

# Minutes



## City Council - Municipal Authority Agendas May 21, 2002

The Yukon City Council met in regular session on May 21, 2002, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

Invocation was given by Reverend David Meador, First Assembly of God Church.

Flag salute was given in unison.

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

### Others Present:

Jim Crosby, City Manager  
Pat Hargis, City Clerk  
Mike Segler, City Attorney  
Robbie Williams, City Engineer  
Tony Lum, Building Maintenance  
Jan Scott, Park and Recreation Director  
Tammy Nemecek, Administrative Assistant  
Ike Shirley, Police Chief  
J. R. Reed, Public Works Director  
Mitch Hort, Community Development Director  
Jeff Lara, Fire Chief  
John Knuppel, Historical Society  
Russell Still, U.S. Filters

### Presentations and Proclamations

Recognition of Eagle Scout Projects and Scout Troop

Park and Recreation Director Jan Scott presented each of the scouts with a certificate of appreciation for helping beautify our parks. Some of the projects they have undertaken include helping plant trees and flowers, building a Windsor stone wall around the "Welcome to Yukon" signs, and landscaping around the Community Center flag pole and statue.

Mayor Smaistrla stated we appreciate their efforts and they added a lot to our parks.

### Visitors

Fred Reeves, 201 Birch, stated he thought he had a remedy for the decision handed down by

the judge regarding our recent election. Mr. Reeves stated his interpretation of Article 57 of the Charter says that the Council, by ordinance, can make a correction to the Charter if they feel there is an error. He said he would like for the Council to issue an ordinance to call an election.

City Attorney Mike Segler said the section does not mean what Mr. Reeves said. Mr. Segler said this article is dealing with an emergency situation that would render the charter as invalid. Mr. Segler said the judge stated there was a conflict in the charter, but did not say the charter is invalid.

Mr. Reeves said he feels this could be corrected by ordinance.

Council Member Jurgensen said it was his opinion that we can appoint someone to this vacancy and he would like to appoint the person that received the most votes in the election. He said he would like to appoint Mr. Bradway, but the Council may decide to hold an election.

(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 May 7, 2002
- B) Payments to:
  - Central Ford New Holland - \$2,700.00
  - G&R Equipment - \$1,890.00
  - K&W Maintenance - \$3,482.55
  - Triad Design Group, Inc. - \$8,250.00

A motion was made by Trustee Jurgensen, seconded by Vice Chair Maxey, to approve the YMA Consent Docket, being the minutes of the regular meeting of May 7, 2002, and payments to: Central Ford New Holland - \$2,700.00; G&R Equipment - \$1,890.00; K&W Maintenance - \$3,482.55 and Triad Design Group, Inc. - \$8,250.00.

**The vote:**

**AYES: Maxey, Alberts, Jurgensen, Smaistrla**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

(Recess as Yukon Municipal Authority 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 May 6 and May 7, 2002
- B) Salary and material claims in the amount of \$117,079.03
- C) Entering into an agreement for Fiscal Year 02-03 for services with Youth and Family Services, Inc.
- D) Approving the reappointment of Jane Shedeck for a six year term on the Spanish Cove Housing Authority Board
- E) Setting date for the next regular Council meeting for June 4, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth

Vice Mayor Maxey made a motion, seconded by Council Member Jurgensen, to approve the Consent Docket, being the minutes of the regular meeting of May 6 and May 7, 2002; salary and material claims in the amount of \$117,079.03; entering into an agreement for Fiscal Year 02-03 for services with Youth and Family Services, Inc.; approving the reappointment of Jane Shedeck for a six year term on the Spanish Cove Housing Authority Board; and setting date for the next regular Council meeting for June 4, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth.

**A roll call vote was taken.**

**AYES: Smaistrla, Jurgensen, Alberts, Maxey**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

## **2. Report of Boards, Commissions and City Officials**

John Knuppel, Yukon Historical Society, stated he would like to invite everyone to the memorial service to be held on May 27th at 11 a.m. at the Veterans' Memorial at the cemetery. He thanked all the sponsors and volunteers for their help.

