

# Minutes



## City Council Minutes July 1, 2003

The Yukon City Council met in regular session on July 1, 2003, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

Invocation was given by Gary Henry, attorney with the law firm of Ramey and Tharp.

Flag salute was given in unison.

Roll Call: Present: Earline Smaistrla, Mayor  
John Alberts, Vice Mayor  
Dewayne Maxey, Council Member  
Bob Bradway, Council Member  
Ward Larson, 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 Department  
Tammy Nemecek, Administrative Assistant  
Mitch Hort, Community Development Director  
Tim Rundel, Personnel/Safety Director  
John Corn, Assistant Police Chief  
John Knuppel, Historical Society

### Presentations and Proclamations

#### Visitors

Tom Wakley and Jim Nievar appeared before the Council regarding the recent closing of 7th Street at Kali. They stated they would like for Resolution 2003-08 to be amended so that it would allow this street to be re-opened for 150 days in order to complete construction in this area.

Council Member Maxey asked if this was 150 days total, regardless of weather.

Mr. Nievar advised that usually the weather this time of year is good, so they are asking for 150 days to complete this, but may not need this long.

Mr. Crosby, City Manager, stated the homeowners in this area feel 150 days is too long and have suggested no more than 90 days. Mr. Crosby stated 150 days does seem excessive. He further stated that this portion of the roadway was never meant to be an open street.

Mr. Nievar said that 90 days will not be long enough, as they need to do concrete work after the dirt work is finished.

The City Manager stated he didn't want to work a hardship on anyone, but he can see where 150 days could become two years.

Council Member Maxey stated this area was an open street at one time.

Mr. Crosby replied that it was never an open street - it was an easement.

Council Member Maxey said that he drove on it for 40 years. He asked to hear from the people who were opposing the re-opening of the street.

Dean and Janis Kennett, 703 Cedar, stated that dump trucks are going up and down the street at high rates of speed and almost hit their daughter. The Kennetts said that the construction site can be accessed from Kali, and they are very much opposed to reopening this street.

Mr. Kennett said they are going to make a slop hole out of his driveway, and Mr. Nievar is wanting to dig a trench within 18" of is home and leave it open.

Vice Mayor Alberts stated that when we voted on closing the street, there was no one present to express opposition and asked if Mr. Nievar had been contacted regarding the closing of this portion of the street.

The City Manager advised we were not required to notify him; however, we have made a lot of concessions to try to settle this situation to please both sides. Mr. Crosby stated there is plenty of access to his property along Kali.

Vice Mayor Alberts asked the City Attorney, Mike Segler, if it was prudent to put the easement back in, from a legal standpoint.

Mr. Segler advised that there is 200' frontage on Kali, so access to his property has not been denied, but Mr. Nievar is not compacting the fill dirt, so he can't drive on it when it rains. Mr. Segler stated this easement should not be reopened, as it is unsafe and dangerous for people to drive so close to the homes there and reopening it would leave the potential for City liability. Mr. Segler said that Mr. Nievar does have the right to place utilities along this easement.

Vice Mayor Alberts asked if we could limit the use of this easement to certain times of the day.

Mr. Segler advised if so, we would have to be very cautious and have a watchful eye there at all times for enforcement.

Vice Mayor Alberts stated he felt we should have had this conversation before voting on closing the street/easement.

The City Attorney stated the proposal to close this portion of the street was on the agenda, publicly posted, and anyone wishing to address the issue had the opportunity at that time, but, as we know, there was no one present to address the matter. Mr. Segler advised we did not have to personally notify Mr. Nievar, and also reminded Council that regardless of what they

would like to do now, it cannot be voted on tonight as it is not listed on the agenda.

Mr. Nievar said they would concede to 90 days.

Mrs. Kennett asked why it would take 90 days to haul the dirt.

Council Member Maxey said he would like to direct staff to put this item on the next agenda, and it should be stated that Mr. Nievar could use this roadway/easement for 90 days to haul dirt only, Monday through Friday, from 8 a.m. until 5 p.m., and the builder must place a construction fence between the house and roadway.

Mr. Maxey said he has a problem with Mr. Nievar not being notified about the closing of this street.

City Manager Jim Crosby said that we need to bring a resolution before Council at the next meeting that will outline the exact details of the agreement for Mr. Nievar and if the agreement is broken, we can deem it null and void and discontinue the use of the easement.

Council Member Maxey said he would like for the City to look at this area to determine how it looks now and insure that it looks the same way when Mr. Nievar finishes.

Council Member Larson said that Mr. Nievar's problem seems to be a "self-inflicted wound" and asked why he didn't just use the ingress and egress on Kali or compact the dirt, as this is only hurting him.

Mr. Nievar responded that Mr. Crosby had approved his plans three weeks ago.

