

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
MAY 23, 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
Paulette Cross, Deputy City Clerk

Absent: Marc LaBossiere, Finance Director/City Clerk

Others Present: Clayton Johnson, Marcy White, Craig Baird, Craig Stephenson, Chris Henderson, Don Nuzum, Tana McKinley, Jim Sindelar, Kevin Jeffries, Sherry Bowers, David Keathly, Paula Cain, Darwin Haney, Hong Fu, David Horinek, City Employees; Major John Poff, Flo & Gordon Holland, Gary Bracken, Jennifer Halstead, Jim Anderson, citizens. Rod Bolin, Rog Allen, News Media.

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. Police Chief Clayton Johnson introduced Flo and Gordon Holland, who gave a generous unsolicited donation to purchase a trained police canine for the Ponca City Community. Johnson also introduced K-9 Officer Ben and Ben's Handler, Officer Kevin Jeffries.
5. Character Trait for May: Honor was presented by Steve Ketchum.

****CONSENT AGENDA****

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

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

6. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held May 9, 2005.

7. **ORDINANCE NO. 6016**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO CONFORM IT TO THE REVISED RESPONSIBILITIES TO BE GIVEN TO THE MUNICIPAL JUDGE AND ALTERNATE MUNICIPAL JUDGE, RESPECTIVELY; REPEALING ORDINANCES IN CONFLICT; DECLARING SEVERABILITY OF PARTS AND DECLARING AN EMERGENCY.

8. **RESOLUTION NO. 5466**

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>
Airport Advisory Board	Butch Bucher	Appointed	May 2006
Airport Advisory Board	Edward W. Jones	Re-Appointed	May 2007
Airport Advisory Board	Steve McGuire	Re-Appointed	May 2008
Airport Advisory Board	Homer Nicholson	Appointed	May 2008
Airport Advisory Board	Brad Piel	Re-Appointed	May 2007
Board of Adjustment	Tim Burg	Appointed	May 2008
Board of Adjustment	Eric Kurtz	Re-Appointed	May 2008
Cultural Affairs Commission	Leslie Rardin	Appointed	May 2008
Historic Preservation Advisory	Jayne Detten	Appointed	May 2006

9. **RESOLUTION NO. 5467**

A RESOLUTION DESIGNATING CERTAIN CITY EMPLOYEES AS PURCHASING OFFICERS WITH AUTHORITY TO MAKE PURCHASES AGAINST CITY AND MUNICIPAL TRUST APPROPRIATIONS.

<u>EMPLOYEE</u>	<u>DEPARTMENT</u>	
<i>Gary Martin</i>	837 -	<i>Public Facilities Tax Fund</i>
<i>Tana McKinley</i>	837 -	<i>Public Facilities Tax Fund</i>
<i>Marc LaBossiere</i>	837 -	<i>Public Facilities Tax Fund</i>
<i>Burl Herring</i>	101-2510	<i>Fire</i>
	101-2511	<i>Ambulance</i>
	260 -	<i>Community Development Grants</i>

10. Consider and vote to authorize Mayor to sign a one-year lease agreement between the City of Ponca City and Keith Waller, 1304 Kygar Road, Ponca City, OK to continue to lease a parcel of land consisting of approximately two acres.
11. Consider and vote to award and execute a contract with a private contractor for the abatement of high grass and weeds in accordance with the City's Nuisance Abatement Program.
12. Consider and vote to accept the Emergency Shelter Grant Sponsor and Shelter Agreement between the City of Ponca City and The Salvation Army of Ponca City in the amount of \$50,000.00.

13. **RESOLUTION NO. 5468**

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

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

14. None.

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

15. Commissioner Anderson thanked Chief Clayton Johnson on his expediency in handling a problem she had contacted him about.

****REPORTS****

16. **CITY MANAGER'S REPORT**

City Manager Gary Martin advised the Commission that House Bill 1386 and Senate Bill 516 were either modified or retuned, which is good news for the City. Martin stated that HB 1386 would have given franchises right to operate within Municipal limits without the Commission or the citizens being able to vote on whether to approve or disapprove. Martin stated that this bill was dead for this session. Martin also addressed Senate Bill 516, which was a well written bill until additions were made to it, which would take away the authority of the City, and allow City police officers to go anywhere within the State to do duty. Martin stated that the language pertaining to this part of the bill was removed. Martin stated that there were only four more days remaining in this session, within which the City could get hit with crazy bills.

