

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
MAY 9, 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
David Cummings, Commissioner
Stan Paynter, Commissioner
Paul Krueger, Commissioner
Diane Anderson, Commissioner
Gary Martin, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Others Present: Don Nuzum, Clayton Johnson, Chris Henderson, Butch Herring, Terry Brown, Phil Johnston, Craig Stephenson, Harry Creech, Bryan VanArsdale, City staff; Andy Longoria, George Schwarz, Steve Peresko, citizens; Rod Bolin, Rog Allen, news press.

1. Mayor Richard Stone called the meeting to order at 5:30 p.m.
2. Pastor, Larry Harris, of Pioneer Bible Church, gave the invocation followed by the pledge of allegiance.

****CEREMONIES AND PROCLAMATIONS****

4. Ponca City Regional Airport, Oklahoma Commercial Airport of the Year 2005.
5. Proclamation: Emergency Medical Services Week

****CONSENT AGENDA****

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

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

6. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held April 25, 2005.

7. **RESOLUTION NO. 5462**

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>
Housing Authority	Larry Buck	Re-Appointed	May 2008
Marland Estate Commission	Mike Phenix	Appointed	May 2008
Park & Recreation Advisory Board	Chuck Rager	Appointed	May 2007

8. **RESOLUTION NO. 5463**

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

9. **RESOLUTION NO. 5464**

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

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

10. None.

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

11. Commissioner Cummings congratulated the fire department on their fine work with the Perkins fire.

Commissioner Paynter commented on the Darr Flight School dedication and congratulated Lillian Taylor on a job well done, and also the Mayor as the co-master of ceremonies.

Commissioner Krueger also added his appreciation to the fire department on a job well done with no injuries and extended his congratulations to the Mayor and his wife for their 50 years of marriage.

Commissioner Anderson commended Main Street for their excellent job and the recognition that is being given Ponca City from not only locally, but from the state level. Anderson also encouraged citizens to go out and support the Special Olympics this week. Anderson also added that Ponca City has 50 Special Olympic athletes competing in the competitions.

Mayor Stone echoed his congratulations to the fire department, and encouraged citizens to go by and see the monument that signifies the close bond between the United States and Great Britain.

****REPORTS****

12. **CITY MANAGER'S REPORT**

City Manager Gary Martin reported on the fire at Perkins, stating that he had spoken with Jack and Cory Bowker, and told them that the City would cooperate with them in any way to help the Perkins Corporation re-build their facility.

Martin also reported to the Commission that there is a natural gas leak at the Marland Mansion, which is located between Angela Hall and the Mansion. Martin stated that more information would be available as to the exact location after tomorrow when a local plumbing company with more detailed equipment will check out the leak.

Martin informed the Commission of an e-mail he had received from Marie Trenary thanking the City for all they had done for the Senior Citizen Center.

Martin showed the Commissioners a video of the 24" sewer line on South 14th Street that has fractured and broken due to the settling of the street. Martin stated that he wanted them to be aware of the situation, as it will need to be repaired in the near future.

Martin stated that he had attended a meeting with the Marland Mansion grounds and building committee, and they discussed their concerns about the lighting around the Mansion, and how dark the grounds and parking lot are at night. Martin went on to ask the Commissioners to drive by and observe the temporary lighting they had installed by using the lights that at one time were in front of City Hall.

In conclusion, Martin stated that the legislature is to be in session for approximately three (3) more weeks, and that there are still many unfunded mandates that may pass, which could affect the City's general fund, including the police, fire, and park and recreation.

Mayor Stone stated that he had attended a meeting with Women in Law Enforcement, where Harriet Simpson, a volunteer in the Ponca City Police Department, was given an award for volunteering over 600 hours of time to the Police Department.

****PUBLIC HEARINGS****

13. Conduct a Public Hearing on the proposed budget for Fiscal Year 2005-06.

Finance Director Marc LaBossiere summarized for the Commission the budget and budget process for the 2005-6 fiscal year.

Mayor Stone opened the public hearing and there being no comments, closed the hearing.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

14. Consider and Approve a Contract for an Architectural Study for the Renovation or Replacement of the Public Safety Center by Wilson Estes Police Architects of Mission Kansas in an Amount not to Exceed \$25,000.00.

Commissioner Paynter made the motion to approve a contract for an Architectural Study for the Renovation or Replacement of the Public Safety Center by Wilson Estes Police Architects of Mission, Kansas in an amount not to exceed \$25,000. Anderson seconded.

