

# Minutes



## City Council Minutes December 16, 2003

The Yukon City Council met in regular session on December 16, 2003, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

The invocation was given by Father Novak, St. John Nepomuk Catholic 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  
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  
Jan Scott, Park and Recreation Director  
Mitch Hort, Community Development Director  
Tim Rundel, Personnel/Safety Director  
J. R. Reed, Public Works Director  
Ike Shirley, Police Chief  
Jeff Lara, Fire Chief  
Several Police Officers, Firemen, and General Employees



Presentations and Proclamations



Visitors

Bob Applegate, 207 Briarwood, stated he would like to see a moratorium on Christ's Church's building plans until such time that drainage is adequately addressed.

City Manager Jim Crosby advised he would refer this matter to the city attorney and have him contact Mr. Applegate.



(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 December 2, 2003
- B) Payment of claims in the amount of \$10,466.93

A motion was made by Trustee Bradway, seconded by Trustee Maxey, to approve the YMA Consent Docket, consisting of the minutes of the regular meeting of December 2, 2003, and payment of claims in the amount of \$10,466.93.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

(Adjourn 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 December 2, 2003
- B) Payment of salary and material claims in the amount of \$80,848.34
- C) The emergency repair of waterlines on Landmark from Okie Ridge to Mustang Road and on Landmark from Lakeside to Okie Ridge
- D) The emergency repair of the well field transmission line between Well #13 and #14 in an amount not to exceed \$27,808.00
- E) Setting the date for the next regular Council meeting for January 6, 2004, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth

The Consent Docket, consisting of approval of the minutes of the regular meeting of December 2, 2003; payment of salary and material claims in the amount of \$80,848.34; the emergency repair of waterlines on Landmark from Okie Ridge to Mustang Road and on Landmark from Lakeside to Okie Ridge; the emergency repair of the well field transmission line between Well #13 and #14 in an amount not to exceed \$27,808.00; and setting the date for the next regular Council meeting for January 6, 2004, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth, was approved on a motion made by Council Member Larson. Council Member Maxey seconded the motion.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

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

Jan Scott, Parks and Recreation Director, advised that the Philharmonic's annual Sounds of the Season concert would be this Thursday night and, due to the generosity of our sponsors, tickets are only \$5. Tickets will also be sold at the door.

**3. 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**

A motion was made by Council Member Maxey, seconded by Council Member Larson, 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 asked the City Attorney if the employees receive a salary increase based on this tax, if the tax money could also be used to cover the increased costs of the fringe benefits.

Mr. Segler advised that it would, as this is a complete compensation package.

Mr. Alberts asked if this ordinance is modeled from Oklahoma City's and Edmond's ordinances.

The City Attorney advised it was, but they had tried to modify it to correct the problems that these cities had encountered.

Vice Mayor Alberts asked what the "Yukon Public Employees Limited Tax Fund" was and what its purpose is.

The attorney stated it is a fund that will need to be set up by the City Clerk to control the reserve fund and to bring employees up to par in salaries, and it is to be used in case the General Fund falls short. The reserve fund is to also offset furloughs.

Mr. Alberts asked if the fund could be used for other purposes.

Mr. Segler stated that once the fund is equal to the percentages as set out in the ordinance, the excess only can be used for equipment purchases.

Mr. Alberts asked, "Once the fund balance is reached, who decides how to spend the money? Who gets what first?"

Mr. Segler stated that there are percentages outlined in the ordinance for each of the three entities and a formula for the usage procedure.

Mr. Alberts asked if purchases would be approved by the Council.

The City Attorney advised that purchasing would still fall under the budgeting guidelines and funding of the accounts and approval of expenditures would have to be made by the Council.

Vice Mayor Alberts asked if the taxpayers will still have the council members to oversee spending.

Mr. Segler replied, "Absolutely." He stated oversight of expenditures is addressed in the ordinance.

