

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
MARCH 12, 2007

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: Homer Nicholson, Mayor
Paul Krueger, Commissioner
Stan Paynter, Commissioner
Wayne Foxworthy, Commissioner
Diane Anderson, Commissioner
Gary Martin, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Others Present: Craig Stephenson, Holly LaBossiere, Chris Henderson, Clayton Johnson, Terry Brown, Paula Cain, Mike Lane, Jim Sindelar, Tana McKinley, Phil Johnston, Butch Herring, Darwin Haney, City staff; T.L. Walker, Shane Harland, citizens; Rolf Clements, news press.

1. Mayor Homer Nicholson called the meeting to order at 5:31 p.m.
2. Invocation – Mary Olinger, 1st Pentecostal Church, gave the invocation followed by the pledge of allegiance.

****CEREMONIES AND PROCLAMATIONS****

4. PROCLAMATION
Kay County Council for the Opportunity Center Membership Month
5. MAIN STREET HERO AWARD
Jim Sindelar, Director of Parks & Recreation
6. PONCA CITY POLICE DEPARTMENT POLICE OFFICER OF THE YEAR
Lieutenant Earl Watkins
7. PONCA CITY POLICE DEPARTMENT CIVILIAN OF THE YEAR
Jack Adams

CHARTER ITEM

8. Election of Vice-Mayor in Accordance with Provisions of Section 60 of the City Charter.

Commissioner Krueger made the motion to elect Commissioner Diane Anderson as Vice-Mayor. Paynter seconded.

Roll: Paynter, Krueger, Anderson, Nicholson, and Foxworthy. Nays; None. Motion carried.

CONSENT AGENDA

The Board of Commissioners found items #9 #10, #11, #12, and #13 non-controversial and routine in nature.

Mayor Nicholson removed Item # 12 to be addressed at a later date.

Commissioner Paynter made the motion to approve the consent agenda. Krueger seconded.

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

9. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held on February 26, 2007 and work session held March 5, 2007.
10. Consider and vote on the agreement for the Emergency Management Performance Grant Program between the State of Oklahoma and the City of Ponca City.
11. Consider and vote on contract between the Oklahoma Department of Libraries and the Ponca City Library for FY07 Continuing Education Conference Grant for Marcia Hull and Kelly Dunn.
12. Item removed by Mayor Nicholson.

13. **RESOLUTION NO. 5592**

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

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

14. Item # 12 to consider and vote on request from the City of Ponca City Police Department to burn weeds and brush within the City limits on property located at the Police Department Training Facility at 2401 E. Central Avenue was removed for discussion at a later date.

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

15. Commissioner Anderson thanked Chris Henderson, Community Development Director, for the good work in getting old dilapidated houses in the community torn down. Anderson stated that she had received some very good comments from citizens who were very pleased with what has been done. Anderson also thanked the Commission for bestowing her with the honor of being elected vice-mayor.

Mayor Nicholson stated that during the work session the previous week, there was a presentation from the water treatment plant about conditions at the plant and the need for some equipment repairs. Nicholson related that he and City Manager Gary Martin made a visit to the water treatment plant, and tremendous strides have been made in making repairs. Nicholson further added that he was very pleased and impressed.

****REPORTS****

16. **CITY MANAGER'S REPORT**

City Manager Gary Martin related to the Commission some of the problems encountered with the early time change, and also about an incident that happened with the Police Department tactical team. Martin stated that a serious incident happened during training at the gun range. Martin further added that the officers were lined up doing an entry when an officer's gun

accidentally went off and shot another officer. Martin explained that the bullet went through the fleshy part of his side; he was taken to the hospital, but is home. Martin reported that Chief Johnson has ordered a stand-down with the tact team in order to do some studies to make sure that safety features are in effect, to eliminate any future incidents.

Martin also reported that budget meetings would begin this week. Martin also commented that a Technical Review Committee met this week, and a new sub-division, called Fox Run, brought their plat in for approval. Martin stated that this would now go before the Planning Commission for approval. Martin advised that this new sub-division was east of the golf course, and would start with eighty-four lots, with expansion later, if needed.

Martin also advised of a meeting he and City Attorney Kevin Murphy had with the Oklahoma Natural Gas Company to discuss the gas franchise tax. Martin further added that the street sales tax vote will be coming due, as well as the gas franchise tax, and the good news about this is that the Oklahoma Natural Gas company will pay the cost of the election, saving the City about \$8,000.00.

Martin communicated that an individual was in doing an ISO evaluation with the Fire Department, and that he would be meeting with this person later on this week. Martin went on to explain that this is an insurance classification for the City of Ponca City, its residents, and businesses.

Martin related that the next work session already has several items on the agenda, including the Ginger Heights annexation study, and funding for outside agencies. Martin concluded that at the next Monday night meeting, District Attorney Mark Gibson will give a presentation on the open meeting law.

17. PAINT PONCA REPORT

Mayor Nicholson encouraged everyone to clean up their properties by painting, cleaning, and throwing out unused items. Nicholson advised that the Solid Waste Department has several pallets of paint that is free to anyone who would like to pretty up their property.

****PUBLIC HEARINGS****

.None.

****UNFINISHED BUSINESS****

.None.

****NEW BUSINESS****

18. RESOLUTION NO. 5594

A RESOLUTION SUSPENDING CITY CODE OF ORDINANCES SECTION 7-14 (NUMBER OF GARAGE SALES IN A GIVEN YEAR) AND PERMIT FEE FOR GARAGE SALES ON MARCH 31, 2007.