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

15. Consider and vote upon approving Change Order No. 1 in the deduct amount of \$1,825.59, and final payment in the amount of \$2,979.62 to Evans and Associates Construction Company, Inc. for work completed on "Virginia Street 200 Block Improvement Project – Box Culvert Replacement."

Commissioner Cummings made the motion to approve Change Order No. 1 in the deduct amount of \$1,825.59, and final payment in the amount of \$2,979.62 to Evans and Associates Construction Company, Inc. for work completed on “Virginia Street 200 Block Improvement Project – Box Culvert Replacement.” Krueger seconded.

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

16. Consider and vote on Warren Corporation’s Request for a Permit to Drill Oil and Gas Well within the City Limits on Private Property in the NW/4 NW/4 NW/4 of Section 26, Township26 North, Range 2 East, at a Location 500 Feet Southeast of Pioneer Motor Bank.

Commissioner Cummings made the motion to approve the request from the Warren Corporation for a permit to drill an oil and gas well within the City Limits on private property in the NW/4 NW/4 NW/4 Of Section 26, Township26 North, Range 2 East, at a location 500 feet southeast of Pioneer Motor Bank. Krueger seconded.

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

- 17.

RESOLUTION NO. 5460

A RESOLUTION AUTHORIZING AND APPROVING THE ISSUANCE BY THE PONCA CITY UTILITY AUTHORITY OF AN AMENDED PROMISSORY NOTE TO THE OKLAHOMA WATER RESOURCES BOARD PERTAINING TO THE CONVERSION OF THE AUTHORITY’S SERIES 1995A PROMISSORY NOTE FROM A VARIABLE INTEREST RATE TO A FIXED INTEREST RATE; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Allan Brooks, Bond Counsel for the City, gave an overview of the Resolutions to be passed, stating that the Resolutions would give notice to the OWRB, informing them that the City would like to change their variable interest rate notes to fixed interest rate notes. Brooks stated that although no one knows for certain where interest rates are headed, it is probable they will continue to climb, and other communities that have recently converted or are in the process of converting debt from a variable to fixed interest rate are Stillwater, Broken Arrow, Marlow, Duncan, El Reno, Bartlesville, and Durant. Brooks also outlined the steps to this process to the Commission.

Commissioner Krueger made the motion to approve the issuance by the Ponca City Utility Authority of an amended promissory note to the Oklahoma Water Resources Board pertaining to the conversion of the Authority’s Series 1995A promissory note from a variable interest rate to a fixed interest rate; and containing other provisions related thereto. Cummings seconded.

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

18.

RESOLUTION NO. 5461

A RESOLUTION AUTHORIZING AND APPROVING THE ISSUANCE BY THE PONCA CITY UTILITY AUTHORITY OF AN AMENDED PROMISSORY NOTE TO THE OKLAHOMA WATER RESOURCES BOARD PERTAINING TO THE CONVERSION OF THE AUTHORITY'S SERIES 1999B PROMISSORY NOTE FROM A VARIABLE INTEREST RATE TO A FIXED INTEREST RATE; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Commissioner Cummings made the motion to approve the Resolution approving the issuance by the Ponca City Utility Authority of an amended Promissory Note to the Oklahoma Water Resources Board pertaining to the conversions of the Authority's Series 1999B Promissory Note from a variable interest rate to a fixed interest rate. Krueger seconded.

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

19.

RESOLUTION NO. 5465

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, CONFIRMING THE NOMINATIONS OF THE MAYOR OF PONCA CITY, OKLAHOMA FOR APPOINTMENT OF OFFICERS AND DEPARTMENT HEADS FOR THE CITY OF PONCA CITY, OKLAHOMA AND SETTING THE TERM OF OFFICE THEREOF.

Commissioner Paynter made the motion to approve the Resolution of the Board of Commissioners of the City of Ponca City, Oklahoma confirming the nomination of C. Paige Lee as the alternate Juvenile Judge for the City of Ponca City, Oklahoma and setting the term of office thereof. Krueger seconded.

Cummings offered an amendment to the resolution to change the title to Alternate Municipal judge, amendment approved by Paynter and Krueger

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

20. ****CITIZENS COMMENTS****

None.

21. Mayor Stone adjourned the meeting at 6:37 p.m.

PASSED IN SESSION AND APPROVED THIS 23RD DAY OF MAY 2005.

