

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
MAY 12, 2008

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 Chamber at City Hall, 516 E. Grand, with Mayor Homer Nicholson presiding:

Present: Homer Nicholson, Mayor  
Diane Anderson, Commissioner  
Lanita Chapman, Commissioner  
Wayne Foxworthy, Commissioner  
Gary Martin, City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Finance Director/City Clerk

Absent: Stan Paynter, Commissioner

Present: Butch Herring, Chris Henderson, Craig Stephenson, Bob Miller, Jim Sindelar, Judi Newland, John Rhyne, Tana McKinley, City staff; Joe Masnica, citizen; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:32 p.m.
2. Invocation – Andy Gifford, First Presbyterian Church
3. Pledge of Allegiance

**\*\*CEREMONIES AND PROCLAMATIONS\*\***

4. Proclamation: Emergency Medical Services Week
5. Character Trait for May is Wisdom presented by Malcom Cooper.

**\*\*CONSENT AGENDA\*\***

The Board of Commissioners found items #6, #7, #8, #9, #10, #11, #12, and #13 non-controversial and routine in nature. Commissioner Anderson made the motion to approve the consent agenda. Chapman seconded.

Roll: Yeas; Anderson, Chapman, Nicholson, and Foxworthy. Nays; None. Motion carried.

6. Consider and vote upon minutes of the Ponca City Board of Commissioners Special Sessions held April 21, April 22, and April 28, 2008 and regular session held April 28, 2008.

7. **RESOLUTION NO. 5683**

***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 THE OFFICE THEREOF.***

<u>BOARD OR COMMISSION</u>	<u>NAME</u>	<u>TERM</u>	<u>TERM EXPIRATION</u>
Airport Advisory Board	Edward Jones	Re-Appointed	2010
Airport Advisory Board	Steve McGuire	Re-Appointed	2011
Airport Advisory Board	Dawson Smith	Re-Appointed	2011
Board of Adjustment	Tim Burg	Re-Appointed	2011
Historic Preservation Advisory Panel	Timilyn Crank	Re-Appointed	2011
Park & Recreation Advisory Board	Wes Young	Re-Appointed	2011
Planning Commission	Tim Burg	Re-Appointed	2011
Senior Advisory Board	Stan Brown	Re-Appointed	2011
Senior Advisory Board	Charles Clark	Re-Appointed	2011
Senior Advisory Board	Joan Clark	Re-Appointed	2011
Senior Advisory Board	Robert Montgomery	Appointed	2011
Traffic Commission	James Kanelakos	Re-Appointed	2011
Traffic Commission	Rick Norris	Re-Appointed	2011

8. Consider and vote on extension of Hutchins Memorial rental agreement with Life Center.
9. Consider and vote on Mammogram Benefit change to the City of Ponca City's Employee Health Plan effective July 1, 2008.
10. Consider and vote on request by Frank Rorie, property owner, to burn brush within the City limits on the property located at 21 Ginger Drive.
11. Consider and vote on a partial release of a permanent utility easement across property legally described as Lot 10, Huntington Place Addition, located at 2017 Huntington Place.
12. Consider and vote on Change Order No. 1 for Wentz Camp and Pool Renovation Pool Building Restoration Volume II Base Bid in the amount of \$9,600.00
13. **RESOLUTION NO. 5684**

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

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

14. None.

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

15. Mayor Nicholson extended his thanks to technical staff in the control room for providing tele-communications and video to the citizens. Mayor Nicholson further advised that Tuesday May 13, would be Ponca City Day at the state capital. Nicholson also iterated that the new motorcycle police have been very busy, as the tickets and citations are up 74%, since being added the police force.

Mayor Nicholson further added that due to the amount of concern in regards to recycling, he was appointing a committee to study and review if it is feasible to look at some form of recycling. Nicholson appointed Wayne Foxworthy to act as chairman of this committee, and joining him will be Becky Barts, Courtney Lowe, and Paul Krueger. Nicholson further added that David Horinek, Solid Waste Superintendent, would be available to assist the Committee with any information they might need.

Commissioner Anderson reminded citizens that school would soon be out and to drive very carefully.

