

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
FEBRUARY 14, 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

Absent: David Cummings

Others Present: Don Bohon, Chris Henderson, Jim Sindelar, Sherri Tapp, Terry Brown, Gary Reed, Jim Fairbanks, City staff; T.L. Walker, Earl Ball, Tim Burg, David Myers, citizens; Rod Bolin, Rog Allen, news media.

1. Mayor Richard Stone called the meeting to order at 5:30 p.m.
2. Steve Bredeson, Asbury United Methodist 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, #10, #11, and #12 non-controversial and routine in nature. Commissioner Kistler made the motion to approve the consent agenda. Paynter seconded.

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

4. Consider and vote upon minutes of the Ponca City Board of Commissioners regular work session held January 17, 2005, special work session held on January 24, 2004, and regular session held January 24, 2005.
5. Consider and vote on a request by the Ponca City Country Club to burn brush within the City Limits.
6. Consider and vote on a request by Robert E. Rouse to burn brush within the City limits.
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.
8. Consider and vote on the proposal from Evergreene Painting Studios to assess the existing conditions of the painted ceilings in the Marland Mansion North Salon and two lounges.

9. Consider and vote on dedicating six utility easements to the Ponca City Utility Authority.
10. Consider and vote on dedicating permanent right-of-letter for the realignment of Ash Street from just north of the BNSF tracks to just south of Hartford.

11. **RESOLUTION NO 5446**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA AMENDING THE OPERTAING BUDGETS OF VARIOUS FUNDS FOR THE FISCAL YEAR 2004-05.

12. **RESOLUTION NO 5447**

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

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

13. None.

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

14. Krueger stated that he hoped that the television audience has done their duty for Valentine's Day.

Kistler commended the Ponca City Leadership Class of the Chamber of Commerce on the Princess Dance they held for the community Friday evening. Kistler added that he had the privilege of attending with his granddaughter and thought it was a most innovative idea.

Stone commented on the courtesy shown by the Police Department when his neighbor, who is blind, was walking with his seeing eye dog and became lost. Stone stated that his neighbor called the non-emergency police number for assistance, and an officer came and helped him get back on his way.

****REPORTS****

15. **CITY MANAGER'S REPORT**

City Manager, Gary Martin, reported that there have been several meetings with Cimarron Broadband regarding the grant funds, and whether or not these funds can be used for Economic Development. Martin further added that a meeting is scheduled for Thursday with the hope that this issue can be resolved.

Martin also reported that the City has been working on a lawsuit with the Kaw Reservoir Authority and will be going to Stillwater later in the week to try and settle this issue also.

Martin handed out the notice that will accompany the utility bills about Spring Clean-Up, which is scheduled for April 2, 2005 through April 9, 2005.

Martin on a final note complimented T.L. Walker, who came early to the meeting to play the City's Steinway piano.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

16. Consider and vote on recommendations for the Park & Recreation Advisory Board to allow a professional Disc Golf Tournament to be held on the 18-hole Disc Golf Course located at Lake Ponca Pageant Area.

Commissioner Kistler made the motion to approve recommendations from the Park & Recreation Advisory Board to allow a professional Disc Golf Tournament to be held on the 18-Hole Disc Golf Course at Lake Ponca Pageant Area. Paynter seconded.

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

17. Consider and vote to approve and execute a deed and agreement to establish a new property line for tracts of land owned by West Lake Estates, L.L.C., and the City of Ponca City, located west of Ponca Lake and north of the extension of Prospect Avenue.

City Attorney Kevin Murphy interjected that if the Commission were favorably disposed to approving this item that a bank holds a mortgage on this property, and mortgage reformation documents are needed to conform to the new legal description. Murphy stated that he was to have been furnished with these documents prior to this meeting, but had not received them. Murphy asked that the Commission to approve this item subject to his approval of the mortgage reformation documents.

Commissioner Kistler made the motion to approve the deed and agreement to establish a new common property line for tracts of land owned by West Lake Estates, L.L.C. and the City of Ponca City, subject to approval of the mortgage reformation documents by City Attorney Kevin Murphy. Paynter seconded.

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

18. Consider and vote to accept the street, water line, and sanitary sewer line utility extensions serving the North Meadowlark Subdivision as public improvements.

Commissioner Kistler made the motion to approve acceptance of the street, water line, and sanitary sewer extension serving the North Meadowlark Subdivision as public improvements. Krueger seconded.

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

19. Consider and vote upon awarding the contract and authorizing the execution of the contract documents for “The City of Ponca City Standing Bear Phase IV Trails Project – Grading, Drainage, Paving, and Landscaping”, to Evans and Associates Construction Company, Inc. in the amount of \$990, 752.65; contingent upon approval of the award of the contract by the Oklahoma Department of Transportation Special Projects Branch.

Commissioner Krueger made the motion to award the “City of Ponca City Standing Bear Phase IV Trails Project – Grading, Drainage, Paving, and Landscaping”, to Evans and Associates Construction Company, Inc. in the amount of \$990,752.65, contingent upon approval of the award of the contract by the Oklahoma Department of Transportation Special Projects Branch. Paynter seconded.

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

20. Consider and vote to approve the purchase of a 2005 model 4x4 truck with a 4-door chassis for the Ponca City Fire Department from Chief Fire and Safety in the amount of \$85,887.00.

Commissioner Paynter made the motion to approve the purchase of a 2005 model 4x4 truck with a 4-door chassis for the Ponca City Fire Department from Chief Fire and Safety in the amount of \$85,887.00. Krueger seconded.

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

21. Consider and vote to convey a parcel of land located west of the 2100 block of north Ash Street to Head Country Products, Inc. and Precision Tool and Die Company, Inc. in exchange for the dedication of utility easements for a public sewer. Kistler seconded.

Commissioner Krueger made the motion to convey a parcel of land located west of the 2100 block of North Ash Street to Head Country Food Products, Inc. and Precision Tool and Die Company, Inc. in exchange for the dedication of utility easements for a public sewer. Kistler seconded.

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

****CITIZENS COMMENTS****

- 22.. None.

RECESS TO AUTHORITY MEETING

Mayor Stone recessed the Board of Commissioners regular session at 6:04 p.m. and moved to the Ponca City Utility Authority meeting.

23. Mayor Stone called the Board of Commissioners regular meeting back to order at 6:08 p.m. and moved to enter into Executive Session pursuant to Title 25, O.S. for the purpose of conferring on matters pertaining to Economic Development, upon finding that the matter to be discussed would interfere with the development of products or services, as public disclosure would violate the confidentiality of the business.

24. The Board of Commissioner returned to regular session following Executive Session at 6:59 p.m. with no action being taken.

25. Mayor Stone adjourned the meeting at 6:59 p.m.

PASSED IN SESSION AND APPROVED THIS 28TH DAY OF FEBRUARY 2005.

MAYOR

ATTEST

CITY CLERK