

# Minutes



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## City Council Minutes November 4, 2003

The Yukon City Council met in regular session on November 4, 2003, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

The invocation was delivered by Kristi Swink, pastor at the First United Methodist Church.

Flag salute was given in unison.

Roll Call: Present: Earline Smaistrle, Mayor  
John Alberts, Vice Mayor  
Dewayne Maxey, Council Member  
Bob Bradway, Council Member  
Absent: Ward Larson, Council Member

### Others Present:

Jim Crosby, City Manager  
Pat Hargis, City Clerk  
Jonathan Millar, Acting City Attorney  
Robbie Williams, City Engineer, Triad Design Group  
Tammy Nemecek, Administrative Assistant  
Tony Lum, Building Maintenance Department  
Mitch Hort, Community Development Director  
Tim Rundel, Personnel/Safety Director  
J. R. Reed, Public Works Director  
Jeff Deckard, Assistant Public Works Director  
Ike Shirley, Police Chief  
Jeff Lara, Fire Chief  
Several city employees  
John Knuppel, Historical Society

### Presentations and Proclamations

### Visitors

(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 October 21, 2003
- B) Payment of claims in the amount of \$23,199.99

A motion was made by Trustee Bradway, seconded by Trustee Maxey, to approve the minutes of the regular meeting of October 21, 2003, and payment of claims in the amount of \$23,199.99.

**The vote:**

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

**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 a motion that will approve:

- A) The minutes of the regular meeting of October 21, 2003
- B) Payment of salary and material claims in the amount of \$145,623.25
- C) Setting the date for the next regular Council meeting for November 18, 2003, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth

Council Member Maxey made the motion to approve the Consent Docket, consisting of the minutes of the regular meeting of October 21, 2003; payment of salary and material claims in the amount of \$145,623.25, and setting the date for the next regular Council meeting for November 18, 2003, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth. The second on the motion was made by Council Member Bradway.

**The vote:**

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

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

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

Park Director Jan Scott invited the Council and public to the Christmas in the Park opening on November 22nd at 6 p.m. Mrs. Scott stated there will also be a Chill Your Cheeks Run and a Jingle Walk beginning at 5:30 p.m., and a children's carnival will be held at the Community Center from 6-8 p.m.

**3. A) Consider approving Ordinance No. 1133, amending the oil and gas well ordinance**

Mayor Smaistrla advised this item has been pulled from tonight's agenda and will be heard at a later date.

**B) Consider approving Emergency Clause of Ordinance No. 1133**

No action was taken due to Item 3 being pulled from the agenda.

**4. Consider approving the Planning Commission's recommendation to rezone from C-1 (Office District) and I-2 (Heavy Industrial District) to C-1 PUD for a tract of land being a part of the NE/4 of Section 28, T12N, R5W (Cedar Ridge Office Park - on Vandament, east of Independence Middle School)**

Vice Mayor Alberts made a motion, seconded by Council Member Bradway, to approve the Planning Commission's recommendation to rezone from C-1 (Office District) and I-2 (Heavy Industrial District) to C-1 PUD a tract of land being a part of the NE/4 of Section 28, T12N, R5W (Cedar Ridge Office Park - on Vandament, east of Independence Middle School).

**The vote:**

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

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**5. Consider approving the preliminary plat for Cedar Ridge Office Park**

Vice Mayor Alberts made a motion to approve the preliminary plat for Cedar Ridge Office Park, with Council Member Maxey seconding the motion.

**The vote:**

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

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**6. Consider approving the Park Board's selection of playground equipment for Kimbell Park; waiving competitive bidding for this item, as it is available from a sole provider, Noah's Park & Playground Equipment, and authorizing payment in the amount of \$20,565.00 (includes installation and freight), to Noah's Park & Playground Equipment**

A motion to approve the Park Board's selection of playground equipment for Kimbell Park; waiving competitive bidding for this item, as it is available from a sole provider, Noah's Park & Playground Equipment, and authorizing payment in the amount of \$20,565.00 (includes installation and freight), to Noah's Park & Playground Equipment was made by Vice Mayor Alberts. The second to the motion was made by Council Member Maxey.

Vice Mayor Alberts stated he wanted to thank Jan Scott for getting this equipment replaced, as the old playground equipment has been worn out for a long time and he felt it was hazardous. He said he looked forward to seeing the equipment replaced.

**The vote:**

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

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**7. Consider approval of Change Order No. 1 and Amendment No. 1 for the 2003 C.D.B.G. Small Cities Set Aside Waterline Replacement Project**

Council Member Bradway made a motion, seconded by Council Member Maxey, to approve Change Order No. 1 and Amendment No. 1 for the 2003 C.D.B.G. Small Cities Set Aside Waterline Replacement Project.

