

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
MARCH 28, 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, Commissioner
Tana McKinley, Assistant City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Gary Martin, City Manager

Others Present: Clayton Johnson, Craig Stephenson, Chris Henderson, Gary Reed, David Keathly, Bill Kirkpatrick, Jim Fairbanks, Terry Brown, Harry Creech, Don Nuzum, City staff; Diane Anderson, Commissioner-elect, citizens, Rog Allen, Rod Bolin, news press.

1. Mayor Richard Stone called the meeting to order at 5:30 p.m.
2. Chuck Scroggs, God's Church, gave the invocation followed by the pledge of allegiance.

****CEREMONIES AND PROCLAMATIONS****

4. Presentation of Service Medallion to Commissioner Stan Kistler.
5. Judge Kirkpatrick administered the Oath of Office to Commissioner Paul M. Krueger
6. Oklahoma State Flag Proclamation
7. Character Trait for March: Sincerity
Presenter: Rev. John Waterloo

****CONSENT AGENDA****

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

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

8. Consider and vote upon minutes of the Ponca City Board of Commissioners work session held February 21, 2005, and regular session held March 14, 2005.
9. **RESOLUTION NO. 5452**

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

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

10. None.

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

11. Commissioner Cummings thanked the Ponca City Energy Board who helped sponsor the Golden Dragon Chinese Acrobats show at the Poncan Theatre, and noted that the show was wonderful. Cummings also welcomed Commissioner Krueger back and thanked Commissioner Kistler for his service.

Commissioner Paynter echoed Commissioner Cummings comments to Commissioners Krueger and Kistler. Paynter expressed his gratitude to Kistler for all his work and patience in his work as a City Commissioner. Paynter also congratulated Diane Anderson and stated he was looking forward to working with her as a Commissioner.

Commissioner Krueger expressed his gratitude to Commissioner Kistler for his knowledge of City government, insightful questions, faithfulness as a City Commissioner, and his love for the City. Krueger concluded by saying that it had been a real honor to serve with Commissioner Kistler and is looking forward to serving with incoming Commissioner Diane Anderson.

Commissioner Kistler thanked the Mayor and Commissioners for their time spent together, stating that it had been a privilege working with each and every one of them. Kistler informed the public that being a Commissioner is taken very seriously by every Commissioner serving the City. Kistler stated that decisions are not made lightly, and each one fully supports the job they do, and are concerned with where Ponca City is going.

Mayor Stone echoed all the comments made and the accolades stand, and thanked Paul Krueger for starting his first full term as a Commissioner. Mayor Stone reminded everyone that the Oklahoma flag celebration would be on April 2, 2005 in the Commission Chamber.

****REPORTS****

12. CITY MANAGER'S REPORT

Assistant City Manager Tana McKinley informed the Commission that the Oklahoma flag would be on display from 10:00 a.m. to 5:00 p.m., in addition to the performances that are scheduled at 2:00 p.m. and 4:00 p.m., on Saturday April 2, 2005 in the Commission Chamber. McKinley stated that school tours could be scheduled through Karen Hunter.

McKinley advised that the grand re-opening of Wentz Golf Course is scheduled for that day also, with internationally known golf pro, Marshall Smith, holding a free golf clinic that afternoon at 4:00 p.m.

McKinley also informed the Commission that the swearing in ceremony for newly elected Commissioner Diane Anderson would be on April 5, 2005 at Marland's Grand Home at 6:30 p.m.

13. RECEIVE PONCA CITY POLICE DEPARTMENT YEAR 2005 ANNUAL REPORT

Deputy Police Chief Dwaine Vincent gave a PowerPoint presentation reviewing the 2004 annual report from the Ponca City Police Department.

****PUBLIC HEARINGS****

14. Conduct a Public Hearing on Edward Byrne Memorial Justice Assistance Grant.

Mayor Stone opened the Public Hearing on the Edward Byrne Memorial Justice Assistance Grant.

