

Minutes



City Council Minutes January 8, 2002

The Yukon City Council met in regular session on January 8, 2002, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

Invocation was given by Chaplain George Bigley.

Flag salute was given in unison.

ROLL CALL: Present: Genie Vinson, Mayor
Ron Jurgensen, Vice Mayor
John Weller, Council Member
Dewayne Maxey, Council Member
Earline Smaistrla, Council Member

Others Present:
Jim Crosby, City Manager
Pat Hargis, City Clerk
Mike Segler, City Attorney
Robbie Williams, City Engineer/Triad Design Group
Tony Lum, Building Maintenance
Jan Scott, Park and Recreation Director
Tim Rundel, Personnel/Safety Director
Ike Shirley, Police Chief
J. R. Reed, Public Works Director
Mitch Hort, Community Development Director

Presentations and Proclamations

Visitors

Cynthia Kidd, 1118 McConnell, appeared before the Council and stated she wanted to address the speed bumps that are in front of her home. Ms. Kidd stated she has had to replace tires and a wheel due to these bumps, and that you can only do zero miles per hour when you drive over them. Ms. Kidd advised she was not against the speed bumps, only the way that these are designed. She stated delivery trucks drag center and have nearly hit her vehicle in the drive several times. Ms. Kidd stated she would like to have the speed bumps rebuilt so they will not be damaging to vehicles.

City Engineer stated they are speed "humps" rather than bumps, and they were installed to slow traffic, as there were lots of speeders in this area.

City Manager stated he will have the engineer examine the humps and bring a

recommendation back to the Council on how to remedy this situation.

Mayor Vinson stated that Scouts from Troop 306 were here tonight, and they are working on their Citizenship in the Community badge. She advised the boys she was glad they were here and invited them back any time.

(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 motion to:

A) Approve minutes of the regular meeting of December 18, 2001

Trustee Maxey made a motion, seconded by Trustee Smaistrla, to approve the YMA Consent Docket, being the minutes of the regular meeting of December 18, 2001.

The vote:

AYES: Maxey, Vinson, Smaistrla, Jurgensen, Weller

NAYS: None

VOTE: 5-0

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 a motion that will approve:

A) Minutes of the regular meeting of December 18, 2001

B) Salary and material claims in the amount of \$253,219.35

C) Recommendation of the Police Chief to accept bid from SafetCom, Inc. for outdoor warning siren system in the amount of \$142,495.10

D) Setting date for the next regular Council meeting for January 15, 2002, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth

Mayor Vinson advised that Item C will be withdrawn from the agenda and will be considered at the January 15, 2002 meeting.

Council Member Weller made a motion to move approval of Items A, B, and D of the Consent Docket. Second was made by Vice Mayor Jurgensen.

The vote on the motion:

AYES: Jurgensen, Smaistrla, Weller, Vinson, Maxey

NAYS: None

VOTE: 5-0

MOTION CARRIED

2. Report of Boards, Commissions and City Officials

3. Consider awarding bid for Public Works radios

A) Ken Baker, chair of the Transfer Station Committee, advised they will be meeting this Thursday in the Centennial Building, and everyone that is interested in this project is invited to attend.

B) Tim Rundel introduced representatives from Nextel and Bolay Communications. These representatives gave a brief over-view of the radios and repeaters they were proposing for the Public Works Department.

Vice Mayor Jurgensen stated he like to make a motion to table this item until the next Council meeting, and would like for our Auditor to come to the next meeting to let us know where we are financially before committing to this purchase.

Council Member Maxey asked if this was a budgeted item.

Mr. Rundel said that it had been approved by Council. He also told the Council that the majority of these radios are 15-20 years old and badly need replacing.

Mr. Jurgensen asked if the City could function one more week with these radios.

Mr. Rundel said they probably could since they have been using the radios for years.

Council Member Weller advised he would second the motion to table this until the next meeting.

A vote was taken on the motion.

AYES: Weller, Maxey, Jurgensen, Vinson, Smaistrla

NAYS: None

VOTE: 5-0

MOTION CARRIED

Council Member Weller thanked the vendors for coming and assured them the Council would try to have a decision made by the January 15th meeting.

4. Consider approving Planning Commission's recommendation to allow a Conditional Use Permit for a Recreational Vehicle Storage in C-3 (Restricted Commercial District) zoning for Jim Mighton

Council Member Maxey asked the City Attorney to explain this item.

Attorney Mike Segler stated this conditional use permit would allow Cruiser Tech to use a large area of their land not currently being used for RV parking. Mr. Segler stated Mr. Mighton is aware that no more than eleven (11) vehicles can be parked here at one time, they must be parked on a paved surface, cannot be more than 40' long, and that this is only a conditional use permit.

Council Member Weller asked if this area became unsightly if we could cancel their permit.

Mr. Segler stated they would have to break one of the agreed-to stipulations for us to revoke their permit, but at their annual renewal the Council could deny their conditional use permit.

John Weller made a motion, seconded by Dwayne Maxey, to approve the conditional use permit for a Recreational Vehicle Storage in C-3 (Restricted Commercial District) zoning for Jim Mighton.

The vote:

AYES: Smaistrla, Weller, Maxey, Vinson, Jurgensen

NAYS: None

VOTE: 5-0

MOTION CARRIED

5. Consider appointing Yukon's representative to the Oklahoma Environmental Management Association's Board of Trustees

Council Member Weller made a motion to appoint Thomas Bubb to the OEMA Board of Trustees. Second was made by Council Member Smaistrla.

