

Yukon City Council Minutes August 20, 2013

The Yukon City Council met in regular session August 20, 2013 at 7:00 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth Street, Yukon, Oklahoma.

The invocation was given by Pastor Thomas Buckley, Judah Worship Center
The flag salute was given in unison.

ROLL CALL: (Present) Ken Smith, Mayor
Rick Opitz, Vice-Mayor
John Alberts, Council Member
Nick Grba, Council Member
Michael McEachern, Council Member

OTHERS PRESENT:

Mike Segler, City Attorney	Doug Shivers, City Clerk
Robbie Williams, City Engineer	Tammy Kretchmar DeSpain, Asst. City Mgr.
Arnold Adams, Public Works Director	Michael Dean, Police Officer
Gary Cooper, Information Technology Dir.	Josh Gotcher, Information Technology
Mitch Hort, Community Development Director	Bill Stover, Sanitation Director
Jan Scott, Parks and Recreation Director	Philip Merry, Finance Department
John Corn, Police Chief	Sara Schieman, Librarian
Kathy Johnson, Community Development	Larry Mitchell, Contractor

Presentations and Proclamations

There were no presentations and proclamations

Visitors

None

(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 August 6, 2013**
- B) Payment of Material claims in the amount of \$98,618.26**

The motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of August 6, 2013 and Payment of Material claims in the amount of \$98,618.26, was made by Trustee Opitz and seconded by Trustee McEachern.

The vote:

AYES: Opitz, Smith, Grba, McEachern, Alberts

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 August 6, 2013
- B) Payment of material claims in the amount of \$392,632.21
- C) Designating the items on the attached list from the Technology Department as surplus and authorizing their sale, donation, or trade
- D) Denial of Claim No. 132431-TW from Tracy Hilgenberg, as recommended by the Oklahoma Municipal Assurance Group
- E) Denial of Claim No. 132367-TW from Bev Christensen, as recommended by the Oklahoma Municipal Assurance Group
- F) The renewal of the Agreement for Services between the City of Yukon and Yukon Chamber of Commerce, for the period beginning July 1, 2013 through June 30, 2014, at a cost of \$1,500 per month plus a sales tax incentive
- G) Setting the date for the next regular Council meeting for September 3, 2013, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth St.

The motion to approve the Consent Docket, consisting of the approval of the minutes of the regular meeting of August 6, 2013; Payment of material claims in the amount of \$392,632.21; Designating the items on the attached list from the Technology Department as surplus and authorizing their sale, donation, or trade; Denial of Claim No. 132431-TW from Tracy Hilgenberg, as recommended by the Oklahoma Municipal Assurance Group; Denial of Claim No. 132367-TW from Bev Christensen, as recommended by the Oklahoma Municipal Assurance Group; The renewal of the Agreement for Services between the City of Yukon and Yukon Chamber of Commerce, for the period beginning July 1, 2013 through June 30, 2014, at a cost of \$1,500 per month plus a sales tax incentive; Setting the date for the next regular Council meeting for September 3, 2013, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth St., was made by Council Member Grba and seconded by Council Member McEachern.

The vote:

AYES: Grba, McEachern, Opitz, Alberts, Smith

NAYS: None

VOTE: 5-0

MOTION CARRIED

2. Reports of Boards, Commissions and City Officials – None**3. Discussion, Consideration and Possible Action regarding Stone Mill subdivision traffic control measures**

The motion to discuss, consider and take possible action regarding Stone Mill subdivision traffic control measures, was made by Council Member Alberts and seconded by Council Member Opitz.

Brady Brus, 700 Stonemill, thanked the Stone Mill residents for coming and sending emails. He has had a difficult time with some of the Council. January 17, he requested stop signs from Mitch Hort. Mr. Brus stated Mr. Hort said the developer does not like stop signs in Stone Mill, because they are not pleasing to the eye. January 28 and February 14, he sent emails with data and suggestions, but received no response. March 29, after no responses, he alerted the City, the neighborhood had rented a radar gun. Mr. Brus provided the 8 hours of data he obtained to the City Council on a DVD. April 1, Mr. Brus stated he was told not to correspond with the City anymore. Mr. Brus stated there is an issue in Stone Mill. He also stated that a couple of stop signs had been placed at an intersection during lunch. And within 36 hours, they were removed because of another phone call. Mr. Brus thanked Chief Corn for his work. Mayor Smith stated that he has been on the Council for the last two years and has not received a DVD at any time.

