

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
AUGUST 29, 2005

Pursuant to notice as required by law, the Ponca City Board of Commissioners met in special session at 4:06 p.m. in the Commission Room at City Hall, 516 E. Grand, with Mayor Richard Stone presiding:

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

Absent: Paul Krueger, Commissioner

Others Present: Clayton Johnson, Craig Stephenson, Craige Baird, Tana McKinley,  
Butch Herring, City staff; Rod Bolin, Ponca City News

1. Mayor Richard Stone called the meeting to order at 4:06 p.m.

2. **ORDINANCE NO. 6027**

***AN ORDINANCE AMENDING THE CITY CODE BY THE ADDITION OF A NEW "ARTICLE D" TO TITLE 9, CHAPTER 8—PUBLIC UTILITIES, ESTABLISHING NEW BROADBAND INTERNET SERVICE FOR CUSTOMERS; ESTABLISHING RATES AND CHARGES THEREFORE; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.***

A. Commissioner Paynter made the motion to approve the Ordinance amending the City Code by the addition of a new "Article D" to Title 9, Chapter 8—Public Utilities, Establishing new broadband internet service for customers; establishing rates and charges therefore; repealing Ordinances in conflict and providing for severability. Anderson seconded.

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

B. Commissioner Cummings made the motion to approve the Emergency Clause to the Ordinance. Paynter seconded.

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

3. **EXECUTIVE SESSION**

Upon the recommendation of City Manager Gary Martin, Mayor Stone removed Items #3 and #4 from the agenda. Commissioner Anderson made the motion to remove these items from the agenda. Paynter seconded.

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

4. Removed

5. CITY MANAGER'S COMMENTS

City Manager Gary Martin deferred to the City Attorney to get clarification on a recent resolution approved regarding proposed Kay County landfill regulations. City Attorney Kevin Murphy stated that the proposed landfill resolution that came before the Commission at the last meeting had been heavily amended and modified. Murphy further stated that he had been commissioned to draft the Resolution according to Commission comments. Murphy iterated that upon sending out the amended Resolution for Commission approval, he had received a proposed draft from Commissioner Cummings. Murphy related that he liked the draft Commissioner Cummings had proposed, but had some concerns that the Resolution was Ponca City oriented in a lot of respects, and perhaps the Resolution should be written with a broader county generalization. Cummings explained that he wrote the Resolution in representation of Ponca City citizens, as the Commission is not responsible for the citizens of the county.

City Manager Gary Martin interjected that the county is asking for input regarding the issue of the landfill. Martin recounted that there are two issues the City needs to be concerned with and those are: (1) protection of the City's landfill, so that under the new regulations the citizens of Ponca City will not be subjected to higher fees to use the Ponca City landfill, just because the County has adopted new regulations, and (2) the hauling of Kansas trash through Ponca City wearing down our streets and roads. Martin concluded that actually it is a lot about Ponca City.

Commissioner Cummings addressed the items in the Resolution stating that on #1 Ponca City should be left in the wording, as the wells that were being addressed in this item are the water supply for Ponca City. Cummings added that Ponca City could be removed from the wording in #2 as we do not want trash and debris blowing off the site not only in Ponca City, but county-wide, and #3 addresses school zones, churches and street quality specifically for Ponca City, so landfills should be located as to minimize heavy traffic thru Ponca City streets, and maintain our transportation systems in good condition. Further items related by Commissioner Cummings for changes in the Resolution were that no landfills be licensed to be located in the proximity of businesses, residences, and public facilities in the Ponca City area. Cummings also stated that the part of the resolution regarding maintaining our exemption is specific to Ponca City.

Mayor Stone stated that the Commission was in total consensus for City Attorney Kevin Murphy to make the amendments to the Resolution as stated.

City Manager Gary Martin informed the Commission that he and the Mayor had been invited to attend a meeting regarding the sale of Via Christi hospital. Martin stated that he had been researching some cities in Oklahoma who own their hospitals.

Martin further added that City Attorney Kevin Murphy had set up a meeting with some other attorneys regarding the Kroc Grant with the Salvation Army.

Martin explained that due to the rejection of all the bids for the sewer line on 14<sup>th</sup> Street, there has been some talk about the feasibility of pre-qualifying of contractors before the re-bidding the project.

Martin reported of a meeting with former Environmental Services Director, Chad Morris, and the possibility of teaming up with Stillwater to build a new 36" water line from Kaw Lake to

Stillwater. Martin stated that Morris had informed them of special funding offered by the Corps of Engineers called the Water Resources Development Act of 1992, which is 75/25 funding. Martin stated that if this project were entered into with Stillwater, the possibility might be to run the line from Kaw Lake to Ponca City and then down Highway 177 to Stillwater.

Martin advised that he normally did not air dirty laundry during the Commission meeting, but wished to relate a complaint he had received from the Osage Ambulance Service regarding the drowning of the three-year old girl at Kaw Lake. Martin stated that the owner of the Osage Ambulance service was upset that Ponca City had sent an ambulance with the rescue truck, which is normal procedure. Martin advised that the owner of the Osage Ambulance Service felt that the Osage was his territory and Ponca City should not have been there. Martin stated that under the circumstances he felt it did not make a difference on who or how many people were involved.

Martin further communicated to the Commission that due to accidents involving city vehicles, he has scheduled OMAG to give a defensive driving course to City employees.

6. COMMENTS FROM MAYOR AND COMMISSIONERS

Commissioner Cummings welcomed back the Mayor from his recent surgery. Commissioner Paynter echoed Cummings welcome.

Gary Martin, City Manager, asked to have Butch Herring, Fire Chief, give a report to the Commission on the recent drowning of the little 3-year old girl at Kaw Lake.

Herring commended his firefighters and paramedics on a phenomenal job in the process of affecting the recovery. Herring stated that collectively with the Osage County Sheriff's Department, fire personnel, and paramedics they were able to recover the body in approximately two hours. Herring emphasized that the teamwork witnessed in his department was second to none, and thanked Gary Martin for giving him the opportunity to brag about the fire department and the fantastic job they did.

Mayor Stone addressed the issue of the hospital, stating that it had been suggested that a task force be formed of the medical community, citizens, city groups, and government to get some facts together, and see if Via Christi would be receptive to any ideas that might be brought before them. It was decided that this discussion would be continued further after the meeting on Thursday evening with the hospital.

7. Mayor Stone adjourned the Ponca City Board of Commissioners meeting at 4:55 p.m.

***PASSED IN SESSION AND APPROVED THIS 26TH DAY OF SEPTEMBER 2005.***

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MAYOR

ATTEST

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CITY CLERK