Martin spoke in regards to the heavy rain received, stating that it had caused overflow of manholes that were overloaded with water. Martin stated that the rain was considered to be a major storm, so the City should be forgiven for the damage caused due to this storm. Martin added that there is still a problem at the Wastewater Plant, due to the hydrocarbons that hit the plant killing the bugs that take care of the waste material. Martin further said that the problem is improving and the bugs are growing.

Martin complimented the Street Department in working with the railroad in replacing the streets where the railroad had removed unused tracks. Mayor Stone inquired of Martin as to

whether the railroad had been notified about the rough tracks on Hartford going west, and asked that this be put on a list as a priority item.

Martin informed the Commission that Friday night about 11:00 the Huffy Sub-station, located west of Waverly in the Industrial Park, went down, but that an alternate route had been installed about a year ago, that ran under the runway at the Airport, and down Waverly, making it possible to just flip a switch and activate the north feed. Martin stated the unit could be down for several months, and a backup will be installed while this one is in Oklahoma City for repair.

Martin further addressed the ongoing problem of the lack of fire plugs on east side of 14th street, also a leaking fire plug on Grand Avenue that could leave Grand Avenue without water, for several hours when the time comes to repair. Martin also stated that eight (8) firefighters who enrolled in the paramedic class have passed their anatomy and physiology portion of the class, which are the hardest courses in the training.

Martin concluded by congratulating Susan Hill on the great job she is doing with the City Newsletter.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

17.

RESOLUTION NO. 5469

A RESOLUTION BY THE MAYOR AND BOARD OF COMMISSIONERS SUPPORTING THE SUBMITTAL OF A PRELIMINARY GRANT APPLICATION TO THE RAY AND JOAN KROC FOUNDATION FOR THE CONSTRUCTION AND ENDOWMENT OF A COMMUNITY CENTER TO BE LOCATED IN PONCA CITY THAT WILL BE OWNED AND OPERATED BY THE SALVATION ARMY AND, FURTHER, ONE WHICH WILL CONTAIN SPECIFIC EDUCATIONAL, PERFORMING ARTS AND RECREATIONAL ELEMENTS IDENTIFIED BY THE VISION 2020 TASK FORCE AND THE SALVATION ARMY AS BEING VITAL TO THE SUSTAINABILITY AND WELLBEING OF OUR CITY.

Chris Henderson, Community Development Director, stated that he was appearing to the Commission as a member of the Vision 20/20 Citizens Task Force. Henderson explained that Ray and Joan Kroc had left a substantial amount of money to the Salvation Army to construct community centers across the country. Henderson further explained how this grant if received could help Vision 20/20 to achieve one of their goals they have deemed to be necessary to sustain and improve quality of life for the citizens of Ponca City.

Henderson further added that because of the short timeline this grant opportunity presents, it is necessary to consider the submission of a preliminary application to fund a Community Center in Ponca City. Henderson advised that preliminary estimates indicate that such a facility might cost up to 10 million dollars to construct, and the Kroc Foundation would pay the 10 million dollar construction costs, and set aside an additional 10 million dollars to endow this facility. Henderson went on to say that Ponca City has a reasonable opportunity to participate in this program and perhaps receive this grant, but local representatives of the Salvation Army who are assembling a preliminary application have indicated the need for a Resolution of support from the City and a pledge in dollars.

Commissioner Cummings questioned the portion of the Resolution that referred to City funds pledged would be from the proceeds of a sales tax proposal, if approved by the Citizens, and if there would be any other sources of funding or combination of sources of funding, rather than impose another sales tax. Commissioner Krueger, who has been a liaison between the Task Force and the City Commission, answered that the sales tax referred to in the Resolution was strictly to get the application process started, and different types of funding will be looked at later down the road.

Commissioner Paynter made the motion to approve the Resolution for submittal of a preliminary grant application to the Ray and Joan Kroc Foundation for the construction and endowment of a Community Center to be located in Ponca City that will be owned and operated by the Salvation Army, and further, which will contain specific educational, performing arts and recreational elements identified by the Vision 2020 Task Force and the Salvation Army as being vital to the sustainability and wellbeing of our City. Anderson seconded.

