

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
JANUARY 23, 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 Mayor Richard Stone presiding:

Present: Richard Stone, Mayor  
Paul Krueger, Commissioner  
David Cummings, Commissioner  
Stan Paynter, Commissioner  
Diane Anderson, Commissioner  
Gary Martin, City Manager  
Kevin Murphy, City Attorney  
Paulette Cross, Deputy City Clerk

Absent: Marc LaBossiere, Finance Director/City Clerk

Others Present: Mike Lane, Jim Sindelar, Vern Bartell, Craig Stephenson, Butch Herring, Craige Baird, Marcy White, Clayton Johnson, Jim Fairbanks, Chris Henderson, Bryan VanArsdale, Hong Fu, Sam Whitecotton, Tana McKinley, David Keathly, Dana Bright, Walt Klinger, Darwin Haney, City Employees; John Soderstrom, J. Bret Cabbiness, Wayne Foxworthy, Mike Chapman, Rick Hughes, Deanna Cummings & McKenzie, T. L. Walker, Citizens; Rod Bolin, Rog Allen, New press

1. Mayor Richard Stone called the meeting to order at 5:30 p.m.
2. Rick Hughes, Victory Tabernacle, gave the invocation followed by the pledge of allegiance.

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

Mayor Stone recognized Rod Bolin, the City's reporter from the Ponca City News, and wished him well as he goes back to Omaha, Nebraska to join family. Stone also recognized the Reverend Commissioner Paul Krueger for his 25 years at the Woodlands Christian Church.

4. Oklahoma Good Roads & Transportation 2005 Superior Achievement Award.
5. Character Trait for January: Punctuality presented by John Soderstrom.

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

The Board of Commissioners found items #6, #7, and #8 non-controversial and routine in nature. Commissioner Cummings made the motion to approve the consent agenda. Paynter seconded.

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

6. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held January 9, 2006.
7. Consider and vote to accept grant award from the 2005 Homeland Security Grant Program in the amount of \$57,200.00.

8.

**RESOLUTION NO. 5518**

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

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

9. None.

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

10. Mayor Stone recognized Wayne Foxworthy, the newest Commissioner elect, who will take office on March 1, 2006, and congratulated all award recipients at the Chamber banquet.

Anderson dittoed the Mayor's comments.

Krueger extended appreciation to Rod Bolin for all his time he has given in representing the Commission, and for his fairness in his reporting and giving the citizens an insight to City government that they would not have had.

Commissioner Paynter asked Fire Chief Butch Herring to give a short review of the burn ban and what it entails. Chief Herring encouraged the citizens of Ponca City and all surrounding areas to continue to observe the burn ban. Herring further advised that as long as the temperatures remain as they are and the humidity stays relatively high, it will lessen the likelihood of a wildfire to spread real quickly, however everyone should still respect the burn ban and not burn outside.

Commissioner Cummings welcomed his wife Deanna and daughter McKenzie, and thanked Chief Herring and the Ponca City Fire Department for the great job they have done.

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

11. **CITY MANAGER'S REPORT**

City Manager Gary Martin compliment Rod Bolin for his work with the staff and also thanked Rog Allen, who is not leaving, but wished to recognize both. Martin added that Rod will be missed. Martin also introduced Glenda Phillips, the newest member on the Ponca City Leadership Council.

Martin further informed the Commission that he had attended a DEQ meeting at the State Capital, and they had wonderful wireless microphones. Martin went on to say that due to the problems encountered with the Commission Chamber sound system, that they are going to look into the cost of purchasing wireless microphones, such as they had at this meeting.

Other items mentioned by Martin were the 10-year capital plan completed by staff, a Commission retreat to be held next Monday at Pioneer Tech Center, e-mail from David Horinek regarding spring clean up days, evaluation of the lighting system at the Library, and Vision 20/20 to have last meeting on Thursday for their final report.

In conclusion, Martin stated that normally during the months of December, January, and February, water rates are looked at to determine next years sewer rate calculation, but due to the dry weather, and citizens having to water lawns and shrubs that perhaps the same calculations should be carried over from last year.

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

None.

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

None.

