

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
FEBRUARY 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: Richard Stone, 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: Chris Henderson, Mike Lane, Holly LaBossiere, Sandra Hover, Jim Sindelar, Terry Brown, Clayton Johnson, Craig Stephenson, Butch Herring, Tana McKinley, Phil Johnston, City staff; Rhonda Skrapke, Grants Consultant; Marci Twyman, Crawford & Associates; Homer Nicholson, Shane Harland, Fred Boettcher, Charles Casey, Baird Casey, John Brown, Linda Brown, Barry Bickle, Lillian Taylor, Harold Taylor, John Carpenter, Jayne Detten, Nancy Tyndall, Verona Mair, Larry Murphy, Link Cotham, Rick Myers, Don Keathly, Dave Bishop, David Myers, Lana Jones, Kelly Johnson, Carrie Head, Keni Ray, citizens; Rolf Clements, Ponca City News.

1. Mayor Richard Stone called the meeting to order at 5:30 p.m.
2. Invocation – Mike Seabaugh, 1st Baptist Church, gave the invocation followed by the pledge of allegiance.

****CEREMONIES AND PROCLAMATIONS****

None.

CONSENT AGENDA

The Board of Commissioners found items #4, #5, #6, #7, #8, #9, and #10 non-controversial and routine in nature.

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

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

4. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held January 22, 2007, and work session held January 29, 2007.

5. **RESOLUTION NO. 5585**

A RESOLUTION OBLIGATING FUNDS TO BE USED AS LEVERAGE WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AWARD FOR ASH STREET WATER LINE REPLACEMENT, DEMOLITION, INTERIM ASSISTANCE/SPECIAL SERVICES, HOME-BUYER ASSISTANCE AND REMOVAL OF ARCHITECTURAL BARRIERS FOR SENIOR CITIZENS.

6. Consider and vote on authorizing Smith, Roberts, Baldischwiler to proceed with final design of Lake Road widening and reconstruction, Pecan to Kygar.
7. Consider and vote on approving Change Order No. 1 in the deduct amount of \$1,000.00 and final payment in the amount of \$77,828.00 to Rick Scott Construction, Inc. for work completed on the "Interior Library Lighting Replacement Project."
8. Consider and vote to authorize the Mayor to sign a renewal of the Agreement in the amount of \$1,200.00 between the City of Ponca City and Ponca City Pro-Teens to provide recreational programming for Ponca City teenagers.

9. **RESOLUTION NO. 5586**

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 2006-07.

10. **RESOLUTION NO. 5587**

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

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

11. None.

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

12. Commissioner Krueger addressed the large crowd in attendance, and invited everyone to return in two weeks for the installation of a new Mayor, and to say farewell to our current Mayor.

Commissioner Paynter encouraged all citizens to go out and vote tomorrow.

Commissioner Foxworthy stated that he was glad so many citizens had turned out for the meeting and looked forward to their comments.

****REPORTS****

13. **CITY MANAGER'S REPORT**

None.

14. **RECEIVE FISCAL YEAR 2005-06 ANNUAL FINANCIAL STATEMENT AND ACCOMPANYING INDEPENDENT AUDITOR'S REPORT FOR THE CITY OF PONCA CITY, OKLAHOMA FROM CRAWFORD & ASSOCIATES, P.C. FOR FISCAL YEAR ENDED JUNE 30, 2006.**

Finance Director Marc LaBossiere introduced Marcy Twyman from Crawford and Associates who presented the independent auditor's report for fiscal year ended June 30, 2006.

Motion to receive was made by Commissioner Foxworthy and seconded by Krueger.

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

****PUBLIC HEARINGS****

15. Conduct a Public Hearing on an idea brought forth by "Citizens for Progress and Community Health" for the City to call for an election to approve a ½ cent sales tax for the purpose of constructing a City Recreational Complex.

Mayor Stone opened the Public Hearing and asked for comments from those who were for the proposal, to be followed by comments from those against the proposal.

Charles Casey stated that there were four to five individuals who would make formal statements.

David Myers, Ponca City Development Authority, spoke saying, that for the record, he was not among the group that is a proponent for this issue, nor was he against the issue. Myers further explained that the Ponca City Development Authority is a public agency and as such cannot take position on issues that might become political in nature.

Myers went on to state that on the standpoint of the recreational center, there were a couple of interesting issues that he would like to bring to the attention of the public, which are related to this issue. Myers advised that according to OSU in 2006, Ponca City added over 800 new jobs to the city's economy, which by anyone's measurement is a very significant measurement of strong economic growth. Myers went on to say that at the same time Ponca City's population continued to shrink, therefore, the old adage that jobs follow people is not necessarily what we are seeing today. Myers further reported that the City of Stillwater, a City with a strong economy, did not grow as fast as Ponca City from the job perspective, but exceeded our growth exponentially from a population perspective. Myers explained that the bottom line is that people are choosing not to live in Ponca City, and that it is the amenities in an area that make people select a specific area in which to live.

