

Minutes



Yukon City Council Minutes June 3, 2008

The Yukon City Council met in regular session on June 3, 2008, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

The invocation was given by John Miller, pastor of Christ's Church of Yukon.

The flag salute was given in unison.

ROLL CALL: (Present) Ward Larson, Mayor
 Bob Bradway, Vice Mayor
 Earline Smaistrila, Council Member
 John Tipps, Council Member
 Dewayne Maxey, Council Member

OTHERS PRESENT:

Jim Crosby, City Manager
Pat Hargis, City Clerk
Mike Segler, City Attorney
Robbie Williams, City Engineer
Tammy Kretchmar, City Manager's Office
Doug Shivers, Personnel Director
Mitchell Hort, Community Development Director
J. R. Reed, Public Works Director
Jeff Lara, Fire Chief
Gary Wieczorek, Police Chief

●●●Presentations and Proclamations

Proclamation proclaiming June 3, 2008 as "Bradley Perry Day"
Proclamation proclaiming June 3, 2008 as "Jacob Stinnett Day"

Mayor Larson read the proclamation honoring Bradley Perry, adding that Mr. Perry was a great example for his peers. Mr. Stinnett was not in attendance.

Mayor Larson also read a proclamation proclaiming Sunday, June 8, 2008, as "Compassionate Hands Sunday" in the City of Yukon. The proclamation was presented to Teresa Sanders of Compassionate Hands.

Introduction of new police officers and supervisors by Chief Wieczorek

Chief Wieczorek introduced newly promoted officers Matt Hofer, Terry Prigmore and John Brown. The new officers that were introduced to the Council were officers Wolfgram, Daugherty and Dean.

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Visitors

Marvin Smith, 701 Park Drive, stated he had received a public notice in the mail regarding our drinking water and he had several concerns regarding this. First of all, Mr. Smith said, he received this notice, which was dated 5-13-08, just this week and the incident itself happened nine months ago. Mr. Smith said he had a problem with it taking so long for the citizens to receive notification. Also, he said there was quite a discrepancy from what the letter stated and what he read in the newspaper about this.

City Manager Jim Crosby said that we are constantly testing our water and that it is true that two of five test results failed, but they were also taken in an area and condition they should not have been. Mr. Crosby said that after the second round of testing, all results were okay. Mr. Crosby said he is very unhappy with Veolia and the whole sequence of events surround this, and that he has been in contact with their main office in California. Mr. Crosby assured Mr. Smith that our water is of high quality.

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(Recess as Yukon City Council and Reconvene as Yukon Municipal Authority)

1A. YMA Consent Docket

This item is placed on the agenda so the Yukon Municipal Authority, by unanimous consent, can designate those routine items they wish to be approved by one motion. If an item does not meet with the approval of all Authority Members, that item will be heard in regular order.

The City Manager recommends a motion to approve:

- A) The minutes of the regular meeting of May 20, 2008
- B) Payment of claims in the amount of \$46,661.44

A motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of May 20, 2008, and payment of claims in the amount of \$46,661.44 was made by Vice Chair Bradway and seconded by Trustee Maxey.

The vote:

AYES: Smaistrila, Bradway, Larson, Tipps, Maxey

NAYS: None

VOTE: 5-0

MOTION CARRIED

(Adjourn as YMA and Reconvene as Yukon City Council)

1. Consent Docket

This item is placed on the agenda so the City Council, by unanimous consent, can designate those routine items they wish to be approved by one motion. If an item does not meet with the approval of all Council Members, that item will be heard in regular order.

The City Manager recommends a motion that will approve:

- A) The minutes of the regular meeting of May 20, 2008
- B) Payment of salary and material claims in the amount of \$1,076,718.80
- C) The re-appointment of Dolores Privott to Office #3 of the Spanish Cove Housing Authority, as recommended by the Nominating Committee of the Spanish Cove Housing Authority
- D) Denial of tort claim No. 25901-MP from Diffie Ford, as recommended by the Oklahoma Municipal Assurance Group
- E) Setting the date for the next regular Council meeting for Tuesday, June 17, 2008, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth Street

Council Member Tipps made a motion to approve the Consent Docket, consisting of the approval of the minutes of the regular meeting of May 20, 2008; payment of salary and material claims in the amount of \$1,076,718.80; the re-appointment of Dolores Privott to Office #3 of the Spanish Cove Housing Authority, as recommended by the Nominating Committee of the Spanish Cove Housing Authority; denial of tort claim No. 25901-MP from Diffie Ford, as recommended by the Oklahoma Municipal Assurance Group; and setting the date for the next regular Council meeting for Tuesday, June 17, 2008, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth Street. The second to the motion was made by Council Member Smaistrila.

