

Minutes



City Council February 1, 2000

The Yukon City Council met in regular session on February 1, 2000, at 7:30 PM in the Council Chambers of the Centennial Building, 12 South Fifth.

Reverend Tom Arnould, pastor at the Good News Church, gave the invocation.

Flag salute was given in unison.

Roll Call:

(present)	Larry Taylor, Mayor
	Denny Myers, Vice Mayor
	Genie Vinson, Council Member
	Steve Friesen, Council Member
(absent)	John Weller, Council Member

Others Present:

Jim Crosby, City Manager
Pat Hargis, City Clerk
Mike Segler, City Attorney
Joe Davis, City Engineer
Dwyane Whitener, Public Works Director
Tammy Nemecek, Administrative Assistant
Jan Scott, Park & Recreation Director
David Chesher, Community Enhancement Director
Mitchell Hort, Chief Inspector
John Knuppel, Historical Society

Mayor Taylor advised that Item 4 was removed from the agenda at the request of the City Manager, and it was done after the agenda was prepared, but more than 24 hours before tonight's meeting. He also stated that Items 5 and 6 had been abated, with exception of one property, therefore, if anyone was in attendance to hear any of these three items, they would not be discussed tonight.

A gentleman from the audience asked when Item 4 would be heard. Mayor Taylor advised it would not be heard at all, and it was removed more than 24 hours before tonight's meeting. Gentleman asked when this would be on the agenda again for discussion. Mayor Taylor stated that per our City Attorney, it will not be on the agenda again at any time.

Visitors

Presentations and Proclamations

Proclamation proclaiming "Children's Dental Health Month"

Proclamation was read in full by Mayor Taylor and presented to Drs. Dave Deason, Rick Willingham, Stuart Stephens, and David Reiter. Dr. Deason advised they will surpass the 15,000 mark this year with their annual free dental exams for Yukon third graders. Dr. Deason stated all dentists in town participate in this very worthwhile project.

(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 one item does not meet with the approval of all Authority Members, that item will be heard in regular order:

The City Manager recommends:

A) Approval of minutes of January 18, 2000

B) Consider approval of 1999 Construction Fund claims in the total amount of \$35,630.44

A motion was made by Trustee Vinson, seconded by Trustee Friesen, to accept the consent docket as presented.

The vote:

AYES: Myers, Vinson, Taylor, Friesen

NAYS: None

VOTE: 4-0

MOTION CARRIED

(Recess 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 one item does not meet with the approval of all Council Members, that item will be heard in regular order.

The City Manager recommends approval of:

A) Minutes of the special meeting of January 14, 2000, regular meeting of January 18, 2000, and special meeting of January 25, 2000

B) Salary and material claims

C) Consider awarding bid for sod for the Chisholm Trail Park to Bently Turf Farms in the amount of \$12,451

D) Consider approving recommendation of Planning Commission to approve a conditional use permit for cemetery in A (Agriculture District) for a part of the SE/4, Section 19, T12N, R5W with the condition the cemetery provide a 25' buffer and site screen fence and submit site plant

for approval by the City before development

E) Consider approving recommendation of Planning Commission to closing Fay Avenue between Cornwell Drive and South First Street

F) Consider approving recommendation of Planning Commission to approve an application by GHM Enterprise, Inc. for rezoning from R-1 (Single Family Residential District) and R-3 (Multi-Family Residential District) to C-3 (Restricted Commercial District) for the church property (east 1/2 of Block 11, Chase Addition) and C-1 (Office District) for the nursing home property (Lots 10, 11, 12, 13, 14, 15 and 16, block 1, Belisle Addition)

G) Consider approving recommendation of Planning Commission to approve the preliminary plat of West End Pointe, conditional to a development agreement and the staff's technical comments

H) Consider approval of amendment to City Manager's contract regarding the ICMA retirement program

I) Consider approval of Permit No. SL000009000049 for the construction of 113 L.F. of 8" sewer line and appurtenances to serve the Spanish Cove Life-Care Retirement Center, Yukon, Oklahoma

J) Setting date for next regular meeting for February 15, 2000, 7:30 P.M., in the Council Chambers of the Centennial Building, 12 South Fifth

Mayor Taylor advised the audience that the City Manager is currently meeting with the individuals involved with Item D in an effort to clarify some issues so we can hear this item tonight.

A vote on the consent docket was taken after a motion was made by Vice Mayor Myers to accept the consent docket as presented with exception of Item D, which will be considered separately.

Motion was seconded by Council Member Friesen.

The vote:

AYES: Taylor, Friesen, Myers, Vinson

NAYS: None

VOTE: 4-0

MOTION CARRIED

ITEM D: City manager Jim Crosby stated they have agreed on an easement, and the developer has agreed to place a 30' natural buffer zone of trees, bushes, etc. along the easement dividing his property from the Children's New World daycare center, and that all parties are in agreement with this proposal. In addition, a 12' wide road will be constructed on the south side of the buffer. City Manager stated this will be much prettier than a six foot fence and this will allow large trees and greenery year-round. City Manager advised that the fence proposed was unsatisfactory to us. Mr. Crosby stated if this is acceptable to both parties, the City will see that this is taken care of in an agreeable fashion.

