A PORTION OF QUAIL CREEK ADDITION TO THE CITY OF PONCA CITY, KAY COUNTY, STATE OF OKLAHOMA, AND CLOSING FALCON DRIVE AS PLATTED IN QUAIL CREEK ADDITION.

Commissioner Cummings inquired as to how this property was zoned and would the zoning change. Chris Henderson, Community Development Director stated that this area would be developed as single family attached homes. Cummings further inquired as to how this would affect the City's utilities. Henderson responded by saying that the easements where the City has live utilities-sewer and electric-would be retained and not included in the legal description, and would be incorporated with the next plat.

Commissioner Cummings made the motion to approve the Ordinance consenting to the vacation of a portion of Quail Creek Addition to the City of Ponca City, Kay County, State of Oklahoma, closing Falcon Drive as platted in Quail Creek Addition. Krueger seconded.

Roll: Yeas; Krueger, Anderson, Stone, Paynter, and Cummings. Nays; None. Motion carried.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

15. Receive Kay County Sales Tax Report.

County Commissioner Wayne Levin gave an overview of a possible county sales tax proposal for public consideration for various uses. Levin provided the Commission with a handout detailing the various County operations to be funded by the proposed 5/8% sales tax proposal. Levin stated that proposed areas for tax aid would be: County Law Enforcement, Jail maintenance/operations, County roads, Courthouse Maintenance, County General Fund, Grant Funds, Reserve Deputies, County Extension, Juvenile Services/youth, Fire, Ambulance, EMS, and Senior Citizens Centers. Levin stated that the proposed tax would be on a ballot for vote by Kay County Citizens on September 13, 2005, at the same time as the fuel tax increase election.

Levin asked for questions from the Commissioners. Commissioner Paynter inquired that other than possible funding for Youth Services, Fire, Ambulance, and the Senior Citizen Centers, how would the other proposed areas be of benefit to the Citizens of Ponca City and why should they vote for this tax increase.

Commissioner Anderson asked for clarification on County Law Enforcement and would this be to add additional law enforcement officers, and what is the advantage to a county sales tax versus an ad valorem tax increase. Levin stated that the tax would not fund additional officers. In answer to Anderson's question regarding the ad valorem versus the sales tax, he stated that the County is limited to 10 mills and that the sales tax would be fairer.

Commissioner Cummings clarified that the sales tax proposed by the County Commissioners of 5/8% is projected to generate a little over a \$2,400,000 per year, and questioned if the increase is proposed as a permanent tax or does it have a time limit for the duration of the tax. Levin answered that it would be for a period of five years.

Cummings also inquired about the \$248,000 that is noted for use on Maintenance and Operations of the Courthouse, and whether this amount is to supplement the current budget or replace the current budget. Levin could not answer the question without referring to his budget, but stated that he was sure it would take care of annual maintenance. Cummings further questioned if any of the funds from the proposed tax would be for any capital construction of new facilities. Levin answered that nothing was planned except perhaps some renovation to the county jail to be able house more inmates.

Cummings the clarified that the proposed tax would be primarily for maintenance and operation, to which Levin agreed. Cummings also asked whether or not a poll of the average tax rate of the other 69 counties, which have a county tax, had been taken. Levin stated that most of these counties have a one or two percent tax.

Krueger questioned what the current total County budget is. Levin stated that it is \$3.9 million. Krueger stated by his calculations this would then be more than a 50% increase in the operating budget of the County, if approved. Levin qualified that 44% of the proposed tax would be for law enforcement. Levin also stated that the County cannot hold out any longer without a tax increase.

Mayor Stone introduced former Commissioner Stan Kistler, who spoke against the proposed tax increase, giving several reasons why a sales tax increase would not be to the advantage of Ponca City residents, and residents of the County. Kistler stated that he would like to see when the County needs funds to consider raising property taxes, as this would extend the tax over a longer period of time, and also property taxes are deductible from federal and state tax returns. Kistler related that a sales tax at a time when retired senior citizens are finding it harder and harder to meet their expenses would just be another way of penalizing them even more. Kistler remarked that just because the majority of the counties have a countywide sales tax does not mean that it is the smartest way to raise funds. Kistler advised that indicators to attract Economic Development is low sales tax, therefore it is incumbent we keep taxes as low as possible.

16. Consider and vote on the Park and Recreation Advisory Board recommendation to place POW-MIA monument at the southwest corner of War Memorial Park.

Commissioner Paynter made the motion to approve the recommendation from the Park and Recreation Board to place a POW-MIA monument at the southwest corner of War Memorial Park. Anderson seconded.

Roll: Yeas; Anderson, Paynter, Stone, Krueger, and Cummings. Nays; None. Motion carried.

17. Consider and vote on the agreement with the Ponca City Public Schools to receive reimbursement in the amount of \$83,031.00 for providing School Resource Officers and Police Canine services for the 2005-2006 school year.

Commissioner Anderson made the motion to approve the agreement with the Ponca City schools to receive reimbursement in the amount of \$83,031.00 for providing School Resource Officers and Police Canine services for the 2005-06 school year. Cummings seconded.

Roll: Yeas; Cummings, Paynter, Stone, Krueger, and Anderson. Nays; None. Motion carried.

- 18A. Consider and vote on an Ordinance prohibiting carrying of a White Cane unless blind or partially blind and requiring vehicle drivers to yield right of way to certain handicapped persons.

ORDINANCE NO. 6025

AN ORDINANCE AMENDING THE CITY CODE TO PROHIBIT THE CARRYING OF A WHITE CANE BY ANY PERSON WHO IS NOT BLIND OR PARTIALLY BLIND; REQUIRING VEHICLE DRIVERS TO STOP AND YIELD THE RIGHT OF WAY TO BLIND AND CERTAIN OTHER HANDICAPPED PERSONS IN ROADWAYS OR INTERSECTIONS; PROVIDING PENALTY FOR VIOLATIONS THEREOF; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

Commissioner Krueger made the motion to approve the White Cane Ordinance. Paynter seconded.

Roll: Yeas; Anderson, Krueger, Stone, Paynter, and Cummings. Nays; None. Motion carried.

- 18B. Consider and vote on the emergency clause of the Ordinance.

Commissioner Krueger made the motion approving the emergency clause. Paynter seconded.

Roll: Yeas; Krueger, Paynter, Stone, Anderson, and Cummings. Nays; None. Motion carried.

19. ****CITIZENS COMMENTS****

None.

20. Mayor Stone adjourned the Ponca City Board of Commissioners meeting at 6:57 p.m.

PASSED IN SESSION AND APPROVED THIS 25TH DAY OF JULY 2005.

VICE-MAYOR

ATTEST

CITY CLERK