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

18. Consider and vote upon awarding the contract and authorizing the execution of the contract documents for, "Street Improvement Project-Concrete Street Reconstruction," to Chitwood Construction Company, Inc. in the amount of \$351,383.60.

Commissioner Cummings made the motion to approve awarding of the contract and authorization of contract documents for, "Street Improvement Project-Concrete Street Reconstruction," to Chitwood Construction Company, Inc. in the amount of \$351,383.60. Krueger seconded.

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

19. Consider and vote upon approving supplemental and modification Agreement No. 1 between the City of Ponca City (City) and the Oklahoma Department of Transportation (ODOT) for "The City of Ponca City Standing Bear Phase IV Trails Project – Grading, Drainage, Paving, and Landscaping."

Jim Fairbanks, City Engineer, summarized the history of the project and reviewed for the Commission that the Standing Bear Trails Project is 80% federal funded and 20% of the funds are to be paid by the Sponsor (City). Fairbanks stated that the City made a request to Oklahoma Department of Transportation on behalf of the Standing Bear Foundation for a budget increase of an additional \$110,000 to provide for the construction of some of those alternate items that had previously been eliminated.

Commissioner Krueger made the motion to approve the Supplemental and Modification Agreement No. 1 between the City of Ponca City (City) and the Oklahoma Department of Transportation (ODOT), for "The City of Ponca City Standing Bear Phase IV Trails Project – Grading, Drainage, Paving, and Landscaping". Cummings seconded.

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

20. Consider and vote upon approving Change Order No. 2 in the add amount of \$103,514.98 for 'The City of Ponca City Standing Bear Phase IV Trails Project – Grading, Drainage, Paving, and Landscaping', to Evans & Associates Construction Company, Inc. contingent upon approval of Supplemental and Modification Agreement No. 1 by the City Commission and contingent upon approval of Change Order No. 2 by the Oklahoma Department of Transportation Projects Branch.

Commissioner Krueger made the motion to approve Change Order No. 2 in the additional amount of \$103,514.98 for "The City of Ponca City Standing Bear Phase IV Trails Project – Grading, Drainage, Paving, and Landscaping," contingent upon the approval of Supplemental and Modification Agreement No. 1 by the City Commission and contingent upon approval of Change Order No. 2 by the Oklahoma Department of Transportation Special Projects Branch. Cummings seconded.

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

21. Consider and vote upon a request by Western Enterprises, Inc. on behalf of Ponca City Fireworks Committee to be issued a permit to conduct a fireworks display at West Lake Ponca Dam on July 4th, 2005, and authorize the Mayor to execute fireworks production contract.

Commissioner Anderson made the motion to approve the request by Western Enterprises, Inc. on behalf of Ponca City Fireworks Committee to be issued a permit to conduct a Fireworks Display at West Lake Ponca Dam on July 4th, 2005, and authorize Mayor to execute fireworks production contract. Cummings seconded.

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

22. Consider and vote to contract with Party Pro Rents to provide recreational inflatables for the 2005 Freedom Festival to be held at Lake Ponca on July 4th, 2005 in the total amount of \$7,000.00, and to authorize pre-payment for a non-refundable deposit in the amount \$1,750.00 which will be applied to the total agreement price.

Commissioner Paynter made the motion to approve a contract with Party Pro Rents to provide recreational inflatables for the 2005 Freedom Festival to be held at Lake Ponca on July 4th, 2005 for \$7,000.00 with a non-refundable deposit of \$1,750.000. Krueger seconded.

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

23.

ORDINANCE NO. 6017

AN ORDINANCE AMENDING THE CITY CODE TO CODIFY THE RATE FOR WATER MAIN TAPS AND PROVIDE FOR EXPANDING THE EXTENT OF SERVICES RENDERED BY THE CITY IN MAKING A TAP, REPEALING ORDINANCES IN CONFLICT, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

Commissioner Cummings made the motion to approve an Ordinance amending the City Code to codify the rate for water main taps and provide for expanding the extent of services rendered by the City in making a tap, repealing Ordinances in conflict and providing for severability and establishing an effective date. Krueger seconded.

