

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
JUNE 9, 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  
Craig Stephenson, Assistant City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Finance Director/City Clerk

Absent: Gary Martin, City Manager  
Stan Paynter, Commissioner

Present: Clayton Johnson, Terry Brown, Judi Newland, Todd Smith, Butch Herring, Mike Chapman, Tana McKinley, City Employees; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:31 p.m.
2. Invocation – Bob Innis, Word of Life
3. Pledge of Allegiance

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

4. Proclamation: World Blood Donor Day.
5. Character Trait for June: Alertness presented by Lori Jones.

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

The Board of Commissioners found items #6, #7, #8, #9, #10, #11, and #12 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 work session held May 5, 2008 and regular session held May 27, 2008.

7. **RESOLUTION NO. 5688**

***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>
Library Board	Judy Jones	Re-Appointed	2011
Library Board	Lorraine Murrison	Re-Appointed	2011
Park & Recreation	Angi Kennedy	Re-Appointed	2011

8. Consider and vote on contract with Perico for individual and aggregate re-insurance on the City's health benefit plan for the fiscal year beginning July 1, 2008 and authorize the Mayor to execute all related documents.
9. Consider and vote on first addendum to Administrative Agreement dated July 1, 2005 and authorize the Mayor to execute all related documents.
10. Consider and vote on acknowledging receipt of the following permits to construct certain improvements of the Ponca City Aquatic & Family Center-YMCA.

<u>AGENCY</u>	<u>PERMIT NO.</u>	<u>IMPROVEMENT</u>
OK State Dept. of Health	36080049	Lap Pool
OK State Dept. of Health	36080050	Family Pool
OK State Dept. of Health	36080051	Hydrotherapy Spa
OK Dept Of Environ. Quality	WL000036080362	3,001 feet of 6" Waterline
OK Dept of Environ. Quality	SL 000036080363	1,293 of 8" Sanitary Sewer

11. **RESOLUTION NO. 5689**

***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 2007-08.***

12. **RESOLUTION NO. 5690**

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

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

13. None.

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

14. Mayor Nicholson commented on the abundant amount of rainfall the City has received in the past few days, and encouraged people to be careful and do not drive into deep water.

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

15. CITY MANAGER'S REPORT

Assistant City Manager Craig Stephenson stated that next week would be the kick-off for the comprehensive planning process for the Community. Stephenson further stated that Kendig-Keast, who has been issued the contract for the City's Comprehensive Plan, would be here meeting with staff members and others in the community.

Stephenson further added that Meshek and Associates have been awarded a contract for the Stormwater master Plan, which hopefully will help eliminate some of the stormwater issues in the community.

RECEIVE POLICE DEPARTMENT 2007 ANNUAL REPORT

16. Captain Don Bohon gave the 2007 Annual Police Report.

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

None.

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

None.

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

17. RESOLUTION NO. 5691

*A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA APPROVING THE OPERATING BUDGETS OF THE VARIOUS CITY FUNDS MORE SPECIFICALLY DELINEATED AS EXHIBITS 1,2,AND 3 ATTACHED HERETO FOR THE FISCAL YEAR 2008-09.*

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

18. RESOLUTION NO. 5692

*A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF PONCA CITY TO SIGN A GRANT AGREEMENT BETWEEN THE CITY OF PONCA CITY AND FEDERAL AVIATION ADMINISTRATION (FAA) AND THE OKLAHOMA AERONAUTIC COMMISSION (OAC) FOR IMPROVEMENT TO PONCA CITY REGIONAL AIRPORT TO RECONSTRUCT A PORTION OF THE PARALLEL TAXIWAY AND ASSOCIATED CONNECTING TAXIWAYS AS REQUIRED TO MEET FAA STANDARDS, AIP 3-40-0078-012-2008.*

Commissioner Anderson made the motion to approve the Resolution authorizing the Mayor of the City of Ponca City to sign a grant agreement between the City of Ponca City and The Federal Aviation Administration and the Oklahoma Aeronautics Commission for improvements to Ponca City Regional Airport to reconstruct a portion of the parallel taxiway and associated connecting taxiways as required to meet FAA standards, AIP 3-40-0078-012-2008 and PNC-08-FS. Foxworthy seconded.

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

19. Consider and vote on a contract award and execution to reconstruct a portion of the parallel taxiway and associated connecting taxiways for \$2,120,972.23.

Commissioner Foxworthy made the motion to approve the contract award and execution to reconstruct a portion of the parallel taxiway and associated connecting taxiways in the amount of 2,120,972.23. Anderson seconded.

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

- 20.