City Manager Gary Martin explained that this item was a result of a request from the Chamber of Commerce. Martin further added that the Chamber had asked for permission to do a city-wide garage sale in conjunction with the City's spring clean-up project.

David Horinek, Solid Waste Superintendent, gave a brief overview of the spring clean-up, and encouraged citizens to participate in the city-wide garage sale, that will be held in conjunction with the City's spring clean-up. Horinek stated that spring clean-up will be held April 7, 2007 through April 14, 2007, which is the week immediately following the date set for the city-wide garage sale.

Craig Stephenson, Assistant City Manager, advised that door hangers would be placed on citizens doors, reminding them of the spring clean-up.

Commissioner Anderson made the motion to approve the Resolution suspending the City Code of Ordinances Section 7-14 (number of garage sales in a given year) and permit fee for garage sales on March 31, 2007. Krueger seconded. Anderson amended her motion to include a rain date of April 14, 2007. Krueger seconded the amended Resolution.

Roll: Yeas; Nicholson, Anderson, Krueger, Paynter. Nays; Foxworthy. Motion carried.

19.

RESOLUTION NO. 5595

A RESOLUTION EXPRESSING THE INTENT OF THE BOARD OF COMMISSIONERS TO CONTRACT WITH THE YMCA TO OPERATE AND MANAGE THE PROPOSED RECREATION CENTER.

City Attorney Kevin Murphy advised the Commission that the resolution that is being brought to them for approval is to show the intent of the Commission to have the YMCA manage the proposed city recreation complex, if approved by the voters on May 8, 2007.

Commissioner Foxworthy questioned as to whether or not there was to be an "out clause" for either party, in the agreement. Murphy answered by stating that such clauses would be outlined in the contract agreement itself, and not the Resolution of intent to operate and manage.

Commissioner Paynter made the motion to approve the Resolution expressing the intent of the Board of Commissioners to contract with the YMCA to operate and manage the proposed recreation center. Foxworthy seconded.

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

****CITIZENS COMMENTS****

20. Mary Haney, 1513 S. 8th Street, gave comments on a variety of topics.

21. Commissioner Krueger made the motion to adjourn the meeting. Anderson seconded.

Roll: Yeas; Krueger, Anderson, Nicholson, Paynter, and Foxworthy. Nays; None. Motion

carried.

Mayor Nicholson adjourned the meeting at 6:34 p.m.

PASSED IN SESSION AND APPROVED THIS 26TH DAY OF MARCH 2007.

ATTEST

MAYOR

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
MARCH 12, 2007

Pursuant to notice as required by law, the Board of Trustees of the Ponca City Utility Authority met in regular session at 6:34 p.m. in the Commissioners' Room in City Hall at 516 East Grand Avenue with Chairman Richard Stone presiding.

Present: Homer Nicholson, Chairman
Paul Krueger, Trustee
Stan Paynter, Trustee
Wayne Foxworthy, Trustee
Diane Anderson, Trustee
Gary Martin, Trust Secretary
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Others Present: Craig Stephenson, Chris Henderson, Terry Brown, Mike Lane, Tana McKinley, Phil Johnston, Butch Herring, Darwin Haney, City staff; citizens; Rolf Clements, news press.

1. Chairman Homer Nicholson called the meeting to order at 6:34 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2 and #3 non-controversial and routine in nature by the governing body and are approved by one motion.

Trustee Krueger made the motion to approve the consent agenda. Foxworthy seconded.

Roll: Yeas, Krueger, Foxworthy, Paynter, Nicholson, and Anderson. Nays, None. Motion carried.

2. Consider and vote upon the minutes of the regular session held on February 26, 2007.
3. **RESOLUTION NO. 646**

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

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

4. None.

****NEW BUSINESS****

5. Consider and vote upon awarding construction contract to Krapff-Reynolds Construction Co. of Oklahoma City for the Sanitary Sewer Collection System Improvement Projects in the amount of \$117,545.50.

Trustee Foxworthy made the motion to award the construction contract to Krapff-Reynolds Construction Co. of Oklahoma City for the Sanitary Sewer Collection System Improvement. Projects in the amount of \$117,545.50. Krueger seconded.

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

6. Consider and vote to waive irregularities and award the bid for a 25Mva Transformer to Howard Industries of Laurel, MS in the amount of \$735,000.00.

Trustee Krueger made the motion to waive irregularities and award the bid for a 25 Mva Transformer to Howard Industries of Laurel, MS, in the amount of \$735,000.00. Foxworthy seconded.

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

7. Entertain motion to enter Executive Session pursuant to Title 25 Section 307 Oklahoma Statutes for purposes of discussing the appraisal and purchase of real property.

Trustee Paynter made the motion to enter into Executive Session pursuant to Title 25, Section 307, Oklahoma Statutes for the purpose of discussing the appraisal and purchase of real property. Krueger seconded.

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

Mayor Nicholson recessed to Executive Session at 6:43 p.m.

8. Trustee _____ made the motion to return to the regular session and take necessary action if necessary. _____ seconded.

Roll: Yeas; _____ Nays; _____ Motion carried.

9. Chairman Nicholson adjourned the meeting at _____ p.m.

PASSED IN SESSION AND APPROVED THIS 26TH DAY OF MARCH 2007.

CHAIRMAN

SECRETARY