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

24.

ORDINANCE NO. 6018

AN ORDINANCE AMENDING THE CITY CODE IN REGARD TO WATER FEE CHARGES TO PROVIDE FOR INCREASED COSTS RECOVERY IN ALL ASPECTS OF WATER COLLECTION, TREATMENT, DISTRIBUTION, CAPITAL EXPENSES ASSOCIATED THEREWITH AND RECOVERY OF COSTS OF SUPPORT SERVICES FURNISHED BY VARIOUS CITY DEPARTMENTS, REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

Dr. Hong Fu, Environmental Services Director, stated that the proposed Ordinance is for a 4% volumetric rate increase for all rural, residential, and commercial customers. Fu further explained that the City's water system faces challenges in all three segments; treatment, supply and distribution. In addition, Fu went on to say that the cost of managing the system and providing quality service to the citizens will continue to rise due to the higher energy costs, much higher chemical costs, and structure needs; therefore the need for an increase in the unit fee not the user fee.

Commissioner Krueger made the motion to approve the Ordinance amending the City Code in regard to water fee charges to provide for increased costs recovery in all aspects of water collection, treatment, distribution, capital expenses associated therewith and recovery of costs of support services furnished by various City departments, repealing Ordinances in conflict; providing for severability and establishing an effective date. Paynter seconded.

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

25.

ORDINANCE NO. 6019

AN ORDINANCE AMENDING SECTION 9-8B-15 OF THE CITY CODE TO ESTABLISH WASTEWATER RATES FOR FISCAL YEARS 2005 THROUGH 2010; AMENDING SECTION 9-9B-18 TO REMOVE PORTIONS OF DEFINITIONS WHICH ESTABLISH COSTS FOR VARIOUS CONCENTRATIONS IN ORDER TO CONFORM THE NEWLY CREATED RATES OF THE LATER SECTION TO THE

FORMER SECTION; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND ESTABLISHING EFFECTIVE DATE.

Commissioner Cummings made the motion to approve the Ordinance to amend Section 9-8B-15 of the City Code to establish wastewater rates for the fiscal years of 2005 through 2010, and amending section 9-9B-18 to remove portions of definitions which establish costs for various concentrations in order to conform the newly create rates of the later section to the former section; repealing Ordinances in conflict; providing for severability and establishing an effective date. Krueger seconded.

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

26.

ORDINANCE NO. 6020

AN ORDINANCE AMENDING THE CITY CODE TO PROVIDE FOR INCREASED COSTS RECOVERY IN CERTAIN SOLID WASTE COLLECTION AND LANDFILL RATES, REPEALING ORDINANCES IN CONFLICT AND DECLARING AN EMERGENCY.

Commissioner Cummings made the motion to approve the Ordinance amending the City Code to provide for increased costs recovery in solid waste collection and landfill rates repealing Ordinances in conflict and declaring an emergency. Paynter seconded.

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

27.

Consider and vote to reject the bids to install new HIRL Fixtures and Transformers on RW 17-35 (6200' X 150'); install base-mounted HIRL on RW 17-35 (1000' X 150'); install new base-mounted MITL Fixtures on the north 2,200' of the TW System, Rehabilitate PCC Pavement on RW 17-35(5000' X 150'); install ILS Turnarounds & Walkways & Realign, Mark & Light portions of the parallel TW, AIP Project 3-40-0078-0801-2005 Ponca City Regional Airport.

Commissioner Krueger made the motion to reject the bids for installation of the new HIRL Fixtures and Transformers for AIP Project 3-40-0078-0801-2005 Ponca City Regional Airport. Anderson seconded.

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

28.

Consider and vote on the 2005-2006 Fiscal Year Lease Agreement with Great Lakes Airlines.

Commissioner Cummings commented that he would like to see Ponca City Tourism send some Ponca City advertising posters to the airlines to add to their walkway of places they fly.

Commissioner Cummings made the motion to approve the 2005-2006 Fiscal Year Lease Agreement with Great Lakes Airlines. Paynter seconded.

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

29. Consider and vote on the Supplemental Agreement No. 1 with Cowboy Concrete and Construction, Inc. for Phases I and II to Reconstruct and Realign General Access Taxiways and Aprons serving Hangars 1,2, and 3 AIP Project 3-40-0078-009-2002 in the amount of \$26,818.00.

