

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
SEPTEMBER 12, 2005

Pursuant to notice as required by law, the Ponca City Board of Commissioners met in special session at 5:00 p.m. in the Commission Room at City Hall, 516 E. Grand, with Mayor Richard Stone presiding:

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

Absent: David Cummings, Commissioner

Others Present: Phil Johnston, Terry Brown, Tana McKinley, David Horinek, Don Nuzum, Craig Stephenson, Jim Sindelar, Jim Fairbanks, Chris Henderson, City staff; Jayne Detten, Don Bouldin, Bob Innis, Boy Scout Troop 509, citizens; Rod Bolin, news press

1. Mayor Richard Stone called the meeting to order at 5:00 p.m.
2. Bob Innis, Word of Life Church, 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, #9, #10, #11, #12, #13, and #14 non-controversial and routine in nature. Commissioner Paynter made the motion to approve the consent agenda. Krueger seconded.

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

4. Consider and vote upon minutes of the Ponca City Board of Commissioners special work session held August 22, 2005 and regular session held August 22, 2005.

5. **RESOLUTION NO. 5498**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, CONFIRMING NOMINATIONS OF THE MAYOR OF PONCA CITY, OKLAHOMA FOR APPOINTMENT OF OFFICERS AND DEPARTMENT HEADS FOR THE CITY OF PONCA CITY, OKLAHOMA AND SETTING THE TERM OF OFFICE THEREOF.

6. Consider and vote on renewal agreement between the City of Ponca City and the Northern Oklahoma Youth Services Center & Shelter, Inc. (NOYS) in the amount of \$15,000 and authorize the Mayor to sign an agreement on behalf of the City.

7. Consider and vote on renewal agreement between the City of Ponca and United Community Action Program, Inc. for Transportation Services provided by Cimarron Transit in the amount of \$10,000.00.
8. Consider and vote on renewal agreement between the City of Ponca City and Ponca City Main Street in the amount of \$30,000.00 and authorize the Mayor to sign the agreement on behalf of the City.
9. Consider and vote on the lease renewal for Fiscal Year 2005-2006 of Enrique Avila, D/B/A Enrique's Café.
10. Consider and vote on the waiver of the lease fee for the Ponca City Humane Society for 2005-2006 fiscal year.

11. **RESOLUTION NO. 5499**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, APPROVING CONTRACT WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION PROVIDING FOR RESPECTIVE DUTIES IN UTILITY RELOCATION AND RIGHT OF WAY MANAGEMENT ASSOCIATED WITH HWY 77 RELOCATION.

12. Consider and vote to award and authorize the Mayor to execute a contract with Smith, Roberts, Baldischwiler to provide engineering services for plan and specification preparation for the reconstruction and widening of Hartford Avenue from Waverly to Ash.

13. **RESOLUTION NO. 5500**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGETS OF VARIOUS FUNDS FOR THE FISCAL YEAR 2005-06.

14. **RESOLUTION NO. 5501**

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

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

15. None

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

16. Commissioner Stan Paynter encouraged everyone to go out and vote tomorrow and expressed his appreciation to Mayor Stone and Commissioner Krueger for their work with the Vision 2020 group.

Mayor Stone referred to Commissioner Krueger for comments on the approval of the Kroc grant for Ponca City. Commissioner Krueger stated that Ponca City is one of the smallest communities to be approved for this grant. Krueger emphasized that there will be challenges ahead working out the difficulties of using public financing to cooperate with a private trust, such as the Kroc Foundation. Krueger went on to say that there is confidence that this can be accomplished. Krueger concluded that this is exciting, as this is a whole new vision for Ponca City.

Mayor Stone advised that the Salvation Army has set aside \$20 million for funding, and the City will need to match \$10 million; therefore the City will be coming to the community with detailed information on the project and its cost.

****UNFINISHED BUSINESS**** (TAKEN OUT OF ORDER)

None.

****NEW BUSINESS**** (TAKEN OUT OF ORDER)

20. Consider and vote to receive bids and approve purchase of two (2) 2005 Chevrolet Impala Police Package vehicles on the low bid from Hudiburg Auto Group of Oklahoma City in the amount of \$35,014.00.

Commissioner Krueger made the motion to approve the purchase of two (2) 2005 Chevrolet Impala Police package vehicles on the low bid from Hudiburg Auto Group of Oklahoma City in the amount of \$35,014.00. Paynter seconded.