Angie Brus, 700 Stone Mill, has emails from residents that were unable to attend. The neighborhood is frustrated and feels they have repeatedly been ignored by the City. Mrs. Brus stated she tried to get on the agenda and was told conflicting things. Doug Shivers told her she could not and then she could, if she contacted Council Member Alberts to have him place it on the agenda. Council Member Alberts stated he would place it on the agenda and then later stated he would not. Council Member Alberts then stated she would have to file an appeal and he would get her the paperwork. But, to date, she has not received the information. Mrs. Brus did receive a letter in the mail stating they would be on the agenda. This is a small example of how they feel they are getting the run around. Stone Mill has been at the Traffic Commission. The Traffic Commissioners made no recommendation and no solution. This is a fixable solution. Mayor Smith asked, if any other time had anyone with this issue come before the Council? Mrs. Brus stated no.

John Richardson, 2105 Stonybrook, lives in back near Parkland. He thanked the Council for letting them speak. They had attended the Traffic Commission Meeting and expressed their concern with the volume of traffic. Mr. Richardson is troubled by the Traffic Commission minutes. Charlie Lee had stated the issue seems to be keeping others out of the neighborhood. Mr. Richardson only wants to keep speeders out. Mr. Richardson gave options that could help with the issues in Stone Mill. All they want is a safe neighborhood.

Jim Hostetler, 2108 Stonybrook, has been in Stone Mill about three and a half years. He has nearly been t-boned several times. There are a lot of kids in the neighborhood. He stated the curvy road seems to be a challenge. Many people cut through the addition. It is even risky to slow down in fear of being rear ended. He talked with Grayson Bottom and appreciates the speed limit signs. Mr. Hostetler also talked about getting stop signs going north. He wanted to know how stop signs are placed and removed within 36 hours.

Jan Hostetler, 2108 Stonybrook, has almost been hit numerous times, even when checking the mail and pulling out of driveway. She is concerned that it took a year to get stop signs placed and then immediately removed.

Bryan Frank, 705 Stone Mill, is curious the development has only one point of ingress/egress, other than in Parkland on the backside. Not many people exit Parkland. They usually exit Stonemill and drive crazy. Unfortunately, he has been a first responder for an injured child that had been hit by a teen in a truck. Kids are at risk to the inappropriate drivers. This is a serious problem and the kids are a liability. He would like a safe neighborhood.

Brandon Brus, 700 Stone Mill, asked how many cars drive through Stone Mill in a day. Brandon stated it is about 2,000 cars and 1,000 of them are going to Parkland. He then read an email from Frank Chavez. Mr. Chavez has lived in Stone Mill for six years and is concerned with speeding. He would like a gate. John Nail should be concerned with his development and help to solve the problem. Another email stated they would like a permanent gate between Parkland and Stone Mill. It is dangerous to let the kids play with all the speeding and traffic. Another email recommended a gate and they pay higher taxes.

Cathy Frank, 705 Stone Mill, read emails. Community is dangerous and would like a permanent gate to prevent vandalism and theft. A truck was stolen in broad daylight by a Parkland resident. A resident from Meadow Run Ct. thanked those for trying to get the issue solved. They have tried before and failed. Developer is unconcerned and kids cannot play outside. Residents stated it is noisy, the lakes get trashed and teens hang out. We need more stop signs. Ms. Frank stated the point is, there is lots of repetition here and you should all be listening.

Mayor Smith respects the comments and reminds them what the Item states. As well as, this is the first time anyone has come before the Council to address this problem. The question is not if there is a problem, but the best beneficial and legal solution to the issue. Mayor Smith asked if there were additional speakers.

Jack Stewart, 405 Meadow Run, stated there is a problem. The City needs to look at it wisely. The early signs that had been placed, were not warranted. The road curves to slow traffic down, new 25 mph speed limit signs have been installed, and new street lights have been added. It sounds like the major problem is before and after school. Possible additional law enforcement may be needed. Mr. Stewart does not believe needless stop signs need to be placed. They need to meet the warrants. He stated items are already in place to help with traffic problem, they just need to be enforced.