Commissioner Anderson made the motion to approve the Supplemental Agreement No. 1 with Cowboy Concrete Construction, Inc. for Phases I and II to reconstruct and realign general Access Taxiways and Aprons serving Hangars 1, 2, and 3 AIP Project 3-40-0078-009-2002 in the amount of \$26,818.00. Krueger seconded.

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

30. **RESOLUTION NO. 5470**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY AUTHORIZING THE MAYOR OF PONCA CITY TO SIGN A GRANT AGREEMENT BETWEEN THE CITY OF PONCA CITY AND FEDERAL AVIATION ADMINISTRATION (FAA) AND THE OKLAHOMA AERONAUTICS COMMISSION (OAC) FOR IMPROVEMENTS TO PONCA CITY REGIONAL AIRPORT TO ACQUIRE SNOW PLOW AND SWEEPER; CONSTRUCT BUILDING FOR STORAGE AND MAINTENANCE OF AIRPORT SNOW REMOVAL AND ICE CONTROL EQUIPMENT, AIP 3-40-0078-0011-2005 AND PNC-05-F.

Commissioner Krueger made the motion to approve the Resolution authorizing the Mayor to sign a grant agreement between the City of Ponca City and the Federal Aviation Administration and the Oklahoma Aeronautics Commission for improvements to Ponca City Regional Airport to acquire a snow plow and sweeper, construct building for storage, and maintenance of said equipment. Paynter seconded.

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

31. Consider and vote on a contract award for a high speed air runway sweeper, snow plow, carrier vehicle, snow plow and spreader body, AIP Project 3-40-0078-0011-2005 and PNC 05-F.

Commissioner Krueger made the motion approving the awarding of a contract for a high speed air runway sweeper, snow plow, carrier vehicle, and snow plow and spreader body to J& R Equipment, LLC in the amount of \$156,463.00.

Commissioner Paynter asked why the low bid did not meet the specs, and stated that it puts the Commission at a disadvantage in determining who had the best bid when there is no documentation to be able to compare the bids. Commissioner Cummings recommended that the Commission consider the bid on the snowplow since it is the low bid, and defer the sweeper until the Commission has further information Cummings made the second to the amended motion.

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

32. The following Resolution was denied by a motion from Commission Paynter and seconded by Commissioner Krueger.

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

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY INSTRUCTING THE ENGINEER TO PREPARE PRELIMINARY PLANS, PROFILES, SPECIFICATIONS, ESTIMATE OF PROBABLE COST, AND ASSESSMENT DPLAT FOR CONSTRUCTION AND IMPROVEMENT OF STREETS AND ASSOCIATED DRAINAGE, SANITARY SEWER MAINS AND WATER MAINS FOR THE BENEFIT OF THE FOLLOWING DESCRIBE REAL ESTATE: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 12, THENCE SOUTH 00° 00' 00" EAST ALONG THE WEST LINE OF SAID NW/4 FOR A DISTANCE OF 845.4 FEET; THENCE NORTH 81° 00' 00" EAST A DISTANCE OF 287.95 FEET; THENCE NORTH 71° 14' 00" EAST A DISTANCE OF 215.1 FEET; THENCE SOUTH 66° 33' 00" EAST A DISTANCE OF 670.5 FEET; THENCE SOUTH 33° 19' 00" EAST A DISTANCE OF 530.5 FEET; THENCE SOUTH 24° 44' 00" EAST A DISTANCE OF 534.85 FEET; THENCE SOUTH 14° 19' 00" WEST A DISTANCE OF 36.38 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 14° 14' 19" WEST FOR A DISTANCE OF 509.12 FEET; THENCE SOUTH 89° 51' 18" EAST FOR A DISTANCE OF 314.43 FEET; THENCE NORTH 54° 01' 38" EAST A DISTANCE OF 173.3 FEET; THENCE SOUTH 43° 13' 47" EAST FOR A DISTANCE OF 387.55 FEET TO A POINT ON THE SOUTH LINE OF THE NW/4 OF SAID SECTION 12 AND BEING 413.41 FEET WEST OF THE SOUTHEAST CORNER OF SAID NW/4; THENCE CONTINUING SOUTH 43° 13' 47" EAST FOR A DISTANCE OF 81.74 FEET; THENCE SOUTH 22° 44' 38" EAST FOR A DISTANCE OF 471.7 FEET; THENCE SOUTH 13° 41' 39" EAST FOR A DISTANCE OF 497.77 FEET; THENCE SOUTH 5° 29' 12" EAST FOR A DISTANCE OF 348.86 FEET TO A POINT ON THE SOUTH LINE OF THE N/2 OF SW/4 OF SAID SECTION 12 AND BEING 17.39 FEET WEST THE SOUTHEAST CORNER OF SAID N/2 OF SW/4 OF SAID SECTION; THENCE NORTH 89° 26' 50" WEST ALONG SAID SOUTH LINE OF THE NORTH HALF (N/2) OF THE SOUTHWEST QUARTER (SW/4) FOR A DISTANCE OF 2616.08 FEET TO THE SOUTHWEST CORNER OF THE N/2 OF THE SW/4; THENCE NORTH 00° 00' 35" EAST FOR A DISTANCE 1326.21 FEET TO THE NORTHWEST CORNER OF SAID SW/4; THENCE NORTH 00° 00' 00" EAST ALONG THE WEST LINE OF SAID NW/4 CORNER FOR A DISTANCE OF 671.55 FEET TO A POINT BEING 1962.32 FEET SOUTH OF THE NORTHWEST QUARTER (NW/4); THENCE NORTH 90° 00' 00" EAST FOR A DISTANCE OF 1609.3 FEET TO THE POINT OF BEGINNING ALL IN THE CITY OF PONCA CITY, COUNTY OF KAY, OKLAHOMA.