**A roll call vote was taken:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

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

The emergency clause of Ordinance No. 1132 was approved on a motion made by Council Member Maxey, with Council Member Larson seconding the motion.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**4. A) Consider approving Ordinance No. 1138, an ordinance amending existing sales tax ordinances and levying and assessing a sales tax of one-fourth of one percent (1/4 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 first to replenish and maintain the reserve account of the City of Yukon at a level equal to twenty-five percent (25%) of the previous fiscal year's revenues as determined by the City Council, and the remainder, if any, to be deposited in the General Fund of the City to be used and expended as may be determined by the City Council; also providing for the establishment of a limited purpose tax fund to be known as "Yukon Reserve Account Support Limited Tax Fund;" providing for tax rates-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**

A motion was made by Council Member Bradway to approve Ordinance No. 1138, an ordinance amending existing sales tax ordinances and levying and assessing a sales tax of one-fourth of one percent (1/4 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 first to replenish and maintain the reserve account of the City of Yukon at a level equal to twenty-five percent (25%) of the previous fiscal year's revenues as determined by the City Council, and the remainder, if any, to be deposited in the General Fund of the City to be used and expended as may be determined by the City Council; also providing for the establishment of a limited purpose tax fund to be known as "Yukon Reserve Account Support Limited Tax Fund;" providing for tax rates-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. The second to the motion was made by Council Member Maxey.

Council Member Bradway stated that our auditor has said our reserves are too low and has

suggested we try to increase these reserves by the addition of a sales tax. Mr. Bradway said this election is asking the citizens to "pay ourselves first."

Vice Mayor Alberts asked the City Manager if the auditor is recommending passage of this ordinance.

Mr. Crosby stated he is.

**The vote on the motion:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**B) Consider approving Emergency Clause of Ordinance No. 1138**

A motion was made by Council Member Bradway, seconded by Council Member Maxey, approving the Emergency Clause of Ordinance No. 1138.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**5. 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%) and concerning the levy of a one-fourth of one percent (1/4 of 1%) sales tax upon the gross proceeds or gross receipts sales tax election will be held on February 24, 2004, and declaring an emergency**

A motion was made by Council Member Maxey to approve 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%) and concerning the levy of a one-fourth of one percent (1/4 of 1%) sales tax upon the gross proceeds or gross receipts sales tax election will be held on February 24, 2004, and declaring an emergency. The second to the motion was made by Council Member Larson.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

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

Council Member Maxey made a motion to approve the Emergency Clause of Resolution No. 2003-19, with Council Member Larson seconding the motion.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**6. Consider approving Election Proclamation and Notice, authorizing the calling and holding of an election for purposes as set forth in Ordinances 1132 and 1138**

Council Member Maxey made a motion to approve the Election Proclamation and Notice, authorizing the calling and holding of an election for purposes as set forth in Ordinances 1132 and 1138. Council Member Larson seconded the motion.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**7. A) Consider approving Contract Amendment No. 1 and Change Order No. 1 for the Vandament Widening Project; accepting project, and placing maintenance bonds into effect**

Contract Amendment No. 1 and Change Order No. 1 for the Vandament Widening Project; acceptance of the project, and placing maintenance bonds into effect was approved on a motion made by Council Member Bradway and seconded by Council Member Larson.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**B) Consider approving final payment to Schwarz Companies in the amount of \$155,833.83 for the Vandament Widening Project**

Council Member Bradway made a motion to approve the final payment to Schwarz Companies in the amount of \$155,833.83 for the Vandament Widening Project. The second to the motion was made by Council Member Larson.