**\*\*REPORTS\*\***

16 CITY MANAGER'S REPORT

City Manager Gary Martin advised that due to last week's storm, hail damage was received to the City vehicles, and some City facilities. Martin further added that the deductible on the vehicles is very high, so most of that cost will be absorbed within the budgets.

Martin further added that the legislature is going to adjourn in two weeks, and several bills are going to be forced through, that will adversely affect our community, and cost our taxpayers money. Martin stated that one of these forced bills would cause the City to lose control of their rights-of-ways. Martin went on to add that there is also a new bill being heard in Washington D.C. to force most municipals to have "mandatory collective bargaining" with employees, particularly along the public safety line, but there is no definition as to what public safety is.

Martin informed the Commission that the next agenda item on the agenda is the budget for FY 2008-09, and that constant information is being received in regards to cities that are in budget constraints, at this point. Martin went on to say that some are finding it necessary to lay off employees, and making extreme cuts. Martin stated that he was very happy to be able to present to the Commission a balanced budget for this year, but that changes will probably have to be made as to how City government is operated in the future, due to rising costs. Martin commended City staff, and particularly the Financial Department for maintaining the budget levels.

**\*\*PUBLIC HEARINGS\*\***

17. Conduct a Public Hearing on the proposed budget for Fiscal Year 2008-09.

Marc LaBossiere, Finance Director, presented an outline of the FY 2008-09 budget, which begins on July 1, 2008, and a brief review of the process. LaBossiere explained that all Commission requested changes have been made to the proposed budget, and have been published in the Ponca City News in the format required by State Statute. LaBossiere further added that a public hearing is required by the Municipal Budget Act, to be held not less than five (5) days after publication and at least fifteen (15) days prior to the beginning budget year, which begins on July 1, 2008.

Mayor Nicholson opened the Public Hearing and asked if anyone would like to comment.

Joe Masnica, 1709 El Camino, a relatively newcomer to Ponca City, complained to the Commission about city utility rates, and asked questions in regards to the Honeywell Project.

City Manager Gary Martin, Mayor Homer Nicholson, and Finance Director Marc LaBossiere responded to Mr. Masnica's questions.

Mayor Nicholson closed the Public Hearing.

**\*\*UNFINISHED BUSINESS\*\***

None.

**\*\*NEW BUSINESS\*\***

18A. ORDINANCE NO. 6080

*AN ORDINANCE AMENDING SECTION 6-3-14 OF THE CITY CODE TO PROHIBIT LITTERING GENERALLY, BURYING TRASH OR RUBBISH SO AS TO CONSTITUTE A NUISANCE; AMENDING SECTION 6-5-2 TO PROHIBIT BURNING OF TRASH AND RUBBISH WITH IN THE CITY WITHOUT A PERMIT FROM THE FIRE MARSHAL; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.*

Consider and vote on proposed Ordinance amending the City Code regarding littering, burying trash, and open burning.

Commissioner Anderson made the motion to approve the proposed Ordinance amending the City Code regarding littering, burying trash, and open burning. Foxworthy seconded.

Roll: Yeas; Anderson, Foxworthy, Nicholson, and Chapman. Nays; None. Motion carried.

18B. Consider and vote on the Emergency Clause of the Ordinance.

Commissioner Anderson made the motion to approve the emergency clause of the Ordinance. Chapman seconded.

Roll: Yeas; Anderson, Chapman, Nicholson, and Foxworthy. Nays; None. Motion carried

**\*\*CITIZENS COMMENTS\*\***

19. Joe Masnica, 1709 El Camino, had further questions regarding sales tax.

20. Commissioner Foxworthy made the motion to adjourn the Board of Commissioners meeting. Anderson seconded.

Roll: Yeas; Foxworthy, Anderson, Nicholson, and Chapman. Nays; None. Motion carried.

Mayor Nicholson adjourned the Board of Commissioners meeting at 6:27p.m.

***PASSED IN SESSION AND APPROVED THIS 27<sup>TH</sup> DAY OF MAY 2008.***

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MAYOR

ATTEST

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CITY CLERK

