

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
NOVEMBER 28, 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: Phil Johnston, Mike Lane, David Horinek, Craig Stephenson, Chris Henderson, Dwaine Vincent, Butch Herring, Don Nuzum, Todd Smith, Tana McKinley, City staff; David Myers, PCDA; citizens; news press.

1. Mayor Richard Stone called the meeting to order at 5:31 p.m.
2. Monte Nichols, St. Luke's Nazarene Church, gave the invocation followed by the pledge of allegiance.

****CEREMONIES AND PROCLAMATIONS****

4. Competitive Utility Program (CUP) Presentation from OMPA.
5. Character Trait for November: Initiative presented by Arlene Stauffer.

****CONSENT AGENDA****

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

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

6. Consider and vote upon minutes of the Ponca City Board of Commissioners session held November 14, 2005.
7. Consider and vote to write off ambulance accounts with delinquent balances and transfer uncollectible to collection agency.
9. **RESOLUTION NO. 5512**

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

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

10. Commissioner Cummings removed Item #8 from the consent agenda stating that he would like to see a clause added stating that the lease is “not assignable.” Cummings further noted that the lease was signed by Mary Jeans’ husband, and not Mary Jeans, which makes the lease not a legal contract, unless he is her power of attorney. Cummings recommended that Mary Jeans sign the document personally. With those amendments, Cummings moved to approve the lease. Kruger seconded the motion.

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

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

11. Commissioner Anderson reminded the community to “Shop Ponca First” this holiday season. Anderson also commended the ambulance staff, which had a very busy weekend.

Commissioner Krueger encouraged citizens to go out and see the Christmas lights. Krueger also applauded the volunteers and City crews who have done an excellent job in putting up the Christmas decorations.

Commissioner Paynter reminded citizens about the Christmas parade on Friday, December 2, 2005, at 6:00 p.m. Paynter concluded by saying that the rumor is that Santa Claus will make an appearance.

Commissioner Cummings commented on how festive the City Building looks, with all of its Christmas decorations, and added that citizens should appreciate their City.

Mayor Stone stated that Christmas had started with a flourish in Ponca City and also encouraged citizens to shop locally.

Mayor Stone also spoke about a letter he had sent to Jim Mulva upon the announcement of several jobs being relocated from Texas to Bartlesville, and that he had received a letter in return thanking Ponca City for their support.

Stone announced that Via Christi Hospital had made a decision at noon today to sell the hospital to Community Health Systems of Nashville, Tennessee.

****REPORTS****

12. CITY MANAGER'S REPORT

City Manager Gary Martin advised citizens that had applied for the tornado shelter grant, that due to Hurricane Katrina the date had been changed from October 2005 to March 3, 2006, before any announcement would be made regarding the grant.

Martin further stated that several City staff members had been requested to attend a meeting in Oklahoma City at the Board of Regents to discuss Cimarron Broadband.

Martin also gave an update on the fire at the diesel plant. Martin related that cost for repairs were estimated to be between 1.4 million to 2.75 million dollars, and the anticipated time for getting the damaged steam unit up and running is April 1, 2006, if the unit can be repaired. Martin went on to say that if it has to be replaced, it will take a lot longer. Martin advised that the building was insured by OMPA and not the City.

Martin asked that an item, which was received late, be added to the Executive session, regarding a pending litigation which the Commission needs to be advised of. Martin concluded that no action would be taken.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

13. Consider and vote on proposal of Evans and Associates to purchase borrow dirt from City of Ponca City.

Commissioner Cummings made the motion to approve a proposal of Evans and Associates to purchase borrow dirt from City of Ponca City. Krueger seconded.

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

14. **RESOLUTION NO. 5513**

A RESOLUTION SETTING DATE FOR MUNICIPAL ELECTION AND RUNOFF ELECTION, IF NECESSARY, STATING OFFICES TO BE FILLED, SETTING FILING PERIOD, STATING TERM OF OFFICE, SPECIFYING QUALIFICATIONS FOR SAID OFFICES IN ACCORDANCE WITH THE CITY CODE, THAT ALL OFFICES MAY BE FILLED BY VOTING AT LARGE, DIRECTING THE ELECTION BE CONDUCTED BY THE COUNTY ELECTION BOARD; AND AUTHORIZING THE MAYOR TO SIGN A PROCLAMATION CALLING AN ELECTION.

Consider and vote upon a Resolution setting the date for Municipal Election and Runoff Election, if necessary, stating offices to be filled, setting filing period, stating term of office, specifying qualifications for said offices in accordance with City Code, that all offices may be filled by voting at large, directing the election to be conducted by the Kay County Election Board; and authorizing the Mayor to sign a Proclamation calling an election.

Commissioner Paynter made the motion to approve the Resolution setting the date for Municipal Election and Runoff Election, if necessary, stating offices to be filled, setting filing period, stating term of office, specifying qualifications for said offices in accordance with City Code, that all offices may be filled by voting at large, directing the election to be conducted by the Kay County Election Board; and authorizing the Mayor to sign a Proclamation calling an election. Cummings seconded.

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

****CITIZENS COMMENTS****

Dwayne Camp, a member of the Ponca Nation gave comments and concerns on a proposed extension of the landfill within its current approved footprint.

RECESS TO AUTHORITY MEETING

16. Mayor Stone recessed to the Utility Authority meeting at 6:15 p.m. The Commission returned to regular session at 6:40 p.m.
17. Commissioner Cummings made the motion to enter into 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, and also a pending litigation at 6:40 p.m. Anderson seconded.

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

18. The Commission returned from Executive Session at 7:25 p.m.

Commissioner Cummings made the motion to adjourn the regular meeting of the Board of Commissioners. Anderson seconded.

Mayor Stone adjourned the Ponca City Board of Commissioners at 7:25 p.m.

PASSED IN SESSION AND APPROVED THIS 12TH DAY OF DECEMBER 2005.

MAYOR

ATTEST

CITY CLERK