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

21. Consider and vote to award and execute a contract to Watson Construction for the reconstruction of three single Family Homes to be funded through the HOME Investments Partnership Owner-Occupied Rehabilitation Program in the amount of \$221,334.00.

Commissioner Anderson made the motion to award and execute a contract to Watson Construction for the reconstruction of three single family homes to be funded through the HOME Investments Partnership Owner-Occupied Rehabilitation Program in the amount of \$221,334.00. Paynter seconded.

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

22. Consider and vote to approve the City of Ponca City entering into an agreement with the Premier Speakers Bureau confirming Art Linkletter to appear at the Poncan Theatre on Sunday November 6, 2005 at 3:00 p.m. in order for the Senior Advisory Board to promote successful aging through mental stimulation, exercise, good nutrition, and stress reduction.

Commissioner Krueger made the motion to approve the City of Ponca City entering into an agreement with the Premier Speakers Bureau confirming Art Linkletter to appear at the Poncan Theatre on Sunday, November 6, 2005 at 3:00 p.m. in order for the Senior Advisory Board to promote successful aging through mental stimulation, exercise, good nutrition, and stress reduction. Anderson seconded.

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

23. Consider and vote on an agreement with the Poncan Theatre confirming Art Linkletter to appear at the Poncan Theatre on Sunday, November 6, 2005 at 3:00 p.m. in order for the Senior Advisory Board to promote successful aging through mental stimulation, exercise, good nutrition, and stress reduction.

Commissioner Paynter made the motion to approve an agreement with the Poncan Theatre confirming Art Linkletter to appear at the Poncan Theatre on Sunday, November 6, 2005 at 3:00 p.m. in order for the Senior Advisory Board to promote successful aging through mental stimulation, exercise, good nutrition, and stress reduction. Krueger seconded.

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

24. Consider and vote to approve a final plat for North Huntington Addition to the City of Ponca City, located east of the 3300 block of North Turner.

Chris Henderson, Community Development Director, explained to the Commission that this item is a final plat consisting of 26 proposed lots on approximately 9.5 acres at the north end of the Turner extension. Henderson further added that this development has been through the Technical Review Committee, which is staff and utility providers, and also the Planning Commission, and meets all the technical merits contained in the City's subdivision regulations. Henderson stated that there is one area where the developer is in disagreement with staff recommendations. Henderson related that this subdivision will have dead-end streets, and this is where the disagreement is. Henderson stated that the question is, should the streets be barricaded so that people cannot continue north, or have a turn-around to allow fire vehicles and solid waste vehicles to be able to turn-around without having to back up. David Horinek, Solid Waste Superintendent, and Bill Bridges, Fire Marshall, addressed the issues regarding the solid waste trucks and fire vehicles in this area, and the necessity of having a turn-around.

Mayor Stone addressed these issues by stating that these items are not in the City code and he does not believe that this item should be the burden of the developer; if it is needed then the departments should find a way to work this item into their budgets and provide for the turn-around. Paynter echoed his agreement with the Mayor. Commissioner Krueger stated that he also was in agreement with the Mayor, and that if the City codes are not sufficient to meet the needs of the Solid Waste Department and Fire Department, then the City needs to consider changing their codes. Krueger further added that it is not fair to change the plan in mid-stream, and make requirements on the builder that were not there at the beginning of the

process.

Commissioner Paynter made the motion to approve a final plat for North Huntington Addition to the City of Ponca City, with the exception of Staff recommendation to use a “hammerhead or “I” turn around at the dead end streets on Turner and North Huntington Street, which would accommodate turn around movements of solid waste vehicles and firefighting apparatus. Krueger seconded.

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

****REPORTS****

25. CITY MANAGER'S REPORT (TAKEN OUT OF ORDER)

Gary Martin gave an update on what is happening with Cimarron Broadband and stated that this item would be discussed in further detail at a future work session.

Martin also reported that he had met with Fire Chief Butch Herring regarding the assignment of Fire Marshall Bill Bridges to assist in handling the issues of high grass and weeds.

Martin stated that he had attended a meeting with the YMCA board, and they are seeking approval to go ahead with the demolition of the building which houses the pool. Martin added that this will be discussed at the next regular meeting, but that the big question will be who will be responsible for the funding of the demolition.