The vote:

AYES: Larson, Smaistrila, Maxey, Tipps, Bradway

NAYS: None

VOTE: 5-0

MOTION CARRIED**2. Report of Boards, Commissions and City Officials**

3. A) Consider approving Ordinance No. 1224, an ordinance which provides amendment to the Code of Ordinances, City of Yukon, Oklahoma, by adding an article, to be numbered Article IV, Hotel Tax Ordinance, Sections 105-112 through 105-140, providing for the levying on the rental of hotel and motel rooms within the city of Yukon, a tax of five percent (5.0%) of the room rental rate; defining terms; providing for exemptions, acknowledgment and records; providing tax be separately designated; providing operator responsible for collection of tax; providing for certificates of registration; records required; returns; providing for payment of tax; delinquent taxes; interest on unpaid/delinquent taxes; collection by suit; requiring bond; assessment and determination of tax; refunds; notices; remedies exclusive; providing penalties for failure to file, submitting false returns and failure to post a bond; operator's discount for keeping records; records confidential; use of funds; general powers of clerk; administration of oath and compelling testimony; proceedings to recover tax; amendments; providing provisions cumulative; providing provisions severable; requiring approval of ordinance by a majority of registered voters voting at an election held for this purpose and fixing effective date thereof, and declaring an emergency

The motion to approve Ordinance No. 1224, an ordinance which provides amendment to the Code of Ordinances, City of Yukon, Oklahoma, by adding an article, to be numbered Article IV, Hotel Tax Ordinance, Sections 105-112 through 105-140, providing for the levying on the rental of hotel and motel rooms within the city of Yukon, a tax of five percent (5.0%) of the room rental rate; defining terms; providing for exemptions, acknowledgment and records; providing tax be separately designated; providing operator responsible for collection of tax; providing for certificates of registration; records required; returns; providing for payment of tax; delinquent taxes; interest on unpaid/delinquent taxes; collection by suit; requiring bond; assessment and determination of tax; refunds; notices; remedies exclusive; providing penalties for failure to file, submitting false returns and failure to post a bond; operator's discount for keeping records; records confidential; use of funds; general powers of clerk; administration of oath and compelling testimony; proceedings to recover tax; amendments; providing provisions cumulative; providing provisions severable; requiring approval of ordinance by a majority of registered voters voting at an election held for this purpose and fixing effective date thereof, and declaring an emergency, was made by Council Member Tipps. The second was moved by Council Member Smaistrla.

Vice Mayor Bradway asked if we were voting on the amended ordinance that states that 100% of the taxes collected will go toward economic development and parks and recreation and not the ordinance that was in the agenda packet. Mr. Crosby said it was.

Council Member Maxey made a motion to approve this ordinance as amended. Council Member Smaistrla seconded the motion.

Kirk Otto, president of the Chamber of Commerce, said they are in support of this ordinance and he appreciates the Council's help. He stated this tax will certainly help the Chamber.

Ken Smith, Snowmass Drive resident, stated he serves on the Park Board and is also on the Chamber Board of Directors. He said he was glad that the Council is interested in improving Yukon, as seen by their recent actions. Mr. Smith said that this action is a "quality of life" issue.

The vote:**AYES: Larson, Tipps, Smaistrla, Maxey****NAYS: Bradway****VOTE: 4-1****MOTION CARRIED****B) Consider approving the Emergency Clause of Ordinance No. 1224**

The Emergency Clause of Ordinance No. 1224 was approved upon a motion made by Council Member Maxey and seconded by Council Member Smaistrla.

The vote:

AYES: Maxey, Tipps, Smaistrila, Larson

NAYS: Bradway

VOTE: 4-1

MOTION CARRIED

4. A) Consider approving Resolution No. 2008-07, a Resolution of the City of Yukon, Oklahoma, notifying the Secretary of the Canadian County Election Board that a Special Election providing for the levying on the rental of hotel and motel rooms within the City of Yukon, a tax of five percent (5.0%) of the room rental rate; defining terms and providing for exemptions as set out in Ordinance No. 1224 of the City of Yukon, State of Oklahoma, and limiting the use of the funds derived therefrom to the purposes set forth in said ordinance shall be held in the City of Yukon, Oklahoma, on the 26 Day of August, 2008, Providing for Election Procedures; Setting Forth the Facts Required by Section 13-102 of Title 26 of the Oklahoma Statutes; Directing the City Clerk to Immediately Submit this Resolution to the Secretary of the Canadian County Election Board; Further Directing the City Clerk to Immediately Submit a Current, Certified Copy of the Charter of the City of Yukon, Oklahoma, to Said Election Board as Required by Section 13-109 of Title 26 of the Oklahoma Statutes; and Directing the City Clerk to Immediately Provide the Canadian County Election Board with a Map as Required by Section 13-107 of Title 26 of the Oklahoma Statutes; and Declaring an Emergency

A motion to approve Resolution No. 2008-07, a Resolution of the City of Yukon, Oklahoma, notifying the Secretary of the Canadian County Election Board that a Special Election providing for the levying on the rental of hotel and motel rooms within the City of Yukon, a tax of five percent (5.0%) of the room rental rate; defining terms and providing for exemptions as set out in Ordinance No. 1224 of the City of Yukon, State of Oklahoma, and limiting the use of the funds derived therefrom to the purposes set forth in said ordinance shall be held in the City of Yukon, Oklahoma, on the 26 day of August, 2008, Providing for Election Procedures; Setting Forth the Facts Required by Section 13-102 of Title 26 of the Oklahoma Statutes; Directing the City Clerk to Immediately Submit this Resolution to the Secretary of the Canadian County Election Board; Further Directing the City Clerk to Immediately Submit a Current, Certified Copy of the Charter of the City of Yukon, Oklahoma, to Said Election Board as Required by Section 13-109 of Title 26 of the Oklahoma Statutes; and Directing the City Clerk to Immediately Provide the Canadian County Election Board with a Map as Required by Section 13-107 of Title 26 of the Oklahoma Statutes; and Declaring an Emergency, was made by Council Member Maxey; with Council Member Smaistrila seconding the motion for approval, as amended.