It was noted that Mr. Bubb is a Yukon resident is Vice President of Operations for Local Oklahoma Bank.

The vote on the motion:

AYES: Vinson, Maxey, Smaistrla, Weller

NAYS: Jurgensen

VOTE: 4-1

MOTION CARRIED

6. Consider approving Resolution No. 2002-01 reducing the speed limit from 55 mph to 45 mph on S. H. 92 from 0.7 miles south of Vandament Avenue to 1000 feet south of N. W. 10th Street

Council Member Smaistrla asked where .7 miles south of Vandament actually is.

Engineer advised it is where the present 55 MPH begins, which is just south of the interstate.

Mayor Vinson asked how long it will be before the speed limit is actually reduced.

City Engineer advised ODOT is prepared to lower it as soon as they receive a copy of this resolution.

7. New Business

8. Open Discussion

Vice Mayor Jurgensen asked if we knew the election results yet.

City Manager advised that only Proposition 1 passed.

Vice Mayor Jurgensen asked the City Attorney when the open meeting laws are in effect.

Mr. Segler advised that any time a public body meets to conduct business or when a vote is to be taken.

Mr. Jurgensen said that on January 3rd there was a meeting at which the City Attorney, County Commissioner Wallace, the City Manager, all five Council Members, David Griesel and the OEMA's attorney, and several citizens were present. Mr. Jurgensen contended that because there was a quorum of Council Members present, that caused the City to be in violation of the open meeting act because the meeting was not properly called and minutes were not taken, although someone did take notes of the discussion.

City Attorney stated that no action was taken at this meeting, nor was a vote taken, as this was merely a meeting to discuss the appointment of a member to the OEMA board. Mr. Segler stated originally the meeting was to be between Mr. Crosby and Mr. Griesel and their counsels, but other people showed up. Mr. Segler stated it was his opinion that they were not "doing business."

Council Member Smaistrla asked Vice Mayor Jurgensen why he felt the other council members did not have the same right to be at this meeting as he did. She stated that he was only thinking of himself and did not take into consideration the other members of the council. Ms. Smaistrla stated they had the same concerns as he did.

Vice Mayor Jurgensen said that if only two council members had been present, it would not be a quorum.

Ms. Smaistrla told the Vice Mayor that he wanted to be at the meeting, but didn't care about the rest of the council, and that was not right.

Vice Mayor Jurgensen stated he "didn't want this to happen again."

Council Member Maxey asked who had requested the meeting.

The City Manager stated that originally the meeting was scheduled for only David Griesel and himself and their attorneys, as there was some talk of possible litigation. Then Mr. Jurgensen found out about the meeting and stated he wanted to be there. Mr. Crosby said that just because five council members were there, it does not make this a public meeting. He said if so, that would mean that he and the council members could not be at civic functions all at the same time, because this was the same type situation.

Dale Cain asked if he could speak. Mayor advised that this is actually the Council's discussion and the visitors were to speak under that item, but she would allow him to speak now.

Mr. Cain, 1202 East Wagner Road, stated he was at the meeting in discussion and was called and asked to attend just prior to the meeting time. He stated he came because he is interested in what OEMA is doing, and he didn't know what or who was to be there, as there was no agenda.

Mayor Vinson stated there was no agenda because there was no official meeting.

Mr. Cain stated there were a lot of people and attorneys there, so he felt this was a "meeting." Mr. Cain said that the City Manager said the reason for the meeting was due to

Denny Myers' resignation from the OEMA board and he feels this was to be an official meeting but the business was "laid aside due to the people in attendance."

Mr. Crosby said he could not help what Mr. Cain thought, but when Mr. Myers' resignation was denied by the board of the OEMA, there was talk of possible litigation, and there was a difference of opinion over the power of the Title 60 trust and who can be a board member.

Council Member Weller stated there was no question as to whether "business" was discussed between Mr. Crosby and Mr. Griesel, and their counsel was there for litigation purposes, but the council members were there for observation only. Mr. Weller continued that no business was done as a city council that would constitute a city council meeting or conducting actual business, therefore, this was not subject to the state open meeting law.

Council Member Maxey asked how they were notified of the meeting.

Mr. Jurgensen stated he had e-mailed everyone then asked the City Manager to cancel the meeting and asked them to be here tonight to discuss the situation. He asked the City Manager, "isn't that right?"

The City Manager said, "No, that is not correct." Mr. Crosby said he would invite them to be in attendance at tonight's meeting, but that he would not reschedule the meeting.

Council Member Smaistrla stated that our Triad organization can take discarded cell phones and program them for 911 only use for our senior citizens and encouraged anyone that has old cell phones to take them to city hall where Tim Rundel will collect them for Triad. Ms. Smaistrla said this will be a great use for otherwise worthless phones and will be a wonderful boon for our senior citizens.

Council Member Maxey said he feels the Council owes a big apology to former Council Member Larry Taylor and former Council Member Denny Myers, as well as the Yukon Review, for allowing a certain person to "burn" them.

Council Member Weller stated he has noticed that we are taking down our Christmas decorations and that this is a big job.

Mayor Vinson stated a lot of volunteers and city employees worked a lot of overtime to put up decorations and put on Christmas activities and we thank them for all their time.

Mayor Vinson stated we also thank Ms. Kidd and the Boy Scouts for coming tonight, as well as the other visitors.

9. Adjournment

Genie Vinson, Mayor

Patricia G. Hargis, City Clerk

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