

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
OCTOBER 24, 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
Paul Krueger, Commissioner
David Cummings, Commissioner
Stan Paynter, Commissioner
Diane Anderson, Commissioner
Gary Martin, City Manager
Marc LaBossiere, Finance Director/City Clerk
Kevin Murphy, City Attorney

Others Present: Clayton Johnson, Phil Johnston, Mike Lane, Butch Herring, Bill Bridges, Paula Cain, Terry Brown, Jim Fairbanks, Craig Stephenson, City staff; citizens; Rog Allen, Rod Bolin, news press.

1. Mayor Richard Stone called the meeting to order at 5:30 p.m.
2. Ben Shoemaker, Young Life Church, gave the invocation followed by the pledge of allegiance.

****CEREMONIES AND PROCLAMATIONS****

4. Proclamation: Muscular Dystrophy Association Month
5. Proclamation: Oklahoma Heritage Week
6. Character Trait for October: Patience presented by Lowell LeFebvre, Mertz – due to technical difficulties with the power point presentation, the Character Trait for October was postponed until the next meeting.

****CONSENT AGENDA****

The Board of Commissioners found items #7, #8, #9, #10, #11, #12, #13 and #14, non-controversial and routine in nature. Commissioner Cummings made the motion to approve the consent agenda. Paynter seconded.

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

7. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held October 10, 2005.
8. **RESOLUTION NO. 5505**

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

9. **RESOLUTION NO. 5506**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, APPOINTING GARY MARTIN TO SERVE ON THE ELECTION COMMITTEE AND BOARD OF DIRECTORS OF THE OKLAHOMA MUNICIPAL POWER AUTHORITY.

10. Consider and vote on the approval of the Bid Committee's recommendation for the demolition of a public nuisance located at 436 South Perry and award a contract to Ron Clark Construction in the amount of \$3,175.00.
11. Consider and vote on a request by Mertz Manufacturing to burn brush within the City limits.
12. Consider and vote on a request by Tom Rhodes to burn brush within the City limits.
13. Consider and vote on an annual lease agreement with Charles M. Miller for property located at 1804 Lake Road, City of Ponca City.

14. **RESOLUTION NO. 5507**

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 Anderson recognized the Boy Scouts in the audience, stating that she had an appointment to speak with them regarding City issues on November 16, 2005.

Commissioner Krueger reminded everyone to be sure and turn back their clocks on Sunday morning, and to be aware of the trick or treaters, and drive carefully, as Halloween is approaching.

Commissioner Paynter congratulated the Po-Hi Wildcat football team, and encouraged all residents to support them.

Mayor Stone reminded everyone that Thursday evening is downtown trick or treat night with the Main Street Merchants.

****REPORTS****

17. **CITY MANAGER'S REPORT**

City Manager Gary Martin informed the Commission about several important meetings held

last week regarding emergency generators, the Kroc Center, pre-construction for the sewer line project for South 14th, and back-up generation for the water plant.

Martin made the announcement that Craig Stephenson had been promoted to Assistant City Manager of Public Works, and that Tana McKinley would continue to be Assistant City Manager of Administration. Martin further added that a retreat would be forthcoming to talk about other organizational restructuring.

Martin stated that a delegation from Beijing, China, Sister City to Ponca City, will be here on Wednesday, November 2, 2005, for a short visit.

Other items of mention by Martin were: (1) the Collinsville Mayor had visited City Hall and was very impressed; (2) applications for vacancies in the fire department were being taken, and the fire chief will be testing applicants on October 28, 2005; (3) Marsh Lake at the Marland Mansion has a problem with algae, and the lake is being drained in order to clean out the silt and increase the depth to help in preventing algae growth.

Martin concluded by asking that an executive session be added as 23A to the agenda to discuss pending litigation on the ConCarb lawsuit. Martin stated that no action would be taken. Martin explained that this item arose this a.m., after the agenda was prepared on Friday.

BUDGET STATUS REPORT

Receive Budget Status Report for the fourth quarter ended June 30, 2005.

Finance Director Marc LaBossiere gave a power-point presentation of the budget status report for the fourth quarter ending June, 30, 2005.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

19A.

ORDINANCE NO. 6030

AN ORDINANCE AMENDING SECTION 6-7-2 OF THE CITY CODE BY SPECIFYING WHO MAY DECLARE LOCAL EMERGENCIES AND CONFERRING SPECIAL POWERS TO BE EXERCISED DURING DECLARED EMERGENCIES; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

Commissioner Paynter made the motion to approve an Ordinance amending section 6-7-2 of the City Code by specifying who may declare local emergencies and conferring special powers to be exercised during declared emergencies; repealing Ordinances in conflict. Krueger seconded

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

- 19B. Consider and vote on the Emergency Clause of the Ordinance.

Commissioner Krueger made the motion to approve the emergency clause to the Ordinance amending section 6-7-2 of the City Code by specifying who may declare local emergencies and conferring special powers to be exercised during declared emergencies. Cummings seconded.

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

20. Consider and vote upon approving Change Order No. 1, in the add amount of \$149,435.35, to Chitwood Construction Company, Inc. for work to be completed on “Street Improvement Project – Concrete Street Reconstruction.”

Commissioner Krueger made the motion to approve Change Order No. 1 in the add amount of \$149,435.35, to Chitwood Construction Company, Inc. for work to be completed on “Street Improvement Project – Concrete Street Reconstruction.” Anderson seconded.

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

21. **RESOLUTION NO. 5508**

A RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF AMENDMENT NO. 1 TO POWER SALES CONTRACT BETWEEN PONCA CITY UTILITY AUTHORITY AND OKLAHOMA MUNICIPAL POWER AUTHORITY.

Commissioner Cummings made the motion to approve the Resolution approving the execution and delivery of Amendment No. 1 to Power Sales contract between Ponca City Utility Authority and Oklahoma Municipal Power Authority. Krueger seconded.

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

22. **RESOLUTION NO. 5509**

A RESOLUTION AUTHORIZING AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF PONCA CITY AND PONCA CITY UTILITY AUTHORITY TO PROVIDE FOR AN EXTENSION OF THE TERM OF THE LEASE.

Commissioner Anderson made the motion to approve the amendment to the lease agreement dated July 24, 1984 between the City of Ponca City and Ponca City Utility Authority to provide for an extension of the term of the lease to such date as the Oklahoma Municipal Power Authority contract is to expire. Cummings seconded.

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

****CITIZENS COMMENTS****

23. None.

RECESS TO AUTHORITY MEETING

23A. Mayor Stone recessed to the Utility Authority meeting at 6:25 p.m. The Commission reconvened at 6:27 p.m.

23B. Consider and vote to enter Executive Session to discuss pending litigation.

Commissioner Cummings moved to enter into Executive Session pursuant to Title 25, O.S. for the purpose of discussing pending litigation. Anderson seconded.

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

The Commission returned from Executive Session at 6:37 p.m.

Commissioner Paynter made the motion to adjourn the regular meeting of the Board of Commissioners. Krueger seconded. Meeting adjourned at 6:40 p.m.

Roll: Yeas; Paynter, Krueger, Stone, and Anderson. Nays; None. (Cummings left the executive session at 6:37 p.m.) Motion carried

24. Adjourn

PASSED IN SESSION AND APPROVED THIS 14TH OF NOVEMBER 2005.

MAYOR

ATTEST

CITY CLERK