Council Member Tipps said this comes down to economic development - not parks and playgrounds. He stated he applauds the Chamber and business community for backing this.

The vote:

AYES: Smaistrila, Larson, Maxey, Tipps

NAYS: Bradway

VOTE: 4-1

MOTION CARRIED

B) Consider approving the Emergency Clause of Resolution No. 2008-07

A motion to approve the Emergency Clause of Resolution No. 2008-07 was made by Council Member Maxey, with Council Member Smaistrila seconding the motion.

The vote:

AYES: Maxey, Tipps, Larson, Smaistrila

NAYS: Bradway

VOTE: 4-1

MOTION CARRIED

5. Consider appointing the following to the Boards and Commissions, effective July 1, 2008, for four-year terms:

Planning Commission
Board of Adjustment
Park Board
Library Board
Traffic Commission

Ward 3
Terry Beaver
Joe Horn
John Alberts
Jeanne Riggs
Kathy Hazelbaker

Ward 4
Michael McEachern
Russ Kline
Tim Ginter
Margaret Albrecht
Jack Stewart

Council Member Tipps made a motion to approve the appointments as shown to the Board and Commissions for four year terms, effective July 1, 2008. The second to the motion was made by Vice Mayor Bradway.

The vote:

AYES: Smaistrla, Maxey, Bradway, Tipps, Larson

NAYS: None

VOTE: 5-0

MOTION CARRIED

6. Consider setting the abatement cost at \$443.55 for abatement of a nuisance at 2524 West Olympic (Lot 1, Block 3, Parkland Heights Addition) and placing a lien on the property with the Canadian County Clerk and County Treasurer

The motion to set the abatement cost at \$443.55 for abatement of a nuisance at 2524 West Olympic (Lot 1, Block 3, Parkland Heights Addition) and placing a lien on the property with the Canadian County Clerk and County Treasurer was made by Vice Mayor Bradway, with Council Member Maxey seconding.

The vote:

AYES: Tipps, Larson, Smaistrla, Bradway, Maxey

NAYS: None

VOTE: 5-0

MOTION CARRIED

7. Consider approving Resolution No. 2008-06, a resolution of the City Council of the City of Yukon, Oklahoma, adopting the operating budget for fiscal year 2008-2009

Resolution No. 2008-06, a resolution of the City Council of the City of Yukon, Oklahoma, adopting the operating budget for fiscal year 2008-2009, was approved after a motion was made by Council Member Tipps and seconded by Vice Mayor Bradway.

The vote:

AYES: Larson, Bradway, Smaistrla, Tipps, Maxey

NAYS: None

VOTE: 5-0

MOTION CARRIED

8. Consider a public hearing to determine whether the following properties should be declared detrimental to the health, benefit and welfare of the public and community and direct staff to take appropriate action to abate same

| LOCATION | OWNER | VIOLATION |
|---------------------|--------------------------|---------------------|
| 18 Glenda | Brown/US National Bank | Trash, Grass, Weeds |
| 905 Glenwood | Willett/US National Bank | Trash, Grass, Weeds |
| 1013 Winnipeg | Rogers/McMullen | Trash, Grass, Weeds |
| 1202 Fairbanks | White/Wright | Trash, Grass, Weeds |
| 1202 Fairbanks | White/Wright | Nuisance Vehicle |
| 962 Mulbury Mansion | Carter/Tallery | Trash, Grass, Weeds |
| Co-op, North Side | NFG, LLC | Trash, Grass, Weeds |
| Co-op, South Side | NFG, LLC | Trash, Grass, Weeds |

Community Development Director Mitchell Hort advised Council the only address remaining to be considered was 18 Glenda. He presented pictures of the residence in question. After review of the picture, Vice Mayor Bradway made a motion, seconded by Council Member Tipps, to declare the property as detrimental to the

health, benefit and welfare of the public and community and directed staff to take appropriate action to abate same.

The vote:

AYES: Tipps, Maxey, Smaistrla, Larson, Bradway

NAYS: None

VOTE: 5-0

MOTION CARRIED

9. New Business

10. Council Discussion

Council Member Maxey stated if you have not been to the Chisholm Trail Park to see the improvements just made, that you really need to go. Mr. Maxey said he thought it was the best park in Oklahoma.

Vice Mayor Bradway said the 11th Street Bridge and 10th Street will be open and back in business on July 1st.

Council Member Smaistrla reminded that the concerts in the park start the 12th of June and will be held every Thursday night at 7 p.m. during the month.

11. Adjournment

Ward Larson, Mayor

Patricia G. Hargis, City Clerk