

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
OCTOBER 23, 2006

Pursuant to notice as required by law, the Ponca City Board of Commissioners met in regular session at 5:31 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
Diane Anderson, Commissioner
Gary Martin, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Wayne Foxworthy, Commissioner

Present: Mike Lane, Jim Sindelar, Marcy White, Mike Chapman, Terry Brown, Dwaine Vincent, Butch Herring, Craig Stephenson, Jim Fairbanks, City staff; Tom Sipe, Dave May, Phil Bandy, citizens; Rolf Clements, Ponca City News.

1. Mayor Richard Stone called the meeting to order at 5:31 p.m.
2. Invocation - Doug Thatcher, St. Paul's United Methodist Church, gave the invocation followed by the pledge of allegiance.

****CITIZENS COMMENTS****

4. Dave May, 721 N. 7th Street, stated opposition to the ballot for December 12, 2006.

5. ****CEREMONIES AND PROCLAMATIONS****

Character Trait for October is Loyalty presented by Tom Sipe.

The Board of Commissioners found items #6, #7, #8, #9, #10, #11, #12, #13, and #14 non-controversial and routine in nature. Commissioner Paynter made the motion to approve the consent agenda. Krueger seconded.

Roll: Yeas; Krueger, Stone, Anderson, and Paynter. Nays; Foxworthy (absent). Motion carried.

6. Consider and vote upon minutes of the Ponca City Board of Commissioners special session held October 4, 2006, and regular session held October 9, 2006.

7. **RESOLUTION NO. 5570**

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	Glenn Sloan	Appointed	2007
Park & Recreation Advisory Board	Angi Kennedy	Appointed	2008

8. Consider and vote on contract for Community Development Centers Grant in the amount of \$6,000.00 between the Oklahoma Department of Commerce and the City of Ponca City for the Senior Center roof repairs and a ladder access to the roof.
9. Consider and vote on waiving the rental fees charged for the use of Marland Mansion for "Dinner with the President", a fundraiser to benefit the Marland Estate Foundation, to be held November 3, 2006.
10. Consider and vote on waiving the rental fees charged for the use of Marland's Grand Home grounds and building for Tablesapes Holiday Exhibit, a fundraiser to benefit Friends of Marland's Grand Home Museum, Inc., on November 4 and 5, 2006.
11. Consider and vote on waiving the rental fees charged for the use of Marland's Grand Home grounds and building for the Holiday Candlelit Tour and Historic Homes Tour, a fundraiser to benefit Friends of Marland's Grand Home Museum, Inc., to be held December 1 and 3, 2006.
12. Consider and vote on a request by City of Ponca City to utilize fireworks in the Tree Lighting Ceremony on Centennial Plaza on November 22, 2006, and authorize Fire Chief to sign the required documents.
13. Consider and vote on the Oklahoma Municipal Assurance Group (OMAG) proposal to provide their Municipal Liability Protection Plan for the City of Ponca City for the policy period November 1, 2006 – November 1, 2007.

14. **RESOLUTION NO. 5571**

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

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

15. None.

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

16. Commissioner Anderson reiterated about the Tablesapes at Marland's Grand Home, and stated that there is some availability still open, if there are any groups, organizations, or individuals that would like to participate. Anderson further added that this is a great event and that lunch will also be served. Anderson asked to be on record that "we as a City Commission welcome any comments by citizens, and have no problem with that, and those citizens speaking should not fear retaliation from this Commission".

Commissioner Paynter stated that he had marked on his calendar about the Halloween celebration to be held on Thursday, October 26, 2006, on the Library parking lot, and also echoed what Commissioner Anderson said regarding citizen's comments.

Mayor Stone also reiterated what Commissioners Anderson and Paynter stated about citizens coming forward with their comments, and that no action is taken by the Commission, but the City Manager will make the decision whether it is necessary for any action to be taken. Stone further added that no one has been threatened that he is aware of, and takes exception to some comments that have been made. Stone stated that he had some good news to share with the Commissioners, and that is he was at the law firm of Boettcher, Martin, Jean., and Jackson and received a check in the amount of \$300,000.00 for the City in connection with the "Black Dust" lawsuit.

Stone asked City Attorney, Kevin Murphy, to address the settlement issue. Murphy stated that last week he received notification from Kenney Jean of Boettcher, Martin, Jean and Jackson law firm, that an important milestone in the settlement agreement, which was reached last summer with ConCarb, was about to take place. Murphy further went on to say that Jean informed him that earlier this month the injunctive relief order was filed with the court, which was part of that settlement agreement that was entered last summer. Murphy iterated that included a payment of claims to injured parties by Continental Carbon, as well as the agreement to perform certain remedial measures in the next year. Murphy informed the Commission that the injunctive relief order provided air and video monitoring of emissions from the facility, capital improvement projects to be undertaken by Continental Carbon in the amount of over \$700,000.00, and progress reports to the court. Jean also informed him that funds were available for distribution, and that was what had been accomplished today.

Murphy went on to advise that the remedial repairs are yet to be accomplished, the air monitoring is to be in place within ninety days to the signing of the injunctive relief order, as well as the video monitoring. Murphy also advised that the repairs and improvement to the plant are to be completed by July 31, 2007.

****REPORTS****

17. CITY MANAGER'S REPORT

City Manager Gary Martin stated that there have been several meetings with the election committee to get the facts ready for the public, and hopefully those will go to the printer this week. Martin further added that fact sheets are also being prepared for insertion into the City utility bills. Martin concluded that the goal is to keep the public informed with the facts.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

18. Consider and vote upon Change Order No. 2 for Marland Estate East Terrace Improvement for the add amount of \$27,569.00 to the contract with Mid-Continental Restoration Company, Inc., Fort Scott, Kansas bringing the contract to \$229,770.00.

Commissioner Anderson made the motion to approve the Change Order No. 2 for Marland Estate East Terrace Improvement for the add amount of \$27,569.00 to the contract with Mid-Continental Restoration Company, Inc., Fort Scott, Kansas bringing the contract to \$229,770.00. Krueger seconded.

Roll: Yeas; Krueger, Stone, Anderson, and Paynter. Nays; Wayne Foxworthy (Absent)
Motion carried.

19. Consider and vote upon approving Change Order No. 1, in the add amount of \$14,561.82, to PBX Corporation for work to be completed on "Union Street Bridge Rehabilitation Project."

Commissioner Krueger made the motion to approve Change Order No. 1, in the add amount of \$14,561.82 to PBX Corporation for work to be completed on "Union Street Bridge Rehabilitation Project." Anderson seconded.

Roll: Yeas; Krueger, Anderson, Stone, and Paynter. Nays; Foxworthy (Absent). Motion carried.

12. Mayor Stone adjourned the Board of Commissioners meeting at 6:10 p.m.

PASSED IN SESSION AND APPROVED THIS 9TH DAY OF NOVEMBER 2006.

ATTEST

MAYOR

CITY CLERK