Myers concluded that recreational amenities are becoming extremely important, and that the Ponca City Development Authority is moving more towards "Community of Choice" issues, not just where the job is, and a recreational center such as the one being discussed would be an unbelievably important asset to this community.

Dennis Barts, 2500 Copperfield Avenue, CEO of Ponca City Medical Center, said that the hospital has two interests in the proposed recreational complex. Barts went on to say that the first interest the hospital has is the health of the community, and the second interest is in the growth of the community. Barts reported that Oklahoma has the dubious honor in all 50 states, of being number one in the incidence of heart disease, and unfortunately, Kay County has the distinction of being one of the highest in Oklahoma. Barts stated that it is not rocket science as to what prevents heart disease, and if people exercise, watch their diets, and

don't smoke they have a much less chance of getting heart disease.

Barts pointed out that with these statistics there would be a significant advantage in having more facilities for citizens to use, as they do their best to prevent heart disease.

Barts continued that there is a second disease that is related to exercise or the lack of, which is diabetes. Barts disclosed that there are estimates from the Center of Disease Control that between 40 to 45% of children growing up today will become diabetic, and the single best way to avoid getting diabetes is to exercise regularly. Barts stated that the hospital would strongly support a facility of this type, to help in preventing these diseases.

Barts further related that another issue is economic growth of the community. Barts communicated the hospital is working hard to recruit physicians and health care providers, even though there is a significant shortage, and one of the first questions asked is what fitness and exercise facilities does this community have to offer. Barts concluded that this recreation facility would be beneficial to the hospital in being able to compete with other towns the size of Ponca City when recruiting.

Fred Boettcher, 210 S. 10th, stated that this was a very important meeting for the future of Ponca City. Boettcher related that an informal polling taken with Ponca City citizens indicated a very strong and positive feeling throughout the community, in regards to the recreational center. Boettcher concluded by saying that this community needs a shot in the arm; and this project will benefit all in Ponca City, and would be a positive asset for Ponca City's Westside.

Dave Bishop, 2104 Kyme Drive, expanded on youth issues, and benefits of the proposed facility. Bishop stated that he had spoken recently with the Ponca City Swim Association, and this proposed facility would be a great benefit for the swim team. Bishop further added that a City of this size should have 70 to 100 youth in this program but due to the fact that parents have to take their children to Tonkawa for practice does not help in recruiting new members to the team. Bishop concluded that he believes that there is wide support in this community for this proposed facility, and strongly encouraged the Commission to take this to a vote of the community.

Mayor Stone opened the floor to those who wished to speak in opposition to the recreation center.

Lillian Taylor, 1209 W. Highland, expressed her need for the pool for health reasons, and stated that she could not wait several more years until the City gets a new pool. Taylor expressed her like for the area at 7th and Grand, and feels that this is a core part of the City. Taylor voiced concern that the little people, who use the pool, are not being listened to. Taylor concluded that if it can be proved that this is what is best for the future of Ponca City, then she will step back.

Jack Harney, former Park Superintendent from the 60's and 70's, remarked that he is neither for or against the recreation center, but has some concerns. Harney stated that he felt that the Ponca City Park & Recreation had always been behind on their recreation facilities, and for the past forty years had been a fragmented city as far as its recreation program is concerned. Harney added that he felt there is a need to look at the broader picture as to whether these facilities are being built for a few citizens that are able to afford them, or will these facilities be

for everyone. Harney concluded by saying that Ponca City is a City that needs help.

John Carpenter, 825 Edgewood, voiced his concerns about Ponca City and the division of people during the last two elections. Carpenter stated that he was not against improvements in Ponca City, but would like to see a survey submitted to the citizens for their input on what projects they feel are important and needed. Carpenter also addressed the issue of the unused property owned by the City and felt that it should be sold, and added to the tax rolls.

Don Keathly, 147 Whitworth, stated that he was not against Ponca City or a proper sports complex, but what has been brought to the Commission is a possible ballot, stipulated for the sports complex only. Keathly related that he has been working with a group of citizens to revitalize the Hutchins, and would like to see the ballot include a line for the revitalization of the Hutchins Memorial. Keathly ended by saying that he saw no reason to have a ballot with only a single item.

Raymond Waller, 2003 Meadowbrook, advised that he was not against or for the sports complex. Waller stated his displeasure at some incidents that occurred leading up to the December 12, 2006 election, and felt that an apology was in order from those involved.