**The vote:**

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

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**8. Consider accepting the 2003 C.D.B.G. Small Cities Set Aside Waterline Replacement Project and placing the maintenance bonds into effect**

Council Member Bradway moved to accept the 2003 C.D.B.G. Small Cities Set Aside Waterline Replacement Project and placing the maintenance bonds into effect. A second to the motion was made by Council Member Maxey.

**The vote:**

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

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**9. Consider approving the final payment to Central Contracting Services in the amount of \$34,426.88 for the 2003 C.D.B.G. Small Cities Set Aside Waterline Replacement Project**

Council Member Maxey made the motion, with Council Member Bradway seconding, to approve the final payment to Central Contracting Services in the amount of \$34,426.88 for the 2003 C.D.B.G. Small Cities Set Aside Waterline Replacement Project.

**The vote:**

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

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**10. Consider approving and accepting the Wellhead/Source Water Protection Plan**

Council Member Maxey made the motion to approve and accept the Wellhead/Source Water Protection Plan. Council Member Bradway seconded the motion.

**The vote:**

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

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**11. A) Consider approving Resolution No. 2003-17, a resolution of the City of Yukon, Oklahoma, adopting an all-hazard mitigation plan for the City of Yukon, Oklahoma, and declaring an emergency**

Vice Mayor Alberts made a motion, seconded by Council Member Maxey, to approve Resolution No. 2003-17, a resolution of the City of Yukon, Oklahoma, adopting an all-hazard mitigation plan for the City of Yukon, Oklahoma, and declaring an emergency.

**The vote:**

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

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**B) Consider approving the Emergency Clause of Resolution No. 2003-17**

A motion to approve the Emergency Clause of Resolution No. 2003-17 was made by Vice Mayor Alberts and seconded by Council Member Maxey.

**The vote:**

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

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**12. Consider approving Resolution No. 2003-18 renaming the Chisholm Trail Park the Kathryn Kroutil Wright Chisholm Trail Park**

Vice Mayor Alberts made a motion to approve Resolution No. 2003-18 renaming the Chisholm Trail Park the Kathryn Kroutil Wright Chisholm Trail Park. The second was made by Council Member Maxey.

**The vote:**

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

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**13. A) Consider approving Ordinance No. 1132, an ordinance amending existing sales tax ordinances and levying and assessing a sales tax of three-fourths of one percent (3/4 of 1%) in addition to the present city, county and state excise taxes levied and assessed upon the gross proceeds or gross receipts derived from all sales to any person taxable under the sales tax laws of Oklahoma; providing for the purpose earmarking the same to be expended only for the following purpose: providing competitive compensation and benefits for fire personnel and additional firefighter personnel, subject to collective bargaining agreement with the City of Yukon, and firefighting related equipment; providing competitive compensation and benefits for police personnel and additional commissioned police personnel, subject to collective bargaining agreement with the City of Yukon, and police related equipment; providing competitive**

**compensation and benefits for all other full-time employees of the City of Yukon, additional full-time employees and equipment; also providing for the establishment of a limited purpose tax fund to be known as “Yukon Public Employees Limited Tax Fund”; providing for tax rate-sales subject to tax, exemptions and other exempt transfers, when tax due, returns and records; providing for method of payment of tax; providing tax constitutes debt; classification of taxpayers; vendor’s duty to collect tax; returns and remittances-discount; tax collector defined; providing for definitions, interest and penalties-delinquency, waiver of interest and penalties, erroneous payments-claims for refund, fraudulent returns; providing for confidential records; amendments; provisions cumulative and provisions severable; providing for effective and operative dates and providing for repealer and severability; and declaring an emergency**

Council Member Maxey made a motion to approve Ordinance No. 1132, an ordinance amending existing sales tax ordinances and levying and assessing a sales tax of three-fourths of one percent (3/4 of 1%) in addition to the present city, county and state excise taxes levied and assessed upon the gross proceeds or gross receipts derived from all sales to any person taxable under the sales tax laws of Oklahoma; providing for the purpose earmarking the same to be expended only for the following purpose: providing competitive compensation and benefits for fire personnel and additional firefighter personnel, subject to collective bargaining agreement with the City of Yukon, and firefighting related equipment; providing competitive compensation and benefits for police personnel and additional commissioned police personnel, subject to collective bargaining agreement with the City of Yukon, and police related equipment; providing competitive compensation and benefits for all other full-time employees of the City of Yukon, additional full-time employees and equipment; also providing for the establishment of a limited purpose tax fund to be known as “Yukon Public Employees Limited Tax Fund”; providing for tax rate-sales subject to tax, exemptions and other exempt transfers, when tax due, returns and records; providing for method of payment of tax; providing tax constitutes debt; classification of taxpayers; vendor’s duty to collect tax; returns and remittances-discount; tax collector defined; providing for definitions, interest and penalties-delinquency, waiver of interest and penalties, erroneous payments-claims for refund, fraudulent returns; providing for confidential records; amendments; provisions cumulative and provisions severable; providing for effective and operative dates and providing for repealer and severability; and declaring an emergency. Vice Mayor Alberts seconded the motion.