Jim Crosby, City Manager, stated we have been working with ODOT and they have advised that Haskell Lemon Construction will begin the mill and overlay work on I-40 in the next few days. Also, ODOT has agreed to install at least four new traffic signals on Main Street between Mustang Road and Garth Brooks Boulevard, and the City will replace two of them on an 80-20% basis. Mr. Crosby said approval of this item will be coming to the Council in the near future. The City Manager said that this is going to be a good time to update the road and get the new signalization.

### **3. A) Consider approving Ordinance No. 1098 amending the Employee Retirement System Defined Benefit Plan for the City of Yukon, and declaring an emergency**

Council Member Jurgensen made a motion to table this item so he could check into some issues. Second was made by Council Member Alberts.

Council Member Alberts asked why this ordinance was necessary.

The City Attorney stated the retirement contract was amended a few meetings ago and this ordinance is to codify the plan. He explained that the plan was adopted by the Council.

Council Member Jurgensen asked if this has to be approved for the plan to go into effect.

Mr. Segler said it does.

Mr. Jurgensen said that Item H is the reason for his concern. He said that adding 12 years of service without an early retirement reduction is not being fair to the other city employees who only received five years of service added to their account. Mr. Jurgensen said he is afraid this is not good for the retirement plan and he can't vote for this. He said he would not object to adding five years to Mr. Crosby's years of service. Mr. Jurgensen said he is not against the person, but is against the principle of this.

City Attorney Segler said we are only voting on the ordinance and nothing can be done to change the contract or adoption of the plan. He stated after the retirement plan was changed, we added this new language to the City Manager's contract, and unfortunately the Oklahoma Municipal League failed to send this ordinance with the other materials they needed, so now we have to adopt this ordinance for codification.

A vote was taken on the motion to table this item.

**AYES: Jurgensen**

**NAYS: Smaistrla, Maxey, Alberts**

**VOTE: 1-3**

**MOTION FAILED**

Vice Mayor Maxey made a motion to approve Ordinance No. 1098 amending the Employee Retirement System Defined Benefit Plan for the City of Yukon. Mayor Smaistrla seconded.

**The vote:**

**AYES: Smaistrla, Alberts, Maxey**

**NAYS: Jurgensen**

**VOTE; 3-1**

**MOTION CARRIED**

#### **B) Consider approving emergency clause of Ordinance No. 1098**

Vice Mayor Maxey moved to approve the emergency clause of Ordinance No. 1098, with Mayor Smaistrla seconding.

The vote:

AYES: Alberts, Maxey, Smaistrla

NAYS: Jurgensen

VOTE: 3-1

MOTION FAILED\*

\*Emergency clauses have to be approved by a 4/5ths vote of the Council. Ordinance will be published in the Yukon Review and will go into effect in thirty days.

#### **4. Consider approving maintenance bonds for the storm sewer for Yukon Parkway West, Phase II**

Vice Mayor Maxey made a motion to approve the maintenance bonds for the storm sewer for Yukon Parkway West, Phase II. Second was made by Council Member Jurgensen.

**The vote:**

**AYES: Maxey, Alberts, Smaistrla, Jurgensen**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**5. Consider approving the water, sewer and paving/drainage maintenance bonds for Kingsridge Addition, Section II**

Vice Mayor Maxey made a motion, seconded by Council Member Jurgensen, to approve the water, sewer and paving/drainage maintenance bonds for Kingsridge Addition, Section II.

**The vote:**

**AYES: Jurgensen, Maxey, Smaistrla, Alberts**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**6. Consider approving the Planning Commission's recommendation to approve a Conditional Use Permit for a mobile home with the following exceptions: 1) have a separate septic tank for the mobile home, 2) mobile home have its own electric meter, and 3) meet all required set-backs for agricultural zoning**

Vice Mayor Maxey made a motion to approve this recommendation, adding the additional limitation that only a family member can occupy the home. Second was made by Council Member Jurgensen.

**The vote:**

**AYES: Smaistrla, Alberts, Jurgensen, Maxey**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**7. Consider Planning Commission's recommendation to approve the final plat for Ranchwood Commercial Addition**

Vice Mayor Maxey made a motion, seconded by Council Member Jurgensen, to approve the Planning Commission's recommendation to accept the final plat for Ranchwood Commercial Addition.