Lt. E. B. VanArsdale gave a budget narrative and detailed the expenditure plan for the Edward Byrne Memorial Justice Grant. VanArsdale explained that a memorandum of understanding regarding this grant application between the City of Ponca City and the Kay County Commission was approved during the March 14, 2005 regular City Commission meeting. VanArsdale further explained that a public hearing is necessary to review and allow citizen comment regarding the application and proposed budget. VanArsdale iterated that the Ponca City Police Department intends to use the JAG funds to support unbudgeted equipment needs, training, and overtime during the grant period ending September 30, 2009.

There being no comments from the public regarding this grant, Mayor Stone closed the Public Hearing.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

15. Consider and vote to approve changing the admission fee for tourists visiting the Marland Estate.

David Keathly, Marland Estate Manager, explained to the Commission that in comparison to other attractions around the state, the mansion has some of the lowest rates; therefore the request for an increase in admission fees. Keathly stated that another reason it is prudent to review the fees and make adjustments at this time is due to the fact that they are having 50,000 brochures printed, which should last around two years.

Commissioner Cummings stated that it was to his understanding that the Marland Estate traffic has been dropping every year for the past few years. Cummings went on to say that he was not convinced that raising the fees would be a way to get the traffic to increase. Cummings stated he would like to see numbers on what difference this increase would make in the revenue received. Cummings further added that he would be more inclined to leave the rates as they are, which hopefully would encourage more people to come and visit the Mansion.

Keathly explained that in the 2 to 2 ½ years that he has held his position, there have been 20,000 to 24,000 paying guests go through the Mansion, and in this period of time there have been maybe ten people leave, because they felt the fee was too high. Keathly went on to say that the numbers have dropped in every tourist site in the state of Oklahoma and the

southwest.

Commissioner Paynter made the motion to approve changing the admission fee for tourists visiting the Marland Estate. Krueger seconded.

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

16. Consider and vote upon approving Change Order No. 2 in the deduct amount of \$20,062.39, and the final payment in the amount of \$37,502.92, to Evans and Associates Construction Company, Inc. for work completed on "Street Improvement Project – Ash Street, Otoe to Central and Highland Avenue, West and East of 14th Street."

Commissioner Cummings made the motion to approve Change Order No. 2 in the deduct amount of \$20,062.39, and the final payment in the amount of \$37,502.92, to Evans and Associates Construction Company, Inc. for work completed on "Street Improvement Project – Ash street, Otoe to Central and Highland Avenue, West and East 14th Street. Krueger seconded.

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

- 17A. Receive Update Report from Kenny Jean, of Boettcher, Martin, Jean & Jackson, regarding status of Continental Carbon Litigation.

Kenny Jean gave an update on the pending litigation

- 17B. If recommended, entertain motion to enter Executive session pursuant to Title 25, Section 307, Oklahoma Statutes for purposes of discussing confidential communication from Kenny Jean regarding pending litigation.

Commissioner Cummings made the motion to enter into Executive session pursuant to Title 25, Section 307, Oklahoma Statutes for purposes of discussing confidential communication from Kenny Jean regarding pending litigation following the Ponca City Utility Authority meeting. Kistler seconded.

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

- 17C. Return to regular session and take any necessary action, if appropriate, on items discussed in Executive Session

18. ****CITIZENS COMMENTS****

JD & Louise Childress, 2105 John, came before the Commission to express their concern regarding a wild snake that a resident had in a playground in Ponca City where several children were playing.

RECESS TO AUTHORITY MEETING

19. Mayor Stone recessed to the Utility Authority meeting at 6:33 p.m.

Mayor Stone called the Board of Commissioners regular meeting back to order at 6:34 p.m. and moved to enter into Executive Session pursuant to Title 25, O.S. for the purpose of discussing confidential communication from Kenny Jean regarding pending litigation.

The Board of Commissioners returned to regular session following Executive Session at 7:02 p.m. with no action being taken.

Mayor Stone adjourned the meeting at 7:02 p.m.

PASSED IN SESSION AND APPROVED THIS 11TH DAY OF APRIL 2005.

MAYOR

ATTEST

CITY CLERK