Mitchell Hort, Community Development Director, stated he and the city attorney had developed requirements for using this easement, but Mr. Nievar felt they were excessive.

Mr. Crosby stated that Mr. Nievar will not follow the directions of the city employees or himself, but he is going to abide by the city's rules and regulations or desist from building.

(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 approve:

- A) The minutes of the regular meeting of June 17, 2003
- B) Payment of claims in the amount of \$17,853.98

Trustee Maxey made a motion, seconded by Trustee Bradway, to approve the YMA consent docket, consisting of the approval of the minutes of the regular meeting of June 17, 2003 and payment of claims in the amount of \$17,853.98.

#### **The vote:**

**AYES: Bradway, Larson, Alberts, Smaistrila, Maxey**

**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) The minutes of the regular meeting of June 17, 2003, and the special meeting of June 24, 2003
- B) Payment of salary and material claims in the amount of \$159,256.30
- C) Entering into an interlocal cooperation agreement with the Commissioners of Canadian County District #3, Oklahoma, and the City of Yukon for maintenance, construction, and repair to certain streets which were originally county section line roads and the responsibility of the City of Yukon
- D) Entering into an agreement by and between the City of Yukon, K & O Construction and the Board of County Commissioners of Canadian County, District #1, for Removal and Replacement of the Bridge approximately 1/4 mile North of Foreman Road on Richland Road
- E) Accepting DEQ Permit No. WL000009030451 for the construction of 5,730 L.F. of six (6) inch water lines and appurtenances to serve the 2003 C.D.B.G. Water Line Replacement Project, Yukon, Canadian County, Oklahoma
- F) Entering into an agreement by and between the City of Yukon, acting through the Yukon Parks and Recreation Department, and the Yukon Christian Athletic Association for the use of the Sunrise Park from July 7, 2003 through November 3, 2003
- G) Entering into an agreement by and between the City of Yukon, acting through the Yukon Parks and Recreation Department, and the Stage Door Theater for the use of the YMAC auditorium from August 1, 2003 through May 31, 2004
- H) Setting the date for the next regular Council meeting for July 15, 2003, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth

A motion was made by Council Member Maxey, seconded by Council Member Bradway, to approve the Consent Docket, consisting of the approval of the minutes of the regular meeting of June 17, 2003, and the special meeting of June 24, 2003; payment of salary and material claims in the amount of \$159,256.30; entering into an interlocal cooperation agreement with the Commissioners of Canadian County District #3, Oklahoma, and the City of Yukon for maintenance, construction, and repair to certain streets which were originally county section line roads and the responsibility of the City of Yukon; entering into an agreement by and between the City of Yukon, K & O Construction and the Board of County Commissioners of Canadian County, District #1, for removal and replacement of the bridge approximately 1/4 mile north of Foreman Road on Richland Road; accepting DEQ Permit No. WL000009030451 for the construction of 5,730 L.F. of six (6) inch water lines and appurtenances to serve the 2003 C.D.B.G. Water Line Replacement Project, Yukon, Canadian County, Oklahoma; entering into an agreement by and between the City of Yukon, acting through the Yukon Parks and Recreation Department, and the Yukon Christian Athletic Association for the use of the Sunrise Park from July 7, 2003 through November 3, 2003; entering into an agreement by and between the City of Yukon, acting through the Yukon Parks and Recreation Department, and the Stage Door Theater for the use of the YMAC auditorium from August 1, 2003 through May 31, 2004; and setting the date for the next regular Council

meeting for July 15, 2003, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth.

Council Member Bradway asked in regard to Item D, who would be responsible for the inspection of the bridge work.

The City Manager advised the City would be responsible for overseeing this.

Mr. Bradway asked if the road would be closed during rebuilding or if a side road would be put in.

Mr. Crosby stated the road would be closed and a detour would be set.

**The vote:**

**AYES: Alberts, Maxey, Bradway, Smaistrle, Larson**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

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

Park Director Jan Scott stated we would be celebrating Independence Day with a two day event, honoring the veterans on July 3rd and on July 4th there will be a full day of activities, with fire works both evenings.

Council Member Alberts asked for an update on Holly and Vandament.

Jim Crosby said that it should be open by the 4th of July with exception of a small section on Holly, which will take another two or three weeks.

## **3. Consider authorizing a renewal contract with Aetna Health Care for the City of Yukon employees' health insurance coverage**

Council Member Maxey made a motion to approve the renewal contract with Aetna Health Care for the City of Yukon employees' health insurance coverage. The second to the motion was made by Council Member Alberts.

Council Member Larson asked if competitive bids were taken.

The City Manager said bids were taken, and that we had received five bids and had a committee that looked at the options presented and chose to stay with Aetna. Mr. Crosby advised we will continue looking at the feasibility of self-insuring.