**The vote:**

**AYES: Jurgensen, Maxey, Smaistrla, Alberts**

**NAYS: Nays**

**VOTE: 4-0**

**MOTION CARRIED**

**8. Consider Planning Commission's recommendation to approve the application by Cingular Wireless, with conditions as set forth in Staff report, for a Conditional Use Permit for a monopole telephone relay tower and unmanned equipment shelter to be located on the east side of Hillcrest Park**

Vice Mayor Maxey stated he would not be voting or hearing this item, as Cingular Wireless is owned by his employer. Mr. Maxey left the Chambers.

Council Member Jurgensen made a motion to approve the Planning Commission's recommendation to accept and approve the application by Cingular Wireless, with conditions as set forth in Staff report, for a Conditional Use Permit for a monopole telephone relay tower and unmanned equipment shelter to be located on the east side of Hillcrest Park. Second was made by Council Member Alberts.

**The vote:**

**AYES: Alberts, Smaistrila, Jurgensen**

**NAYS: None**

**ABSTAIN: Maxey**

**VOTE: 3-0-1**

**MOTION CARRIED**

Mr. Maxey returned to the Council Chambers.

**9. 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 to abate same**

<b>LOCATION</b>	<b>OWNER</b>	<b>VIOLATION</b>
311 Vicki	Jenkins	Trash, Grass, Weeds
316 Bass	Hanna/Jackman	Trash, Grass, Weeds
800 Cedar	Newsom	Trash, Grass, Weeds
1103 South 3 <sup>rd</sup>	Thomas	Trash, Grass, Weeds
202 Klondike	McWilliams	Trash, Grass, Weeds
720 Maple	Heights	Trash, Grass, Weeds
508 Walnut	Woford	Trash, Grass, Weeds
500 South 9 <sup>th</sup>	Suarez/Household Finance	Trash, Grass, Weeds
106 Spruce	Cotner	Trash, Grass, Weeds
3201 North Mustang Road	Bishop	Trash, Grass, Weeds
Lot 1, Block 2, Westport Commerce Park	Baker	Trash, Grass, Weeds
Lots 2, 3, 4, Block 3, Westport Commerce Park	Gotez	Trash, Grass, Weeds
Lots 4, 5, 6, 9, 10, Block 1, Westport Commerce Park	Gotez	Trash, Grass, Weeds
Property north Wal-Mart, South of Vandament	Gotez	Trash, Grass, Weeds
600 East Main	Yukon Roundup Club	Trash, Grass, Weeds
Lot 1, Block B, Sunrise Hills 2 <sup>nd</sup>	Free Methodist Church	Trash, Grass, Weeds
Lots 19, 20, 21, 22, 23, 24, Block 6, Smoking Oaks 2 <sup>nd</sup>	Church	Trash, Grass, Weeds
Property west side of Mustang, south of Yukon National Bank	Capital Baptist	Trash, Grass, Weeds
Sara Road and Highway 66	Church of Christ	Trash, Grass, Weeds
Sara Road and Highway 66	Church of Christ	Trash, Grass, Weeds

Mayor Smaistrla advised only two areas remain to be addressed; 600 East Main and 800 Cedar.

Vice Mayor Maxey made a motion, seconded by Council Member Jurgensen, to approve declaring 800 Cedar and 600 East Main as detrimental to the health, benefit and welfare of the public and community and directed staff to take appropriate action to abate same.

Community Development Director Mitchell Hort presented pictures of the areas.

**The vote:**

**AYES: Alberts, Maxey, Smaistrla, Jurgensen**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**10. New Business**

**A) Consider motion to recess from Yukon City Council and entering into Executive Session to discuss pending litigation**

A motion was made by Vice Mayor Maxey, seconded by Council Member Jurgensen, to recess as Yukon City Council and enter into executive session to discuss pending litigation.

**The vote:**

**AYES: Jurgensen, Smaistrla, Maxey, Alberts**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**B) Consider motion to adjourn from Executive Session and reconvene as Yukon City Council**

Council Member Jurgensen made a motion, seconded by Vice Mayor Maxey, to adjourn from Executive Session and reconvene as Yukon City Council.

**The vote:**

**AYES: Jurgensen, Smaistrla, Maxey, Alberts**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

Mayor Smaistrla advised no action was taken during executive session.

**11. Council Discussion**

Mayor Smaistrla thanked the audience for staying. There was no other discussion.

**12. Adjournment**

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Patricia G. Hargis, City Clerk

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