

# Minutes



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## City Council Minutes July 16, 2002

The Yukon City Council met in regular session on July 16, 2002, at 7: 30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

Invocation was given by Father Bill Novak, St. John's Nepomuk Catholic 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  
Genie Vinson, Council Member

### Others Present:

Pat Hargis, City Clerk  
Mike Segler, City Attorney  
Robbie Williams, City Engineer  
Tony Lum, Building Maintenance  
Ike Shirley, Police Chief  
J. R. Reed, Public Works Director  
Jeff Lara, Fire Chief  
John Knuppel, Historical Society  
Russell Still, U.S. Filters

### Presentations and Proclamations

Marvin Smith, representative for Habitat for Humanity, presented framed pictures of the three houses that Yukon has built to Mayor Smaistrla. Mr. Smith said these houses are on Kali, Maple and South 8th Street Drive. He thanked the City for all they have done to help build these houses, and said the 2003 family has been selected and a construction date to start has been set, but they are still looking for a lot. He asked that if anyone knew of a lot suitable for this home, that they contact him or John Knuppel.

### Visitors

Jim McIntyre, 504 Palais Drive, said he was recently driving on Cemetery Road and a 9-K police car "came out of no where" and slammed on his brakes and went in the ditch to get around him. Mr. McIntyre said this car was not driving with lights or sirens, and this is dangerous, reckless driving and should be investigated.

Mr. McIntyre also stated he felt it took too long to go through the court system to protest a ticket. He said this is not being done in a timely manner (said it took him two months from

when he got the ticket) and the cops need to show up at the same time the citizen does. He also said he did not think it was right that the lawyers get to go before the judge first.

City Attorney Segler said that two months is not the ordinary procedure for court and if Mr. McIntyre would call his office, he would look into this matter to see why it took so long.

Mr. McIntyre told Council Member Alberts he knew a man in Mr. Albert's ward that cannot hear the new sirens and wanted the Councilman to look into this.

Council Member Jurgensen said he and the City Manager have discussed this and are working on resolving the problem.

Council Member Alberts said he agreed that something needs to be done, as he had two people approach him just this week about it. He advised that they hope to have it straightened out soon.

Council Member Alberts told Mr. McIntyre that as an attorney, he has been in many courts and the court system here in Yukon is run the same as in other cities. He said this may be frustrating, but it is the way the system works.

Mr. McIntyre reported there is a big chug hole on Vandament near the school that needs patching until a permanent resurfacing is done.

(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 July 2, 2002

B) Approve payments to:

Brewer Construction Company - \$257,690.31 (2002 Road Repairs)

Crossland Heavy Contractors - \$164,966.54 (Booster Station) [contingent upon approval of Item 3 of City Council Consent Docket]

Dolese Brothers - \$590.68 (10th/Cornwell - FEMA)

Dolese Brothers - \$1,725.75 (10th/Cornwell - FEMA)

Triad Design - \$3,025.00 (Concrete box at intersection of Richland/Sunshine)

Triad Design - \$3,200.00 (Vandament/Holly Sewer and Waterline Relocation)

Triad Design - \$1,250.00 (Booster Station)

Vice Chair Maxey made a motion, seconded by Council Member Vinson, to approve the Yukon Municipal Authority Consent Docket, being the approval of the minutes of the regular meeting of July 2, 2002; approval of payments to: Brewer Construction Company - \$257,690.31 (2002 Road Repairs); Crossland Heavy Contractors - \$164,966.54 (Booster Station) [contingent upon approval of Item 3 of City Council Consent Docket]; Dolese Brothers - \$590.68 (10th/Cornwell - FEMA); Dolese Brothers - \$1,725.75 (10th/Cornwell - FEMA); Triad Design - \$3,025.00 (Concrete box at intersection of Richland/Sunshine); Triad Design - \$3,200.00 (Vandament/Holly Sewer and Waterline Relocation); and Triad Design -

\$1,250.00 (Booster Station).

**The vote:**

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

**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 July 2, 2002
- B) Salary and material claims in the amount of \$181,200.83
- C) Appointing Kathy Hazelbaker as the Traffic Commission's Ward 3 representative
- D) Entering into an agreement with Code Compliance Consultants for oil well inspection services
- E) Accepting Traffic Commission's request to place traffic signs at the intersection of N.W. 10th and Holly
- F) Setting date for the next regular Council meeting for August 6, 2002, 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth

Council Member Vinson made a motion to approve the City Council Consent Docket, being the approval of the minutes of the regular meeting of July 2, 2002; approval of the salary and material claims in the amount of \$181,200.83; appointing Kathy Hazelbaker as the Traffic Commission's Ward 3 representative; entering into an agreement with Code Compliance Consultants for oil well inspection services; accepting Traffic Commission's request to place traffic signs at the intersection of N.W. 10th and Holly; and setting date for the next regular Council meeting for August 6, 2002, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth. Second was made by Vice Mayor Maxey.

