

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
JANUARY 24, 2005

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  
Stan Kistler, Commissioner  
David Cummings, Commissioner  
Stan Paynter, Commissioner  
Paul Krueger, City Commissioner  
Gary Martin, City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Finance Director/City Clerk

Others Present: Tana McKinley, Jim Sindelar, Chris Henderson, Craig Stephenson, Mike Lane, Craige Baird, Clayton Johnson, Sam Whitecotton, City staff; Rhonda Stolhand, Candy Thomas, Rhonda Skrapke, citizens; Rod Bolin, Rog Allen, news press.

1. Mayor Richard Stone called the meeting to order at 5:30 p.m.
2. Bob Innis, Word of Life Church, gave the invocation followed by the pledge of allegiance.

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

4. Character Trait for January: Orderliness was presented by Rhonda Stolhand, Stolhand Heating and Air Conditioning.

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

The Board of Commissioners found items #5, #6, #7, #8, #9, and #10 non-controversial and routine in nature by the governing body and are approved by one motion.

City Manager Gary Martin asked that Items #7 and #8 be removed, as funding is not in place for the project at this time. Martin further added that if it is determined that the City needs to move forward within the next three weeks with the project, then a special meeting will need to be called.

Commissioner Cummings made the motion to approve items #5, #6, #9, and #10 on the consent agenda. Paynter seconded.

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held January 10, 2005.
6. Consider and vote to approve a contract between the Oklahoma Department of Commerce and the City of Ponca City for the Community Development Centers Grant in the amount of \$10,000.00.

9. Consider and vote to submit the Marland Mansion's Save America's Treasures Grant Application to the National Park Service for the repair and restoration of ceilings in the lower lounges and north salon.

10. **RESOLUTION NO 5443**

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

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

11. Item # 7 - Consider and vote on Sikes/Abernathie Architects' proposal to contract with Southwestern Roofing to investigate the water infiltration problem on the Marland Estate East Terrace.

Item # 8 - Consider and vote on the proposal from Evergreene Painting Studios, Inc. to assess the existing conditions of the painted ceilings in the Marland Mansion North Salon and two lounges.

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

12. None.

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

13. **CITY MANAGER'S REPORT**

City Manager Gary Martin acknowledged an article with pictures written by one of the City Departments that was printed in the Water Environmental Technology Magazine. Martin stated that the article was written about Ponca City's Wastewater Treatment Plant, and the magazine is distributed throughout the country to anyone who deals with water/wastewater.

Martin further updated the Commission on the status of the transformer for the Northeast Substation saying that work should begin today replacing this transformer after it was shot, and hopefully will be back up working before too long.

Other items mentioned by Martin were meetings regarding Central Air Service, and a request from Main Street to have a wine tasting booth at the Iris Festival. Martin stated that he would give them the go ahead unless there was some objections from the Commission, as it went very well last year.

14. **RECEIVE BUDGET STATUS REPORT FOR THE SECOND QUARTER**

Marc LaBossiere, Finance Director, summarized for the Commission the unaudited financial operating budget, and results of all funds for the second quarter ended December 31, 2004.

15. RECEIVE PRESENTATION OF THE CITY OF PONCA CITY'S SNOW & ICE CONTROL MANUAL.

Craig Stephenson, Public Works Director, presented an overview of the Snow and Ice Control Manual for the City of Ponca City, which was last modified in January of 2004.

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

None.

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

None.

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

16. RESOLUTION NO. 5444

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

Commissioner Cummings made the motion to approve the Resolution submitting the Ponca City's/Salvation Army Emergency Shelter Grant Application to the Oklahoma Department of Commerce. Kistler seconded.

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

17. RESOLUTION NO. 5445

***A RESOLUTION COMMITTING THE BOARD OF COMMISSIONERS TO SEEKING LEGAL RELIEF TO BRING AN END TO THE CARBON BLACK DUST SETTLING ON PONCA CITY; RESOLVING TO HIRE LAWYERS TO PURSUE A LAW SUIT; AND DIRECTING CITY STAFF TO RENDER ALL NECESSARY ASSISTANCE.***

Kevin Murphy, City Attorney, related to the Commission that the laboratory results on the black dust sampled in numerous locations in and around Ponca City identified the material as carbon black particles with the unique element of carbon black associated with the Continental Carbon facility south of Ponca City. Murphy stated that results of meetings with Carbon Black representatives have yet to produce any results in remedial measures to the problem. Murphy stated that he had prepared a Resolution that reflects the sentiments and feelings of the Commission, which poses that a lawsuit be brought against Continental Carbon to cause the abatement of this nuisance, and seek compensation for damages which have been suffered by the Corporate City of Ponca City. Murphy further added that it would not be possible at this time to bring in the community at large, and to seek to represent them in the lawsuit, but some of the preliminary work done in this matter could benefit the citizens at large.

Murphy concluded that if the Resolution is satisfactory to the Commission, he would ask for their endorsement and direct the City Manager and staff to assist the Boettcher law firm in gathering and supplying information necessary to bring about the termination of the pollution and financial recompense.

Commissioner Paynter made the motion approving the Resolution committing the Board of Commissioners to seek legal relief to end the Carbon Black dust settling on Ponca City; resolving to hire lawyers to pursue a law suit; and directing City Staff to render all necessary assistance. Kistler seconded

Commissioner Cummings stated that after reviewing the contract he feels that it needs some amending, and would not approve the contract with the Boettcher Law Firm, until changes are made. Mayor Stone asked that they vote on the Resolution with changes to be made by Commissioner Cummings and City Attorney Murphy to amend the contract.

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

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

18. None.
19. Mayor Stone adjourned the meeting at 6:12 p.m.

***PASSED IN SESSION AND APPROVED THIS 14TH DAY OF FEBRUARY 2005.***

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MAYOR

ATTEST:

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CITY CLERK