Martin informed the Commission that the monthly tax report had been received, and that sales tax was down 1.85% from the same period as last year. Martin added that the latest report from Ken Bryer at the City garage was that if the spending for fuel continues at the current rate, the budget will be expended by February. Martin stated that Finance Director, Marc LaBossiere is comfortable that these costs can be covered. Martin concluded that this issue will be reviewed again in the next month or two.

Mayor Stone recognized Boy Scouts from Troop 509.

26. RECEIVE ANNUAL REPORT ON THE CANN ESTATE TRUST (TAKEN OUT OF ORDER)

Martin Landry, CFA and Vice-President of Bank of America, gave a brief summary report on the Lester and Mary Cann Memorial Garden Perpetual Foundation Fund.

****CITIZENS' COMMENTS**** (TAKEN OUT OF ORDER)

Jayne Detten, Main Street Director, stated that she had a celebration announcement to make. Detten advised that there was to be birthday celebration for Ponca City on City Hall lawn on September 17, 2005 from 6:00 p.m. to 8:00 p.m., with the Mayor giving a welcome to the community.

****PUBLIC HEARINGS****(Taken Out of Order)

17. Conduct a Public Hearing and vote to consider a petition to renew a Special Use Permit in the C-1 Local Commercial Zoning District for a “Boarding House”, located at 400 N. 2nd Street.

There being no comments for or against the petition to renew a Special Use Permit in the C-1 Local Commercial Zoning District for a “Boarding House” located at 400 N. 2nd Street, Mayor Stone closed the Public Hearing.

Commissioner Paynter made the motion to approve the petition to renew the Special Use Permit in the C-1 Local Commercial Zoning District for a “Boarding House”, located at 400 N. 2nd Street. Anderson seconded.

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

18. Conduct a Public Hearing and vote on a petition for a special use permit in the R-1 Single Family Residential District for Expansion of the Ponca City Seventh-Day Adventist Church, located at 511 and 513 Waverly.

There being no comments for or against the petition for a special use permit in the R-1 Single Family Residential District for Expansion of the Ponca City Seventh-Day Adventist Church, located at 511 and 513 Waverly, the Public Hearing was closed.

Commissioner Anderson moved to approve the special use permit. Krueger seconded.

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

19. **ORDINANCE NO. 5501**

AN ORDINANCE AUTHORIZING THE CLOSING OF OTOE AVENUE, BETWEEN SEVENTH AND EIGHTH STREETS, CITY OF PONCA CITY, KAY COUNTY, OKLAHOMA

Chris Henderson, Community Development Director, stated that plans are underway to reconstruct the Garfield Academy building, located between 7th and 8th Streets and bordering Otoe Avenue. Henderson explained that the previous Garfield Academy was a multi-story building requiring a smaller space than the new single story building that is to be constructed. Henderson further added that the school has requested that the City close Otoe Avenue to allow for more space for playgrounds and off-street parking. Henderson explained that in order to close a public road or easement, a public hearing must be held before the Planning Commission and subsequently before the Mayor and Board of Commissioners.

Henderson stated that all property owners lying within 30 feet of the subject easement have been notified, as well as any utility service companies that might have an interest in the street right of way, and no comments have been received by either property owners or utility providers in opposition of the closing of this specific easement.

Mayor Stone opened the Public Hearing and asked for anyone who would like to speak for or against the closing of Otoe Avenue between seventh and eighth streets to come forward and

state their case. There being no comments for or against the closing of Otoe Avenue, the Mayor closed the Public Hearing.

Commissioner Paynter made the motion to approve the Ordinance closing a portion of Otoe Avenue between 7th and 9th Streets, located south of Garfield Academy. Krueger seconded.

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

RECESS TO AUTHORITY MEETING

Mayor Stone recessed to the Utility Authority meeting at 5:49 p.m.

- 29.. Mayor Stone called the Board of Commissioners regular meeting back to order at 6:06 p.m. Commissioner Paynter moved to enter into Executive Session pursuant to Title 25, O.S. for the purpose of discussing of negotiations with the I.A.F.F. Krueger seconded.

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

22. The Board of Commissioners returned to regular session with no action being taken.

23. Mayor Stone adjourned the Ponca City Board of Commissioners meeting at 6:21 p.m.

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

MAYOR

ATTEST

CITY CLERK