Council Member Larson asked what kind of committee would be looking at the self-insurance - would it be a city committee or outside people.

Mr. Crosby said that we have extensively used outside companies and he personally feels that self-insurance is the best way to go when we can afford it. He stated he hopes that the city can self-insure next year.

Mr. Larson asked if this plan has similar coverage to the current plan.

Mr. Crosby said that it does, but there is an increase in costs for prescriptions and office visits.

**The vote:**

**AYES: Smaistrila, Alberts, Maxey, Larson, Bradway**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**4. Consider approving the creation of a Trust designated as "Central Oklahoma Municipal Water Authority" (COMWA) and accepting the beneficial interest in the Trust created by the Trust Indenture**

Vice Mayor Alberts made a motion to approve the creation of a Trust designated as "Central Oklahoma Municipal Water Authority" (COMWA) and accepting the beneficial interest in the Trust created by the Trust Indenture. Council Member Larson seconded the motion.

Vice Mayor Alberts asked for the City Manager to explain this item.

Mr. Crosby advised that COWRA was the original Trust to search for outside water sources, but in order to move forward, there may be a need for an additional Trust, due to imminent domain and the limitations of the number of counties that Trusts can cover. This Trust will consist of the towns of Piedmont, Mustang and Yukon.

**The vote on the motion:**

**AYES: Maxey, Alberts, Smaistrila, Bradway, Larson**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**5. Consider approving the Von Elm Lift Station Force Main Replacement Construction Cost at Mustang Road to S. H. 4 in an amount not to exceed \$148,738.00**

Council Member Bradway made a motion to approve the Von Elm Lift Station Force Main Replacement Construction Cost at Mustang Road to S. H. 4 in an amount not to exceed \$148,738.00; motion was seconded by Council Member Alberts.

**The vote:**

**AYES: Larson, Bradway, Alberts, Smaistrila, Maxey**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**6. Consider appointing representatives to the following boards:**

Spanish Cove One Representative  
Recycling Committee Three Representatives  
Ok Environmental Mgt Authority One Representative and One Alternate  
Canadian County Alliance One Representative and One Alternate  
Senior Citizens Two Representatives and One Alternate  
COWRA One Representative and One Alternate

Council Member Maxey made a motion, seconded by Council Member Larson, to reappoint Larry Taylor to the Spanish Cove Board of Trustees.

**The vote:**

**AYES: Alberts, Maxey, Bradway, Smaistrla, Larson**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

Council Member Maxey made a motion, seconded by Council Member Larson, to appoint Genie Vinson, Gary LaRue and Natalie Stejskal to the Recycling Committee.

**The vote:**

**AYES: Maxey, Smaistrla, Bradway, Alberts, Larson**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

A motion to reappoint Dewayne Maxey as the representative and Jim Crosby as Alternate to the OEMA was made by Council Member Larson; seconded by Vice Mayor Alberts.

**The vote on the motion:**

**AYES: Larson, Alberts, Bradway, Smaistrla, Maxey**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

Council Member Alberts made a motion, seconded by Council Member Larson, to appoint Jim Crosby as Alternate and Dewayne Maxey as Representative to the Canadian County Alliance.

**The vote:**

**AYES: Smaistrla, Bradway, Larson, Alberts, Maxey**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

A motion was made by Council Member Maxey to appoint Ray Wright as representative to the Senior Citizens board and John Alberts as alternate. Vice Mayor Alberts seconded.

**The vote:**

**AYES: Maxey, Bradway, Alberts, Smaistrla, Larson**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

Genie Vinson was named as the representative to COWRA, with Larry Taylor as alternate, on a motion made by Council Member Maxey and seconded by Council Member Larson.

Council Member Bradway asked if the representative of COWRA needed to be a Council



Member.

Mike Segler, city attorney, stated it has been the policy to name a council member, but it is not a Trust requirement.

**The vote on the motion:**

**AYES: Alberts, Larson, Maxey, Smaistrla, Bradway**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

Council Member Maxey moved to appoint Earline Smaistrla as representative and Ward Larson as alternate to the COMWA board. Seconding the motion was Vice Mayor Alberts.

**The vote on the motion:**

**AYES: Bradway, Smaistrla, Larson, Maxey, Alberts**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**7. Consider approving abatement costs for the property listed below and filing lien against property with Canadian County Treasurer**

<b>ADDRESS</b>	<b>PROPERTY OWNER</b>	<b>LIEN AMOUNT</b>
Lot 4, Block 9, Skyview 2 <sup>nd</sup> Addition, 1741 Greenway Circle	Tommie Duane Stanley	\$280.63

Council Member Maxey made a motion, seconded by Council Member Larson, to approve the abatement costs for 1741 Greenway (Lot 4, Block 9, Skyview 2nd Addition) at \$280.63 and directed Staff to file a lien in this amount against the property.