**The vote on the motion:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

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

John Knuppel, 410 Oak, stated he was a member of the now inactive Centennial Committee that re-lighted the flour mill sign, and he wanted to thank Mrs. C. R. Wright for funding the recent bulb replacement for this sign. He stated the mill sign is now working.

Mayor Smaistrla thanked John for his continued hard work on this project and Mrs. Wright for her wonderful contribution to the city.

**3. Consider approving Change Order No. 1 and Amendment No. 1 for the N. W. 10th Street and I-40 Booster Station as proposed by City Engineer, increasing the**

**total contract price to \$346,107.67, and approving payment of invoice #4 and remainder of invoice #3 in the amount of \$164,966.54**

Vice Mayor Maxey made a motion to approve Change Order No. 1 and Amendment No. 1 for the N. W. 10th Street and I-40 Booster Station as proposed by City Engineer, increasing the total contract price to \$346,107.67, and approving payment of invoice #4 and remainder of invoice #3 in the amount of \$164,966.54. Second was made by Council Member Jurgensen.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**4. Consider approving Resolution No. 2002-15 authorizing the Mayor to issue a proclamation for the calling and holding of a special election in the City of Yukon, Canadian County, Oklahoma, for the purpose of electing one Council Member from Ward 4 to serve the remainder of a three year term of office ending at 7:30 p.m. on the first Monday in May, 2005**

Council Member Jurgensen made a motion to approve Resolution No. 2002-15 authorizing the Mayor to issue a proclamation for the calling and holding of a special election in the City of Yukon, Canadian County, Oklahoma, for the purpose of electing one Council Member from Ward 4 to serve the remainder of a three year term of office ending at 7:30 p.m. on the first Monday in May, 2005. Vice Mayor Maxey seconded.

Vice Mayor Maxey stated he had some questions on this item. He asked if the charter changes are approved by the voters in August, how long it would take the governor to sign the charter changes that would enact the vote.

Mike Segler, City Attorney, stated we must first get the certificate of election from the Election Board, a copy of the current charter, notice of proof of publication, etc. before it can be sent to the governor. He advised that the last charter change was mailed in January and we received it back from the governor's office about two weeks ago.

Mr. Maxey asked if the council election would be under our current charter or the "new" charter.

Mr. Segler advised it would be under our current charter and, in all probability, the governor wouldn't have approved the changes by then.

Council Member Jurgensen said that Ray Young had assured him it would be signed in time for the election to be held under the new charter, should the changes be approved.

Vice Mayor Maxey said it might not be signed in time for some reason, then we would be back in the same situation we are now.

Mayor Smaistrla asked the cost of an election.

Mike Segler replied it would cost between \$1,000 and \$1,200.

Council Member Alberts asked the City Attorney what scenarios could develop from this.

Mr. Segler said 1) the candidate can be elected; 2) they will have a majority vote, or 3) there may not be a majority vote.

Mr. Alberts asked what this is being based on.

Mr. Segler stated it was the Judge's decision in the Pearce lawsuit that if no one had 50% plus one vote, there is no winner.

Council Member Alberts asked if Mr. Segler felt the Judge's decision would be upheld in a higher court.

Mr. Segler said he suspects it will.

Mr. Alberts asked if it will, then do we really need a charter change.

City Attorney Segler said we did, as a three person race has a high chance of not having a majority vote.

Mr. Alberts asked if we have an election under the current charter and three people file and no one gets a majority vote, do we have a provision for a run-off.

Mr. Segler said we do not.

Council Member Alberts said that Section 57, second paragraph, says the Council can make any changes for the city to function. He asked for an explanation of this.

The City Attorney said this sections says if part of the charter is found to be invalid, the Council, by ordinance, can take action to "function properly." Mr. Segler said the criteria here is if "part of the charter is found to be invalid." He said the Judge did not rule that the charter or any part of it was invalid.

Mr. Alberts asked if the city attorney felt that this applied in this situation.