Council member Vinson asked if the drainage plans have been looked at by the City engineer and if this has been taken care of.

Mayor Taylor reminded Council Members that a motion must be on the

floor before discussion can be held.

Vice Mayor Myers stated he would make a motion to grant the conditional use permit to the applicant for a cemetery in A (Agriculture District) for a part of the SE/4, Section 19, T12N, R5W with the condition that the drainage plan for the entire area be submitted to the City Engineer to ensure there are no drainage problems created, and that a 30' natural buffer zone of trees, bushes, etc. is in place, and a 12' wide road on the south side of the buffer is built. Motion was seconded by Council Member Vinson.

Danielle Herron, owner of Children's New World, appeared before the Council and stated she was an environmentalist and was happy to have the natural buffer, but was concerned with the drainage and asked what would happen if five years from now she is looking at graves because of the erosion. She asked permission to present pictures to the Council that she had taken showing various distances from her business to the cemetery. Pictures were distributed.

City manager assured Ms. Herron that the drainage would be taken care of by the drainage plans the City Engineer will approve, and that there will be commercial building on the east side of this property that will address their own drainage. City Engineer advised that the Department of Environmental Quality (DEQ) will also approve the plans after the City Engineer does. City Manager advised that is the reason for the wording of the motion, to ensure that the city approves all drainage concerns before the CUP is approved.

Mayor Taylor asked Ms. Herron if she was satisfied with the motion. Mrs. Herron stated she is if it takes care of the drainage.

Jim Stout, attorney representing the Cemetery Association, stated the proposal as discussed has been agreed to by the Cemetery Board and they feel this is a solution and they are doing this in good faith. Mr. Stout stated this is an issue that could split the town, so in the spirit of compromise, they have agreed to this. Mr. Stout introduced the members of the Board who were in attendance, stating these are volunteers who serve the community. Mr. Stout advised the oldest grave marker is dated 1891. Mr. Stout stated their study shows that if they purchase these additional 18 acres, it should give them sufficient land to take them to the year 2085. He stated he understands the drainage plans must be approved by the City. He stated although this is an item that the seller will have to do, he will ensure that it is done and that the seller and his engineer gets with the City prior to work being started. Mr. Stout stated he understands the common property line will be to the middle of Cypert's property, that the buffer will be vegetation, that the City will help the cemetery get the proper plantings; and that a 30' natural buffer and a 12' wide road (total of 42') will be installed.

Mayor Taylor stated he appreciated the work of the Cemetery Board, and they keep the area beautiful and we should be proud to have such a nice facility and dedicated volunteers.

The homeowner at 705 Hamlet Lane, Rick Lepa, stated the cemetery abuts his back yard, and his family cried when they heard a cemetery would be built there. Mr. Lepa told them all they can do is try to get the Council to help. He stated he felt the cemetery should give an easement to the homeowners who abut the grounds, and didn't feel that a little track of land would hurt them.

Mayor Taylor stated that this would be up to the homeowner and seller, and the motion does not include any other buffers.

Mr. Lepa stated he had no clue this would happen when he purchased his home. He asked if his only choice was to move.

Mayor Taylor stated that was not what he had said and asked what problem he had with this proposal.

Mr. Lepa stated he did not want a cemetery behind his home.

Vice Mayor Myers stated he would trade a cemetery for the ballfield that he has. He stated he does not like the ballfield, but he has learned to live with it.

Vice Mayor Myers suggested Mr. Lepa try to work with the Cemetery Board on this.

Mr. Lepa stated he has already tried this.

Vice Mayor Myers suggested it might be time to see your attorney.

Mr. Lepa stated he would like to see all the papers regarding this.

Mayor Taylor stated he could check with the City Clerk for this information.

Council Member Vinson asked if Mr. Lepa has fenced property.

He stated he did.

Pamela Elliott appeared before the Council and stated she feels for these people, although she does not live there. She stated when the turnpike is finished, Yukon is really going to grow, and even Edmond is swinging out this way. She stated she does not think this additional space will last until 2085. She asked why not take the prime property on Garth Brooks Boulevard and place just restaurants there and back them with the cemetery. She stated that "surely the City owns a large piece of property that we could use for a cemetery away from the major portion of the cemetery." She advised we will have to have another cemetery sometime, so why not do it now.

Vice Mayor Myers stated the City does not own the cemetery, nor do they buy the property for the cemetery. He advised that the Cemetery Board

will have to look at additional land, but they can't bury in low-water areas, etc., so it will be a problem. However, when someone buys property, the City can't take away a portion of it anymore than we can take away from the cemetery, and it is at their discretion as long as it meets ordinances. He stated that with a 30' buffer all the way around, it equates to a lot of land. He stated he did not know the number of plots this would be equal to, but he knows it would be thousand of dollars. He stated he did not like the ball field behind his home, but one of the chances you take when buy land that is bare around you is not knowing what will or can be put in this area.