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

12. Consider and vote upon updated lease for Angela Hall by the Ponca City Christian Academy.

David Keathly updated the Commission on the lease for the Ponca City Christian Academy. Keathly stated that the lease was the same as from previous years except that City Attorney Kevin Murphy had reviewed the lease and cleaned up some of the language and grammar.

Commissioner Krueger made the motion to approve the updated lease for Angela Hall by the Ponca City Christian Academy. Cummings seconded.

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

13. Consider and vote to award and authorize the Mayor to execute a contract with Smith, Roberts, Baldischwiler in the amount of \$178,000.00 to provide engineering services for plan and specification preparation for the reconstruction and widening of Lake Road from Pecan to Kygar.

Mike Lane, Traffic Engineering Manager, gave a brief power point presentation explaining the widening of Lake Road from Pecan to Kygar. Lane stated that engineering services are split into four (4) basic tasks: Preliminary Plans (60%), Intermediate Plans (65%), Final Plans, and Bidding Services/Construction/Administration. Lane further explained that the contract has a provision for the City to terminate services at the end of any one of the tasks. Lane stated that a meeting with SRB would be held at the end of each task before proceeding to the next task. Following questions from the Commissioners, City Attorney Kevin Murphy clarified that this item is for the approval of engineering services only and not for the project.

Commissioner Cummings asked that revisions be made to the consistency of the terminology defining the benchmarks or phases throughout the contract, and to refine the termination clause by deletion of reference to budget restraints.

Commissioner Paynter made the motion to approve the contract with changes to be made by SRB, as recommended by Commissioner Cummings. Anderson seconded.

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

- 14.. Consider and vote on a contract award for the purchase of a trailer mounted heavy duty 250 gallon Crack Sealer Applicator from PMSI, Inc. for use in the Street Division in the amount of \$38,498.50.

Commissioner Anderson made the motion to approve a contract for the purchase of a trailer mounted heavy duty 250 gallon Crack Sealer Applicator from PMSI, Inc. for use in the Street Division in the amount of \$38,529.50. Krueger seconded.

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

15. Consider and vote upon accepting the project and approving the final payment in the amount of \$37,696.25 to United Trenching, Inc. for work completed on “Sanitary Sewer Rehabilitation and Re-Alignment for US Highway No. 77.”

Commissioner Krueger made the motion to accept the project and approve the final payment in the amount of \$37,696.25 to United Trenching, Inc. for work completed on “Sanitary Sewer Rehabilitation and Re-Alignment for US Highway No. 77.” Anderson seconded.

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

16. Consider and vote upon approving Change Order No. 3, in the add amount of \$35,031.85, for the ‘The City of Ponca City Standing Bear Phase IV Trails Project – Grading, Drainage, Paving, and Landscaping’, to Evans & Associates Construction Company, Inc. contingent upon approval of Change Order No. 3 by the Oklahoma Department of Transportation Special Projects Branch.

Commissioner Cummings made the motion to approve Change Order No. 3, in the amount of \$35,031.85, for the ‘The City of Ponca City Standing Bear Phase IV Trails Project – Grading, Drainage, Paving, and Landscaping’, to Evans and Associates Construction Company, Inc. contingent upon approval of Change Order No. 3 by the Oklahoma Department of Transportation. Anderson seconded.

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

17. Consider and vote on addendum to the architectural services contract with Wilson Estes Police Architects in the amount of \$5,000.00 and up to \$1,000.00 reimbursable expenses.

Discussion ensued regarding funding. Commissioner Cummings stated if there was no funding in place for the project, that he did not see the need to spend the money on plans. Commissioner Anderson stated that she was a visual person, and felt that if this project were to go before the public for funding that it would be more beneficial to have plans to show the citizens. Mayor Stone agreed.

Commissioner Anderson made the motion to approve the architectural services contract with Wilson Estes Police Architects in the amount of \$5,000.00 and up to \$1,000.00 reimbursable expenses. Krueger seconded.

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

18. **Removed from Agenda**

**RESOLUTION NO.**

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

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

19. None.

20. Mayor Stone adjourned the Ponca City Board of Commissioners at 6:30 p.m.

***PASSED IN SESSION AND APPROVED THIS 13<sup>TH</sup> DAY OF FEBRUARY 2006.***

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VICE-MAYOR

ATTEST

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CITY CLERK