33. Consider and vote on a contract with Jim Bowen for Marland's Grand Home kitchen cabinet re-construction in the total contract amount of \$14,968.00, and authorize pre-payment of \$6,000.00 for materials to Jim Bowen Construction Co.

David Keathly explained to the Commission that it is hard to find qualified contractors to work on national historic properties, who have the expertise and qualifications to do this type of work; secondly a contractor that will come within the budget allotted; and third where the contractors time frame works with the time frame of the City. Keathly stated that they have found a long time local contractor, Jim Bowen Construction, to provide the cabinetry for the Marland's Grand Home as planned. Keathly stated due to the size of Bowen's company it would be helpful to pay the materials cost of \$6,000.00, in order that Mr. Bowen can take advantage of ordering materials before a price increase. City Manager Gary Martin stated that Bowen also needed to be made a purchasing agent for the City, since he would be doing all the purchasing.

Commissioner Cummings made the motion to amend the motion for the City Finance Director to advance \$3,000.00 from City funds and an additional \$3,000.00 of the funds held by the City from the Friends of the Grand Home for a prepayment to Mr. Bowen for materials to proceed with the project. Cummings also added to the motion that Mr. Bowen be made a purchasing agent for the City for the Marland's Grand Home project. Paynter seconded.

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

Mayor Stone recognized Troop 556 sponsored by St. Paul's United Methodist Church.

34. ****CITIZENS COMMENTS****

Jim Anderson, 813 Greenbrier, addressed the Commission regarding the heavy rain event last week, by stating that he had appeared before the Commission prior to this about the property at 143 Glenside, and the magnitude of the flooding at this location. Anderson stated that he appreciated the article in the paper about who to contact with concerns regarding properties that had flooded, and that he had called and left a message with Chris Henderson, Community Development Director. Anderson asked the Commission to continue the good work that is being done with the removal of structures that have been affected by flooding. Anderson stated that this residence has flooded with as little as two (2) inches of water and that with the five (5) inches received in this last rain the water structures are not adequate to accommodate the run-off that comes down Virginia Avenue. Anderson stated that this is a dilemma, as he cannot sell this property with the condition it is in, and that much of the problem is due to the building of the Renal and Cancer Centers. Anderson went on to say that he did not ask for special consideration, but for fair consideration on the property at 143 Glenside.

21. Mayor Stone adjourned the meeting at 7:20 p.m.

PASSED IN SESSION AND APPROVED THIS 13TH DAY OF JUNE 2005.

MAYOR

ATTEST

CITY CLERK