Sunny Richardson, 2105 Stonybrook, stated there has been police patrolling the area. They are visible, so people slow down, but it does no good.

Mayor Smith stated the police responding have been in different vehicles at different times. The numbers the police have may not relate to your findings. They did count 2,400 vehicles in one day and 5.33% were speeding. This is unfortunate, but it is typical for most neighborhoods.

Frank Chavez, 509 Stone Mill, has been threatened trying to slow speeders. He knows it's not people in his addition. Please slow down and take care of our children. Mr. Chavez is asking Council to take care of our families. Traffic is from Parkland, please do something for us.

Council Member Opitz would like to hear from the police chief. Chief Corn stated the information from citizens does not necessarily match the data we have obtained. We do find that marked devices do deter violations. The Police Department will continue to enforce. The complaints are documented and reported. We will continue to be proactive on making it a safe area. Council Member Opitz asked, if speed trailer slows. Chief Corn stated yes and records data.

Council Member Alberts apologized to Mrs. Brus. This is the first time for process in 12 years. I can tell this is emotional. It is time to focus on resolution. A gate is unsafe and probably won't happen. Speed bumps create other problems and stop signs may just double violations. There is a problem, but how do we resolve the problem. Council Member Alberts asked about driver-feedback speed limit signs. Chief Corn stated they usually help. Council Member Alberts asked if the problem is going out of the addition. Chief Corn stated they have worked the east and the west end. Council Member asked when the data of 2,400 cars was collected. It was on a weekday during school. Council Member Alberts wants to do something. He is still concerned and in favor of doing something.

Council Member McEachern stated Stone Mill is not in my ward. He does agree there is a serious problem. Safety is not pretty. He was interested to hear there were 2,000 cars per day. The traffic is heavy at certain times and may be due to the other neighborhood and their egress problem. It seems to be the major problem. Placing a non-uniformed officer to assess could help. Council Member McEachern does not feel stops are always the best.

Council Member Grba thanked all for coming. Can tell there is frustration. This is the way to bring things to our attention. Council Member Grba asked Chief Corn, what recourse do private citizens have? Chief Corn stated they can always report to the Police department and sign complaint against car. Driver must be identified. Please don't go into road. Try to ID and report to Police department and sign complaint. Council Member Grba asked, if there was a speed sensing device similar to the one at Shedeck that can record speeders. Something that is similar to the red light technology that is used to issue citations. Chief Corn has not seen this kind of technology available.

Mayor Smith sympathizes to the concerns of the residents. He said he was having trouble with numbers the Police department has provided. They are not stacking up to the concerns. Any information would be of benefit. Mayor Smith lives in Parkland II. He sees speeders every day, and understands. There is not enough manpower to patrol every day. A gate will probably not happen. There has to be public access for the Police and Fire. Traffic Commission and Police Department are thorough and they need to conduct a study together. How do we find resolution? Not by attacking each other, but by working together. I think we can get there.

The motion to remand the Stone Mill subdivision traffic control measures back to Traffic Commission for further consideration, was made by Council Member Alberts and seconded by Council Member Grba.

The vote:

AYES: McEachern, Alberts, Grba, Smith, Opitz

NAYS: None

VOTE: 5-0

MOTION CARRIED

4. **Consider approving an expenditure of funds in the amount of \$29,163.96, for the purchase of 462 poly carts from IPL Inc., from the Capital Improvement fund, as recommended by the Sanitation Director**

The motion to approve an expenditure of funds in the amount of \$29,163.96, for the purchase of 462 poly carts from IPL Inc., from the Capital Improvement fund, as recommended by the Sanitation Director, was made by Council Member Opitz and seconded by Council Member McEachern.

The vote:

AYES: Alberts, Smith, McEachern, Opitz, Grba

NAYS: None

VOTE: 5-0

MOTION CARRIED

5. **Consider approval of 2013 US Department of Homeland Security's Staffing for Adequate Fire & Emergency Response (SAFER) grant proposal submission**

The motion to approve Consider approval of 2013 US Department of Homeland Security's Staffing for Adequate Fire & Emergency Response (SAFER) grant proposal submission, was made by Council Member Opitz and seconded by Council Member Alberts.