MAYOR

ATTEST

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
MAY 9, 2005

Pursuant to notice as required by law, the Board of Trustees of the Ponca City Utility Authority met in regular session at 6:37 p.m. in the Commissioners' Room in City Hall at 516 East Grand Avenue with Chairman Richard Stone presiding.

Present: Richard Stone, Chairman
David Cummings, Trustee
Stan Paynter, Trustee
Paul Krueger, Trustee
Diane Anderson, Trustee
Kevin Murphy, City Attorney
Gary Martin, Trust Secretary
Marc LaBossiere, Finance Director/City Clerk

Others Present: Don Nuzum, Clayton Johnson, Chris Henderson, Butch Herring, Terry Brown, Phil Johnston, Craig Stephenson, Harry Creech, Bryan VanArsdale, City staff; Andy Longoria, George Schwarz, Steve Peresko, citizens; Rod Bolin, Rog Allen, news press.

1. Chairman Richard Stone called the meeting to order at 6:37 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2 and #3 non-controversial and routine in nature by the governing body and are approved by one motion.

Trustee Paynter made the motion to approve the items on the consent agenda. Anderson seconded.

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

2. Consider and vote upon the minutes of the regular session held April 25, 2005.
3. **RESOLUTION NO. 586**

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

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

4. None.

****NEW BUSINESS****

5. **RESOLUTION NO. 584**

A RESOLUTION AUTHORIZING THE CONVERSION OF THE AUTHORITY'S SERIES 1995A PROMISSORY NOTE TO OKLAHOMA WATER RESOURCES BOARD (THE "1995A NOTE") FROM A VARIABLE INTEREST RATE TO A FIXED INTEREST RATE; AUTHORIZING THE AMENDMENT OF THE 1995A NOTE AND OTHER RELATED DOCUMENTS IN CONNECTION WITH THE REFERENCED CONVERSION OF INTEREST RATE; AUTHORIZING THE DISBURSEMENT OF PROCEEDS OF THE 1995A NOTE AND/OR FUNDS OF THE AUTHORITY

FOR COSTS IN CONNECTION WITH THE REFERENCED CONVERSION OF INTEREST RATE; APPROVING AND AUTHORIZING EXECUTION OF PROFESSIONAL SERVICES AGREEMENTS; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

6.

RESOLUTION NO. 585

A RESOLUTION AUTHORIZING THE CONVERSION OF THE AUTHORITY'S SERIES 1999B PROMISSORY NOTE TO OKLAHOMA WATER RESOURCES BOARD (THE "1999B NOTE") FROM A VARIABLE INTEREST RATE TO A FIXED INTEREST RATE; AUTHORIZING THE AMENDMENT OF THE 1999B NOTE AND OTHER RELATED DOCUMENTS IN CONNECTION WITH THE REFERENCED CONVERSION OF INTEREST RATE; AUTHORIZING THE DISBURSEMENT OF PROCEEDS OF THE 1999B NOTE AND/OR FUNDS OF THE AUTHORITY FOR COSTS IN CONNECTION WITH THE REFERENCED CONVERSION OF INTEREST RATE; APPROVING AND AUTHORIZING EXECUTION OF PROFESSIONAL SERVICES AGREEMENTS; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Trustee Cummings made the motion to approve the Resolutions on both items #5 and item #6 authorizing the issuance by the Ponca City Utility Authority of an amended promissory note to the Oklahoma Water Resources Board pertaining to the conversion of the authority's Series 1995A promissory note from a variable interest rate to a fixed interest rate; and containing other provisions related thereto. Krueger seconded.

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

7. Consider and vote on a contract to purchase property from Kaw Tribe for relocation of PCUA Shop and Offices for the purchase price of \$720,000.00.

City Attorney Kevin Murphy clarified the Agenda Item stating that the amount of the purchase price in the contract was \$700,000.00 not \$720,000.00, and that a signed contract is in the City's possession with the signature of the CEO of the Kaw Tribe. Murphy stated that ownership would take place on June 15, 2005, or soon thereafter.

Trustee Cummings made the motion approving the contract to purchase property from the Kaw Tribe for the relocation of the PCUA shop and offices for the purchase price of \$700,000.00. Paynter seconded.

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

8. Chairman Stone adjourned the meeting at 6:56 p.m.

PASSED IN SESSION AND APPROVED THIS 23RD DAY OF MAY 2005.

CHAIRMAN

SECRETARY