Jake McNiece, 1034 N. 3rd, communicated that a resounding expression has recently been heard from Ponca City citizens regarding the fact that millions of dollars worth of City properties have been let to deteriorate to a point of no return over the past 40 years. McNiece made the suggestion to form a committee or commission that is bonded to oversee the protection of these facilities. McNiece went on to say that he felt the public should be given a full accounting of spending, an absolute projected cost, and a maintenance fee that will be visualized in the future. McNiece ended by saying that if the citizens had more detailed information, then perhaps they would approve new projects.

16A. Conduct a Public Hearing

Chris Henderson, Community Development Director, presented to the Commission a zoning petition for their consideration at 910 E. South Avenue. Henderson advised that the planning Commission had approved this rezoning and there have been no calls of protest from the neighboring residents, therefore, the recommendation is for this item to be approved.

Mayor Stone opened the Public Hearing and called for anyone who would like to speak for or against this rezoning to come forward. There being no one wanting to speak for or against the rezoning, Mayor Stone closed the Public Hearing.

16B.

ORDINANCE NO. 6048

AN ORDINANCE REZONING REAL PROPERTY LOCATED AT 910 EAST SOUTH AVENUE (MORE SPECIFICALLY SET FORTH BELOW) FROM R-2 TWO FAMILY RESIDENTIAL TO C-2 GENERAL COMMERCIAL, AND DIRECTING THE DEVELOPMENT SERVICES DIRECTOR TO CHANGE THE OFFICIAL ZONING MAP OF THE CITY ACCORDINGLY, AND DIRECTING THE CITY CLERK TO FILE OF RECORD.

Consider and vote on an Ordinance rezoning property described as Lot 7, Block 15, Edwards Addition to the City of Ponca City, located at 910 East South Avenue, R-2 two-family residential to C-2 general commercial.

Commissioner Anderson made the motion to approve the Ordinance rezoning real property located at 910 east South Avenue from R-2 two-family residential to C-2 general commercial and directed the Development Services Director to change the official zoning map of the City accordingly, and directing the City Clerk to file of record. Paynter seconded.

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

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

17.

RESOLUTION NO. 5588

A RESOLUTION APPROVING THE SUBMISSION OF THE CITY OF PONCA CITY'S/SALVATION ARMY EMERGENCY SHELTER GRANT APPLICATION TO THE OKLAHOMA DEPARTMENT OF COMMERCE.

Commissioner Krueger made the motion to approve the submission of the City of Ponca City's/Salvation Army emergency shelter grant application to the Oklahoma Department of Commerce. Anderson seconded.

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

18A. Consider and vote on Ponca City Main Street request to grant a variance to the Alcoholic Beverage Ordinance to allow approved wine and cheese vendors and educational seminar tent to be located on a public street at 6th Street between Grand Ave. and Cleveland Street (one block area between curbs only) during the Irisfest May 5, 2007.

Commissioner Foxworthy made the motion to grant a variance to the Alcoholic Beverage Ordinance to allow approved wine and cheese vendors and educational seminar tent to be located on a public street at 6th Street between Grand Avenue and Cleveland Street (One Block Area between curbs only) during the Irisfest May 5, 2007. Krueger seconded.

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

18B. Consider and vote on Ponca City Main Street request to grant a variance to the Alcoholic Beverage Ordinance to allow the sale of beer on City property on Grand Avenue between 5th and 6th Streets, and also a small portion of Grand Avenue beside the Chamber Lot between 5th and 4th Streets during the Irisfest May 5, 2007.

Commissioner Paynter, Mayor Stone, and Commissioner Anderson voiced concerns regarding the serving of beer at the Iris Festival, and how it might set precedence for other events.

Commissioner Foxworthy made the motion to grant a variance to the Alcoholic Beverage Ordinance to allow the sale of beer on City property on Grand Avenue between 5th and 6th Streets, and also a small portion of Grand Avenue beside the Chamber Lot between 5th and 4th Streets during the Irisfest May 5, 2007. Paynter seconded.

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

19. Consider and vote to accept the Water Line Improvements serving the new High Pointe Subdivision as public improvements.

Commissioner Foxworthy made the motion to accept the Water Line Improvements serving the new High Pointe Subdivision as public improvements. Krueger seconded.

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

****CITIZENS COMMENTS****

20. John Carpenter, 825 Edgewood, voiced concerns about the future with the OMPA. Carpenter further added that if OMPA is going to pull out of Ponca City, then let Ponca City pull out from OMPA. Carpenter also addressed the issue of the ConocoPhillips merger, and how Ponca City had lost out.

21. Mayor Stone adjourned the Board of Commissioners at 6:53 p.m.

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

ATTEST

MAYOR

CITY CLERK