Mayor Taylor stated that Yukon is land-locked all the way around by Oklahoma City, and people are moving to this area, but they actually live in Oklahoma City. He stated this property could have been used for apartments and this would be intense use, resulting in a lot of coming and going, noise, cars, people, etc., but the cemetery people keep the area nice and attractive and they are good neighbors. He stated other things could be built there that would be worse.

Jim Dahl, 1712 Churchill, appeared before the Council to offer a suggestion. He asked if it would be possible to put a road up against the back end of the property or the cemetery use the space 15-20' from the fence for the road and it would move the graves further back.

Vice Mayor Myers stated this is a good point, but it would be up to the Cemetery Board to decide.

Mr. Dahl stated that all apartment land is gone.

Mayor Taylor stated all the remaining land is zoned commercial here.

Council Member Friesen stated he has never had to deal with gas stations, grocery stores, cemeteries, etc., but he has a friend on Hamlet who was happy that the cemetery backed up to them, as he knew they would not be facing restaurants, etc. being placed behind him.

Mr. Lepa stated the individual you are discussing is his neighbor and he bought the four lots adjoining him as a buffer and if he could do the same, it would be good.

A vote on the motion and second that was on the floor was taken.

The vote:

AYES: Friesen, Myers, Vinson, Taylor

NAYS: None

VOTE: 4-0

MOTION CARRIED

2. Report of Boards, Commissions and City Officials

3. Consider Approval of Second and final Reading of ordinance #1051, and declaring an emergency

Mayor Taylor stated this ordinance does not include traffic violations, but the Judge does have the option to set a fine up to \$500 for all other offenses. Vice Mayor Myers made a motion to approve the second and final reading of Ordinance No. 1051; seconded by Council Member Friesen.

The vote:

AYES: Friesen, Vinson, Taylor, Myers

NAYS: None

VOTE: 4-0

MOTION CARRIED

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A motion to adopt the emergency was made by Vice Mayor Myers. Council Member Friesen seconded.

The vote:

AYES: Taylor, Myers, Vinson, Friesen

NAYS: None

VOTE: 4-0

MOTION CARRIED

4. Consider approval of first reading by title of Ordinance No. 1052, an ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma, by adding Section 38-3 thereto, providing prohibition of anonymous campaign literature, exceptions, penalty for violation and declaring an emergency

No action was taken, as this item was removed from the agenda more than 24 hours prior to the Council meeting at the request of the City Attorney.

5. Consider 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

LOCATION	OWNER	COMPLAINT
917 Mabel Fry	Awopeju	Nuisance Vehicle
617 Crown	Yates	Nuisance Vehicle
517 Crown	Winters	Nuisance Vehicle
720 Miller	Lillie	Nuisance Vehicle

Mayor Taylor advised that he had a memo from Dan Fine stating that all concerns have been abated with exception of the problem at 720 Miller Drive. Mr. Fine stated these people have been working with him to correct the problem and requests the council give the residents an extension until February 15, 2000.

Council Member Vinson made a motion to table action on this item until February 15, 2000. Motion seconded by Vice Mayor Myers.

The vote:

AYES: Vinson, Friesen, Taylor, Myers

NAYS: None

VOTE: 4-0

MOTION CARRIED

6. Consider 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

LOCATION	OWNER	COMPLAINT
913 Mabel Fry	Wallace	Trash, Grass Weeds

Item was not heard due to abatement being accomplished by owner.

7. New Business

8. Open Discussion

Council member Vinson stated she appreciates the dentists for going into the schools for so many years, donating their time. She stated this is just “incredible.”

Council Member Vinson stated she also wanted to thank the city employees for keeping the streets so clean last week during the snow storm.

Council Member Friesen stated it has been fun with the number of people talking after the election, the e-mails he has received, etc., but no one will give him their name so he can return the calls. He stated he would like to respond to these, but has no name or address of the callers. Council Member Friesen asked for a paper to be displayed on the TV monitor. He stated this was found at a local diner in town and he thinks it is funny. He said when his children read it, they stated he had “made it to be big time” now since people are making cartoons about him.

Mayor Taylor stated on behalf of the city, he wanted to thank Dwyane Whitener and Jim Crosby for the great job they did keeping our streets cleared. Mayor Taylor stated they had a plan, and the plan worked. He said that sometimes citizens don’t realize we have people working 24 hours a day to keep the streets clear while they are home where it was warm. He asked for his appreciation to be passed on to the men who worked.

City Manager Jim Crosby stated that many worked 12-16 hours at a time.

Mayor Taylor announced that the Council has authorized Staff to proceed with selling the property we purchased for park land from the Lewis Taylor family. Mayor Taylor stated that we have to first offer the land to the previous owners, the Taylors, and if they refuse their option, the City Manger and City Attorney will offer the land for sale. Mayor Taylor stated he wanted to clear up the misconception that the park was to be named for

him - it was in the purchase agreement that the park would be named after Mrs. Taylor's late husband, Lewis.

9. Adjournment

Larry Taylor, Mayor

Patricia G. Hargis, City Clerk

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