Vice Mayor Alberts stated our auditor recently indicated we need to increase our budget reserves and suggested the city try to increase our sales tax by 1¢. Mr. Alberts said he could like to see the proposed ordinance changed to 1¢, with ¼¢ going to build our reserves. Vice Mayor Alberts asked the City Manager if this was possible.

Jim Crosby, City Manager, said he has not looked at this idea, but it could be done. He said we would need to determine how it would be done and to what point we would build our reserves before the money was added to our General Fund.

Vice Mayor Alberts asked if he was correct in remembering that the auditor said we should try to increase our sales tax.

The City Manager advised that he was correct.

Vice Mayor Alberts advised that Joe Edwards, a local pharmacist as well as a member of our

Park Board, had contacted him recently with some ideas. He asked Mr. Edwards to come to the podium and tell them his thoughts.

Mr. Edwards said that if the City would ask for 1¢, we would still have lower sales tax than surrounding cities. He also told Council that a survey done by his employer indicates that 40% of their customers come from somewhere other than Yukon and that they do not shop in Yukon due to the tax rate. Mr. Edwards stated he feels that the City of Yukon is giving up a substantial amount of income each month due to our low sales tax. He further stated that the Wal-Mart that recently opened in Mustang is taking away from our tax base and we need to get our income up.

Vice Mayor Alberts stated he felt these were valid points that have been raised by Mr. Edwards and he would like for staff to work on validating these issues. He said he would like to see if ¼¢ would help raise our reserves before voting on this issue. Mr. Alberts said he wanted to have one election asking for a sales tax increase.

Mr. Crosby said if this is the Council's wish, he will work on it.

Vice Mayor Alberts said he would like to postpone this matter until the City Manager brings back information to them regarding the proposed ¼¢ increase.

Mr. Crosby said if this is the pleasure of the Council, he will be happy to oblige, but would like for this to be done quickly, as everyone is united in thought and ready to take action to see this matter realized.

Mr. Alberts stated he would like to see this item on the agenda for the first meeting in December, after we have met with our auditor at the next work session.

Police Officer Andy Johnson asked if this ¼¢ could be put on a separate ordinance and not combined with the one proposed tonight.

Vice Mayor Alberts stated he was not asking that it be a part of this particular ordinance.

Council Member Bradway stated he thought the earliest this item could be voted on was early spring, but now we have it scheduled for January, 2004. He asked why this item was on the agenda tonight.

Jim Crosby, City Manager, stated at the time he told Mr. Bradway that, he thought it was the earliest we could vote on it. However, the employees got together and worked the issues out to their satisfaction and they wanted it to go before a vote of the people as soon as possible while everyone was in agreement.

Vice Mayor Alberts made a motion to postpone this item until the December 2, 2003 meeting. Second was made by Council Member Bradway.

**The vote:**

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

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**B) Consider approving Emergency Clause of Ordinance No. 1132**



No action was taken due to postponement of Item 13..

**14. Consider approving Election Proclamation and Notice, authorizing the calling and holding of an election for purposes as set forth in Ordinance No. 1132**

No action was taken due to postponement of Item 13.

**15. A) Consider approving Resolution No. 2003-19 notifying the Secretary of the Canadian County Election Board that a special election concerning the levy of a three-fourths of one percent (3/4ths of 1%) sales tax election will be held on January 13, 2004**

No action was taken due to the postponement of Item 13.

**B) Consider approving the Emergency Clause of Resolution No. 2003-19**

No action was taken due to the postponement of Item 13.

**16. New Business**

**17. Council Discussion**

Council Member Bradway said there is broken concrete on 7th Street where drainage was worked on, as well as at the location of the new Conoco station, and asked if t his could be used for erosion control.

Robbie Williams, City Engineer, advised he will get with the Public Works Director and discuss this.

Council Member Bradway said he would also like for the engineer to look at the possibility of asphaltting Cimarron Road, our last gravel road in town.

Council Member Bradway asked the City Manager the status of getting the mail box drop returned to the area at Highway 4 and Main.

The City Manager said he has been working with the Postmaster, but they have certain criteria that must be met before a drop box will be installed. Mr. Crosby said he will continue to work on this.

■Mayor Smaistrla thanked the people in attendance and said she appreciated all of the City employees. She stated they have to wait a little longer than they wish, but feels this will help work things out best for everyone. She thanked them for their patience and cooperation.

**18. Adjournment**

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Earline Smaistrla, Mayor

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Patricia G. Hargis, City Clerk

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