**ORDINANCE NO. 6086**

***AN ORDINANCE RENUMBERING SECTION 7-3-2 OF THE CITY CODE AND ADDING A NEW SECTION 7-3-2.2 TO REQUIRE SPAYING AND NEUTERING OF CATS AND DOGS, CREATING EXCEPTIONS THERETO, PROVIDING PENALTY; REPEALING ORDINANCES IN CONFLICT; AND PROVIDING FOR SEVERABILITY.***

City Attorney Kevin Murphy introduced this item by saying that this is the most recent Ordinance drafted by the Animal Control Commission. Murphy explained that the Ordinance calls for required spaying and neutering of animals, unless the animal comes under certain exceptions. Murphy further explained that the first exception would be to secure an intact permit from the City, which is renewable each year. Murphy went on to say that other exceptions were if the animal were a service animal, those being animals used for breeding and animals that are just temporarily in the City. Murphy stated that another requirement is for a person to acquire a whelping permit for an animal that is going to have a litter.

Shanly Wells-Rau, Chairman of the Animal Control Board, gave the history of the Animal Control Ordinance, stating that the work on this ordinance began in June 2006. Wells explained that the proposed ordinance was brought to the City Commissioners on January 7, 2008 and two months later, a public hearing was held to allow the public to comment on the proposal. Wells stated that these comments led to the revisions of the proposed ordinance on the Commission meeting tonight.

Commissioners Foxworthy and Anderson both expressed their opinions by stating that this has been a very time consuming controversial issue.

Mayor Nicholson stated that cities are in the business of providing streets, water, electric, and lights, not in the dog and cat business. Nicholson further added that the public has put the Commission in this business, under the category of public safety. Nicholson went on to say that, the board would rather spend their time on other issues. Nicholson concluded by saying that since the Commission has been put in the position of making a decision, the decision will be made at this meeting. Mayor Nicholson then allowed a five-minute comment from those in the audience who wished to speak in favor of the ordinance and a five-minute comment for those against the ordinance.

Dan Stahl, 1401 N. 7<sup>th</sup> Street, stated the entire problem leads back to the irresponsible pet owner. Stahl stated that you cannot legislate to the irresponsible pet owner, and supports a voluntary spay/neuter program.

Nita Jones, 503 N. Palm Street, works for a local veterinarian, and sees many irresponsible pet owners. Jones stated that she feels this ordinance will simply drive irresponsible pet owners underground.

Tom Pameticky, 221 Woodbury, agrees that the situation needs to be dealt with, but disagrees with mandating citizens to fix their animals.

David Baskin, 2409 Canterbury, spoke in support of the ordinance, and feels that it is time to do something to reduce the number of euthanizations each year.

Neta Hercyk, 4401 U Street, spoke in support of the ordinance. Hercyk advised that the Humane Society does offer low income spay and neuter certificates, but unfortunately there is not enough in the budget to offer as many as needed. Hercyk further added that the Humane Society is working toward increasing the amount of certificates they can offer.

Jim Rau, 827 N. 4<sup>th</sup> Street, as a pet owner spoke in favor of the proposed ordinance, and felt that this ordinance is much needed in the community.

April Skillman, 119 E. Chrysler in Blackwell, spoke as a former member of the Ponca City Humane Society Board, saying that she was supportive of the ordinance in order that it might reduce the number of unwanted animals in the community.

Commissioner Foxworthy made the motion to approve an Ordinance renumbering Section 7-3-2 of the City Code and adding a new Section 7-3-2.2 to require spaying and neutering of cats and dogs, creating exceptions thereto, providing penalty; repealing Ordinances in conflict; and providing for severability, and striking Section 2 #F in regard to the licensed pet stores, and breeders with sales tax permits; and adding Section D under whelping permit, that the whelping permit number must appear in any advertisements in the local newspaper for the sale of dogs or cats born pursuant to said permit . Chapman seconded.

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

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

21. None.

**RECESS TO AUTHORITY MEETING**

22. Mayor Nicholson recessed to the Utility Authority meeting at 7:26 p.m.

The Board of Commissioners reconvened their meeting at 7:34 p.m. and entered into Executive Session pursuant to Title 25, Section 307 O.S. for the purpose of discussing negotiations with the Fraternal Order of Police.

Commissioner Foxworthy moved to enter into Executive Session pursuant to Title 25, Section 307 O.S. for the purpose of discussing negotiations with the Fraternal Order of Police. Anderson seconded.

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

23. The Commission returned to regular session with no action being taken.
24. Mayor Nicholson adjourned the Ponca City Board of Commissioners meeting at 8:04 p.m.

***PASSED IN SESSION AND APPROVED THIS 23RD DAY OF JUNE 2008.***

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MAYOR

ATTEST

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CITY CLERK