

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
FEBRUARY 13, 2006

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 Vice-Mayor Paul Krueger presiding:

Present: Paul Krueger, Vice-Mayor  
David Cummings, Commissioner  
Stan Paynter, Commissioner  
Diane Anderson, Commissioner  
Gary Martin, City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Finance Director/City Clerk

Absent: Richard Stone, Mayor

Others Present: Clayton Johnson, David Horinek, Craig Stephenson, Craige Baird, Chris Henderson, Phil Johnston, David Keathly, Dwayne Vincent, Sherri Bowers, Jim Sindelar, Butch Herring, Tana McKinley, City staff; Wayne Foxworthy, Commissioner-elect; Harry Dawson, OMPA; Steve Peresko, Tamee Peresko, Pat Drake, citizens; Rolf Clements, Rog Allen, news press.

1. Vice-Mayor Paul Krueger called the meeting to order at 5:30 p.m.
2. Gary Wilburn, Oak Grove Baptist Church of Kaw City, gave the invocation followed by the pledge of allegiance.

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

4. Wastewater Treatment Plant Appreciation Award
5. Police Chaplains Proclamation
6. FCCLA Proclamation & PowerPoint Presentation
7. OMPA Steam Plant Fire Review

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

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

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

8. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held January 23, 2006, Special Work Session held January 25, 2006, Special Session held February 6, 2006, and Work Session held February 6, 2006.
9. Consider and vote to authorize Vice-Mayor to sign lease agreement between City of Ponca City and Ponca City Bowmen, Inc.

10. Consider and vote to authorize the Vice-Mayor to sign a renewal of the agreement in the amount of \$1,200 between the City of Ponca City and Ponca City Pro-Teens to provide recreational programming for Ponca City teenagers.
11. Consider and vote to waive rental fees charged for the use of Marland's Grand Home grounds and building for the Mrs. Marland's Grand Fall Festival event to be held September 8-9, 2006.

12. **RESOLUTION NO. 5520**

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

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

13. None.

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

14. Vice-Mayor Krueger reminded everyone that there was still time to stay out of the dog house by purchasing a valentine for their spouse or significant other. Krueger also stated that the Mayor was on vacation for the next two weeks.

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

15. **CITY MANAGER'S REPORT**

City Manager Gary Martin advised the Commission of two meetings to be held this week. Martin stated that one meeting would be with architects regarding the Community Center that will be coming out of the Vision 20/20 report; and also an exit interview on Thursday with the auditors. Martin urged the Commissioners to continue sending their comments to our elected officials at the state level, as there are bills that will cost the taxpayers money, and also create hardships on cities in operating government.

16. **BUDGET STATUS REPORT**

Finance Director Marc LaBossiere presented the Budget Status Report for the second quarter ended December 31, 2006.

Commissioner Cummings interjected that he would like to have an update for the public to know how long 14<sup>th</sup> Street will remain closed. Martin stated that the projected time of closure would be approximately thirty (30) days, which leaves relatively three more weeks. Discussion continued with Mike Lane, Traffic Engineering Manager, advising that even after the road is opened, there will still be construction for approximately another year, and that detour signs have been posted to guide traffic around this area.

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

17. Consider and vote on a request by Tamee Peresko for a continuance of the Public Hearing on an Ordinance rezoning property described as a part of the Southwest and Northeast Quarters of Section 12, Township 26 North, Range 2 East to the City of Ponca City, located east of the 3200-3500 blocks of North Pecan Road, R-1 Single Family Residential to RA Rural Acreage District.

Commissioner Cummings made the motion to approve a continuance for a Public Hearing on an Ordinance rezoning property from R-1 Single Family Residential to RA Rural Acreage District. Anderson seconded.

In all due respect to the Mayor, Commissioner Paynter stated that attendance is important at these meetings and although he himself did not feel well, he had made an effort to be at the meeting. Paynter advised that there are certain issues on the agenda, that are of importance to the public, and for which he felt it necessary to be in attendance. Paynter continued on by saying that he felt by postponing this item, the Commission would be setting a precedent to try and obtain votes based on the attendance of the Commissioners and the Mayor. Paynter stated that several in attendance had taken time from their busy schedules to attend this meeting to either speak or be a part of the discussion in this Public Hearing, which had been announced some time ago.

Paynter emphasized that attendance is important and that people need to be heard, and that he was opposed to tabling or granting a continuance of this item.

Vice-Mayor Krueger asked for further comments and there being none called for the vote.