Council Member Grba questioned the fact it ended in two years, how does that work? Grayson Bottom stated there is no obligation after the two years to bring them on as staff. Council Member Grba asked if it would be like temporary contract employees.

Council Member McEachern asked, if this was understood by all parties including the union. Mr. Bottom stated they could not be a member of our local lodge and they would sign an agreement of understanding. Mike Segler stated they would have a written agreement for protection while employed, but not be a member. Council Member McEachern stated he could join firefighters union, if he paid dues and went to meeting without being an active firefighter. Mike Segler stated it depends on the bylaws. The Collective Bargaining Agreement states full time employees.

The vote:

AYES: Smith, Grba, Alberts, Opitz, McEachern

NAYS: None

VOTE: 5-0

MOTION CARRIED

6. **Consider an expenditure of funds in the amount of \$26,500.00, for an Additional Services Agreement with New World Systems, for Implementation Services, from the Technology Capital Improvement fund, as recommended by the Technology Director.**

The motion to approve an expenditure of funds in the amount of \$26,500.00, for an Additional Services Agreement with New World Systems, for Implementation Services, from the Technology Capital Improvement fund, as recommended by the Technology Director, was made by Council Member Opitz and seconded by Council Member Grba.

The vote:

AYES: Grba, Smith, McEachern, Alberts, Opitz

NAYS: None

VOTE: 5-0

MOTION CARRIED

7. **Consider approving Ordinance No. 1294, an Ordinance amending Ordinance No. 657, Appendix A of the Code of Ordinances of the City of Yukon, Oklahoma, by providing that a part of the northeast quarter (NE/4) of section twenty-eight (28),**

township twelve (12) north, range five (5) west, I.M., Canadian County, Oklahoma (“Legacy Lakes”) according to the recorded plat thereof by changed from “R-1 PUD” (Single Family Residential District) to “R-2 PUD” (Combined residential district) (Tract 1) and a part of the northeast quarter (NE/4) of section twenty-eight (28), township twelve (12) north, range five (5) west, I.M., Canadian County, Oklahoma according to the recorded plat thereof be changed from “R-1 PUD” (Single Family Residential District) to “C-3 PUD” (Restricted Commercial District) (Tract 2); and Declaring an Emergency

The motion to approve Ordinance No. 1294, an Ordinance amending Ordinance No. 657, Appendix A of the Code of Ordinances of the City of Yukon, Oklahoma, by providing that a part of the northeast quarter (NE/4) of section twenty-eight (28), township twelve (12) north, range five (5) west, I.M., Canadian County, Oklahoma (“Legacy Lakes”) according to the recorded plat thereof by changed from “R-1 PUD” (Single Family Residential District) to “R-2 PUD” (Combined residential district) (Tract 1) and a part of the northeast quarter (NE/4) of section twenty-eight (28), township twelve (12) north, range five (5) west, I.M., Canadian County, Oklahoma according to the recorded plat thereof be changed from “R-1 PUD” (Single Family Residential District) to “C-3 PUD” (Restricted Commercial District) (Tract 2); and Declaring an Emergency, was made by Council Member Alberts and seconded by Council Member McEachern.

The vote:

AYES: Alberts, Opitz, Grba, McEachern, Smith

NAYS: None

VOTE: 5-0

MOTION CARRIED

7a. Consider approving the Emergency Clause of Ordinance No. 1294

The motion to approve the Emergency Clause of Ordinance No. 1294, was made by Council Member Alberts and seconded by Council Member Opitz.

The vote:

AYES: McEachern, Smith, Grba, Opitz, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

7b. Consider approving a Planned Unit Development for Legacy Lakes Phase II Development, as recommended by the Planning Commission

The motion to approve a Planned Unit Development for Legacy Lakes Phase II Development, as recommended by the Planning Commission, was made by Council Member Opitz and seconded by Council Member Alberts.