**The vote:**

**AYES: Bradway, Smaistrla, Larson, Alberts, Maxey**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**8. Consider public hearing to determine whether the following properties should be declared detrimental to the health, safety, benefit and welfare of the public and community and, if necessary, direct the City Manager to take appropriate action to abate same**

<b>ADDRESS</b>	<b>OWNER</b>	<b>VIOLATION</b>
1144 Landmark	Express Home Buyers	Trash, Grass, Weeds
1115 NE Forman Road	Collins/National Loan Investors LP	Trash, Grass, Weeds
1115 NE Forman Road	Collins/National Loan Investors LP	Nuisance Vehicle
729 Miller	Mobley	Nuisance Vehicle



711 Poplar	Lozoya/Brown	Trash, Grass, Weeds
1102 Ridgeway	Parkhurst	Trash, Grass, Weeds
1071 Squire Mansion	Nicholson	Trash, Grass, Weeds
105 Choctaw Place	Nissen/Bank of American	Trash, Grass, Weeds
901 Glenwood	Carel/Morton	Nuisance Vehicle
Lot 2, Block 1, Westport Commerce Park	Body Builders	Trash, Grass, Weeds
1113 Kouba	Herbst	Public Nuisance/Noxious Odor: Excessive Number of Pets

Mitchell Hort, Community Development Director, stated only 1115 N. E. Foreman and 729 Miller remain to be considered.

Jim Crosby, City Manager, stated there are also representatives here to discuss the problem at 1113 Kouba. Although our inspector says the problem has been abated, the neighbors do not agree and want to discuss this matter. Mr. Crosby said we need to declare this property as a nuisance so when it comes before us again, we do not have to wait for Council action.

The City Attorney stated he thought we should proceed with the hearing on this property.

Mr. Hort presented pictures of the residences on Miller and Foreman Road to Council.

A motion was made by Council Member Maxey, seconded by Council Member Larson, to declare the properties at 1115 N. E. Foreman Road and 729 Miller as nuisances and detrimental to the health, safety, benefit and welfare of the public and community and, if necessary, directed the City Manager to take appropriate action to abate same.

**The vote:**

**AYES: Larson, Bradway, Maxey, Alberts, Smaistrle**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

Gary Henry, attorney representing Mrs. Herbst, stated that our inspector, Dan Fine, feels the nuisance was abated today as there are only three cats and one dog at her home as of this afternoon. He advised Mrs. Herbst is agreeable to tabling this, but asked if there would be a time period associated with this declaration.

The City Manager advised that "tabling" this item would cause it to appear on the next Council agenda, so we need to "postpone indefinitely" this item and it will not appear again, but action can be taken if the abatement isn't maintained. Mr. Crosby stated the homeowner would receive notice, as would the attorney, as her representative, if action was to be taken.

Ron Felder, 1115 Kouba, stated he has lived across the street from Mrs. Herbst for over twenty-five years and for at least twenty years, he has had to address the cat odor issue. Mr. Felder said he has complained to the city officials for years, but Mrs. Herbst always gets a week to abate the problem, so she hauls off all the cats, the City comes back and states she is in compliance, then she goes and gets the cats again. He stated this is a continual cycle. Mr. Felder said during the time he was raising his children, they could

never have cook outs or sit outside and visit because the urine and fecal odors were so strong. He said now he has grandchildren and would like to be able to go outside and play with them without having the strong ammonia odor stinging their eyes. Mr. Felder said they cannot enjoy their home because of these odors.

Kristy Johnson, 1110 Kouba, said she can smell cat feces from her porch and they cannot go outside and visit or play. Mrs. Johnson said she has lived at this address for four years and it has been that way since she moved in.

Council Member Larson asked what the health department would say about this.

Mr. Crosby, City Manager, stated we will continue to check on this address and if needed, the state health department can be contacted.

A motion was made by Vice Mayor Alberts, seconded by Council Member Maxey, to postpone this item indefinitely.

**The vote:**

**AYES: Smaistrla, Alberts, Maxey, Bradway, Larson**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**9. New Business**

**10. Council Discussion**

Vice Mayor Alberts stated the City has a great 4th of July planned and encouraged everyone to come out and enjoy it. He further stated that with the new mandates going into place with the Clean Rivers Act, people are going to have to start being very careful about where they put their grass clippings, limbs, etc. He emphasized that the creek or ravine is not a suitable place for these items.

Mayor Smaistrla wished everyone a happy and safe 4th of July and stated for everyone to come enjoy the "gift" the city was giving to our citizens on July 3rd and 4th.

**11. Adjournment**

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Earline Smaistrla, Mayor

\_\_\_\_\_  
Patricia G. Hargis, City Clerk