Roll: Yeas; Krueger, Anderson, and Cummings. Nays; Paynter. Motion carried.

City Attorney Kevin Murphy advised that a list of names of those in attendance for the Public Hearing should be taken, so that they might be notified of the date and time of the rescheduling of the Public Hearing.

18. Item tabled.

**ORDINANCE NO.**

***AN ORDINANCE REZONING REAL PROPERTY LOCATED EAST OF THE 3200-3500 BLOCK OF NORTH PECAN ROAD (MORE SPECIFICALLY SET FORTH BELOW) FROM R-1 SINGLE FAMILY RESIDENTIAL TO RA RURAL ACREAGE DISTRICT, AND DIRECTING THE COMMUNITY DEVELOPMENT DIRECTOR TO CHANGE THE OFFICIAL ZONING MAP OF THE CITY ACCORDINGLY, AND DIRECTING THE CITY CLERK TO FILE OF RECORD.***

Conduct a Public Hearing and vote on an Ordinance rezoning property described as a part of the Southwest and Northeast Quarters of Section 12, Township 26 North, Range 2 East to the City of Ponca City, located east of the 3200-3500 blocks of North Pecan Road, R-1 Single Family Residential to RA Rural Acreage District.

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

None.

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

19.

**RESOLUTION NO. 5521**

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

Consider and vote on a Resolution approving the submission of the City of Ponca City's/Salvation Army's Emergency Shelter Grant to the Oklahoma Department of Commerce, Community Development Department and authorize the Vice-Mayor to execute all related grant application documents.

Paynter left the meeting at 6:23 pm

Commissioner Cummings made the motion to approve the Resolution for the submission of the City of Ponca City's/Salvation Army's Emergency Shelter Grant application to the Oklahoma Department of Commerce. Anderson seconded.

Roll: Yeas; Cummings, Krueger, and Anderson. Nays; Paynter, Abstain. Motion carried.

Paynter returned at 6:27 pm

20.

**ORDINANCE NO. 6035**

***AN ORDINANCE AMENDING THE SECTION 6-3-7 (E) OF THE CITY CODE PROHIBITING THE UNAUTHORIZED USE OF TRASH CONTAINERS, DECREERING UNAUTHORIZED USE TO BE A PUBLIC OFFENSE; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.***

Consider and vote on an Ordinance which amends City Code to address unauthorized use of refuse containers.

Commissioner Cummings stated that paragraph 2 of the Ordinance did not get changed and suggested the following wording: "No person, without being or having the permission of the owner, tenant, or occupant of the premises served by any trash receptacle, shall damage or otherwise meddle or interfere with the use of any trash receptacle".

Commissioner Cummings made the motion to approve the Ordinance, with changes as suggested above, which amends City Code to address unauthorized use of refuse containers. Paynter seconded.

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

21.

**RESOLUTION NO. 5522**

***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 2005-06.***

Consider and vote upon a Resolution amending the operating budgets of various city funds for fiscal year 2005-06.

Commissioner Paynter made the motion to approve the Resolution amending the operating budgets of various city funds for fiscal year 2005-06. Anderson seconded.

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

22.

**RESOLUTION NO. 5523**

***A RESOLUTION DECLARING ELECTION OF UNOPPOSED CANDIDATES TO POSITIONS NO. 2 AND NO. 4 ON THE BOARD OF COMMISSIONERS.***

Commissioner Cummings made the motion to approve the Resolution declaring election of unopposed candidates to positions No. 2 and No. 4 on the Board of Commissioners. Anderson seconded.

Roll: Yeas; Krueger, Anderson, and Cummings. Nays; Paynter, Abstain. Motion carried.

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

23. None.

**RECESS TO AUTHORITY MEETING**

Vice-Mayor Krueger recessed to the Utility Authority meeting at 6:42 p.m. The commission reconvened at 6:48 p.m.

24. Consider and vote to enter Executive session pursuant to Title 25, Section 307 of the Oklahoma Statutes for purposes of discussing pending litigation.

Commissioner Anderson moved to enter into Executive Session pursuant to Title 25, O.S. for the purpose of discussing pending litigation. Cummings seconded.

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

25. The commission returned from Executive Session at 7:28 p.m. with no action being taken.

26. Commissioner Anderson made the motion to adjourn the regular meeting of the Board of Commissioners. Cummings seconded. Meeting adjourned at 7:28 p.m.

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

***PASSED IN SESSION AND APPROVED THIS 27<sup>TH</sup> DAY OF FEBRUARY 2006.***

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MAYOR

ATTEST

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CITY CLERK