The vote:

AYES: Smith, Opitz, Alberts, Grba, McEachern

NAYS: None

VOTE: 5-0

MOTION CARRIED

7c. Consider approving a Preliminary Plat for Legacy Lakes Phase II Development, as recommended by the Planning Commission

The motion to approve a Preliminary Plat for Legacy Lakes Phase II Development, as recommended by the Planning Commission, was made by Council Member Grba and seconded by Council Member Opitz.

The vote:

AYES: Opitz, Grba, Smith, McEachern, Alberts

NAYS: None

VOTE: 5-0

Council Member Opitz left the meeting.

8. Discussion, Consideration and Action regarding preliminary plat for Phases II-V for the Frisco Ridge subdivision, as submitted by Crafton Tull & Associates, for OKC Properties, LLC

The motion to discuss, consider and take action regarding preliminary plat for Phases II-V for the Frisco Ridge subdivision, as submitted by Crafton Tull & Associates, for OKC Properties, LLC, was made by Council Member Grba and seconded by Council Member Opitz.

Council Member Alberts would like the preliminary plat approved, but as two separate items. He would like this to pass tonight and have planning session with hydrologist and property owners. He favors plat and has met with Mr. Hagan. The final plat will have to be approved later.

Grayson Bottom stated it will likely be a Special Meeting, so as to avoid time constraint. Problem has existed for a long time, may need a series of meetings.

Mayor Smith stated we have hired an independent hydrologist before. Is it possible to have study done and get more information prior to meeting with landowners? Grayson Bottom stated that will be a separate item.

Larry Holman, 11904 Royal Coach Dr., has farmed north of Yukon for 30 years. Overholser Dam is not opened up. Opening would relieve and create storage space. Yukon has some problems at Turtle Creek. Don't waste money on study, it's a bigger problem than we can solve. The City needs to address how the water will drain.

Albert Skoch, 1825 W. Highway 66, can work be done, if preliminary plat approved? Mayor Smith stated final plat, still has to be approved. Mr. Skoch stated we have serious water drainage problem. Retention ponds don't work. Because of all the water, Mr. Skoch has been deprived of 30 acres of farmland. He requests the rejection of plat indefinitely, until drainage issue is solved.

Mayor Smith stated developers have gone to great expense to provide maps in good faith in final plat approval. City can request changes for water mitigation even when final plat is approved.

The vote:
AYES: Alberts, Smith, Grba
NAYS: McEachern
VOTE: 3-1
MOTION CARRIED

Council Member Opitz returned to the Council Meeting.

9. City Manager's Report – Information items only

- A. Sales Tax**
- B. FEMA Report**

Grayson Bottom stated last month's sales tax was .71% increase, this month it is 12.9% increase and year to date 6.6% increase. It appears someone has paid late. This is good news.

Mr. Bottom stated the May 31st storms damaged many things. The city sustained damage to the well field located around the airport. The damages were around \$235,000, most related to wells. FEMA will pay 75% and the state and city will split the remaining 25%. We are fortunate to be certified quickly for the loss. Debris removal cost was not as severe.

10. New Business - There was no new business

11. Council Discussion

Council Member McEachern thanked all those who attended. We have a lot to look at. He thanked the Police Department for all the good information. Yukon is still a great place to live. Water issue goes far beyond us. It is up to us to look at the issue. Thanks for all the folks attending.

Council Member Grba had some reservations about Frisco Ridge and that is why we put off the vote previously. The Engineer has a good plan and is sufficient. We understand there is a water issue, but the developer is doing the right thing.

Council Member Alberts will continue to work with everyone. There are lots of things we haven't discussed. You have the ear of the council and we are committed to listening. We have to keep communicating, you have our commitment. It is a great community. Please commit to donate and walk or run the Spirit Sprint, it is a worthwhile cause.

Council Member Opitz stated Yukon is a wonderful place. The City Council cares. We will communicate and work things out. We have a lot of good news and things in Yukon.

Mayor Smith thanked the citizens. He asks for citizens to have understanding before attacking. He stated that no one from Stone Mill ever previously asked him for his opinion or position. Everyone on Council is trying to do their best to work for the greater good of Yukon.

12. Adjournment



Doug Shivers, City Clerk



Ken Smith, Mayor