Mr. Segler said he didn't think it is meant for this, that it is for more of an emergency situation.

Mr. Alberts asked if we postponed this election, when the next date would be to hold another.

City Attorney Segler said it would depend on when the resolution is approved.

Councilman Alberts asked if the charter change is approved in August, when would be the soonest we could have a council election.

The city attorney said he did not think one could be held before the first meeting in September, if the charter signing was expedited. Mr. Segler said we have to give the County Election Board sixty (60) days' notice, so this would make the earliest about November 15th, assuming this is a date allowed for municipal elections.

Mr. Alberts remarked that it could be December or January before an election could be held.

Mr. Segler said that was correct.

Council Member Jurgensen said there was a special election for a recall and there was no problem calling that one, so in fairness to the residents of Ward 4, we should go ahead and call the election.

The City Attorney remarked that recall elections have different provisions.

Mr. Jurgensen said he still feels the City should not delay the election.

Council Member Alberts stated that the Council are stewards of the City's money and he feels this is a \$1,200 gamble.

Jim McIntyre, local resident, said he lives in Ward 4 and he is for "blowing the money, as the Council blew money for the sports park." He stated he thinks the residents need an elected representative.

**The vote on the motion:**

**AYES: Jurgensen, Smaistrle, Alberts**

**NAYS: Maxey, Vinson**

**VOTE: 3-2**

**MOTION CARRIED**

**5. Consider approving Special Election Proclamation for election of a Council Member from Ward 4**

Council Member Jurgensen made a motion to approve the special election proclamation calling an election for a Ward 4 Council Member. Mayor Smaistrle seconded.

**The vote:**

**AYES: Smaistrle, Jurgensen, Alberts**

**NAYS: Maxey, Vinson**

**VOTE: 3-2**

**MOTION CARRIED**

**6. Consider approving Resolution 2002-16, suspending the charge associated with the collection of solid waste in residential areas from a second cart per household**

A motion was made by Council Member Vinson, seconded by Vice Mayor Maxey, to approve Resolution 2002-16, suspending the charge associated with the collection of solid waste in residential areas from a second cart per household.

**The vote:**

**AYES: Jurgensen, Vinson, Smaistrle, Maxey, Alberts**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**7. 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>
1020 Arlington	Anderson	Trash, Grass Weeds
612 Okieridge	Carr	Trash, Grass, Weeds
613 Okieridge	Carr	Trash, Grass, Weeds
812 Oak	Weaver/Hemphill	Trash, Grass, Weeds
3201 N. Mustang	Re/Max Advantage	Trash, Grass, Weeds
728 Royal	Emerson	Trash, Grass, Weeds
Property west of Mustang Road, south of bank, north of 3201 North Mustang	Capital Baptist	Trash, Grass, Weeds
Property north of Wal-Mart, south of Vandament	Gotez	Trash, Grass, Weeds
Lot 1, Block 1, Westport Commerce Park	Whitby	Trash, Grass, Weeds
Lots 2, 3 and 4, Block 3, Westport Commerce Park	Gotez	Trash, Grass, Weeds
Lots 4, 5, and 6, Block 1, Westport Commerce Park	Gotez	Trash, Grass, Weeds

No action was needed for this item, as all properties were abated prior to the meeting.

## **8. New Business**

## **9. Council Discussion**

Council Member Jurgensen said he hopes everyone enjoyed the fabulous 4th of July celebration. He further stated he feels it is important that Ward 4 has a chance to get an elected official to sit on the Council, and he wants to get this issue settled.

Vice Mayor Maxey stated he wanted to thank the city employees for all the work and effort put into the 4th of July activities. Mr. Maxey said it was a great event and doesn't know how it could get any better.

Council Member Vinson said she felt the same as Mr. Maxey, and that this event just gets better every year. Council Member Vinson spoke on the benefits of the Junior Police Academy and of her appreciation to the Police Department for sponsoring this activity.

Mayor Smaistrle stated although Mr. Crosby and Mrs. Scott were not in attendance tonight, she wanted to thank them for an outstanding event. Ms. Smaistrle said she was privileged to get to introduce the Philharmonic, and the stage manager told her prior to the performance that he wanted to tell her that Jim Crosby "is an angel, as is Jan Scott, and we go a lot of places, but anything we need here, it's gotten for us." Mayor Smaistrle said she is so proud that we treat people well and she is still excited about the wonderful July 4th program.

## **10. Adjournment**

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Earline Smaistrle, Mayor