**The vote on the motion:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**8. A) Consider approving Ordinance No. 1139, an ordinance amending Ordinance No. 657, Appendix A, of the code of the City of Yukon, Oklahoma, by providing that a part of the NE/4 of Section Twenty-Eight (28), Township Twelve (12) North, Range Five (5) West of the Indian Meridian, Canadian County, Oklahoma, and a part of Yukon Industrial Park, an addition to the City of Yukon, as recorded in Book 3, Page 83 of Plats, according to the recorded plat thereof,**

**be changed from "C-1" (Office District) and "I-2" (Heavy Industrial District) to "C-1" PUD; and declaring an emergency**

A motion was made by Council Member Maxey, seconded by Council Member Larson, to approve Ordinance No. 1139, an ordinance amending Ordinance No. 657, Appendix A, of the code of the City of Yukon, Oklahoma, by providing that a part of the NE/4 of Section Twenty-Eight (28), Township Twelve (12) North, Range Five (5) West of the Indian Meridian, Canadian County, Oklahoma, and a part of Yukon Industrial Park, an addition to the City of Yukon, as recorded in Book 3, Page 83 of Plats, according to the recorded plat thereof, be changed from "C-1" (Office District) and "I-2" (Heavy Industrial District) to "C-1" PUD; and declaring an emergency.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**B) Consider approving the Emergency Clause of Ordinance No. 1139**

The motion to approve the Emergency Clause of Ordinance No. 1139 was made by Council Member Maxey, seconded by Council Member Larson.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**9. Introduce, consider and approve Resolution No. 2003-22, a resolution authorizing the sale of not to exceed \$13,000,000 of General Obligation Bonds, Series 2004 of the City of Yukon, Oklahoma; fixing the amount of bonds to mature each year; fixing the time and place the bonds are to be sold; authorizing the publication of a notice of sale and approving and authorizing official statements**

Council Member Larson made a motion to introduce, consider and approve Resolution No. 2003-22, a resolution authorizing the sale of not to exceed \$13,000,000 of General Obligation Bonds, Series 2004 of the City of Yukon, Oklahoma; fixing the amount of bonds to mature each year; fixing the time and place the bonds are to be sold; authorizing the publication of a notice of sale and approving and authorizing official statements. The second to the motion was made by Council Member Maxey.

Vice Mayor Alberts asked they the title reads "\$13,000,000" and we are now told we only want to sell \$4,500,000 of the bonds.

The City Manager stated that if we sold all of the bonds now, we would be paying interest on money that is not being used at this time, so we will sell the bonds on an as-needed basis. Mr. Crosby said the amended resolution shows the projects and total cost of each. The Manager advised in addition to saving on interest, the property owners will not receive as big a tax increase all at one time.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**10. 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>
937 Linn Lane	Bray	Nuisance Vehicle

No action was needed on this item, as the situation was remedied.

**11. New Business**

**12. Council Discussion**

Council Member Maxey stated if you haven't been to see City Park yet, you need to work it into your plans, as it is really nice.

Council Member Bradway said he wanted to thank the voters for approve the bond issues so we can build bridges and roads that are long overdue for repairs. He said he would like to see a status board with all projects listed so we can keep track of the progress on each project.

The City Manager advised there are a number of steps to be taken before the bonds are actually sold in March. He said he will start the reports once the bonds are actually sold.

Council Member Bradway said March would be a good time to begin the work, due to the weather improving around that time. Mr. Bradway said he would like to have reports on these projects at the second meeting of each month.

Mr. Bradway asked Personnel Director Tim Rundel the status of the self-insurance project.

Mr. Rundel said he had just received the claims history that the companies need before they can bid the project and that we should have information before too long.

Mr. Bradway asked what the next move is.

Mr. Rundel said that he will work with the brokers to get quotes and a third party administrator.

Mr. Bradway asked if this was still premature to look at implementation for this fiscal year.

City Manager Crosby said it would be March or April before we have enough information to even make a decision.

Council Member Larson said he is pleased to see the sales tax ordinance passed tonight and he would like for everyone to get behind this. Mr. Larson said that the employees

working on this should be proud of their teamwork efforts. Council Member Larson wished everyone a Merry Christmas.

Vice Mayor Alberts said he would echo Mr. Larson and that this is an opportunity for citizens to show how much we appreciate our employees. Mr. Alberts said if anyone has a question regarding this issue, they should contact one of the council members, the city manager, a member of the police or fire union, or a public works employee.

Mr. Alberts also thanked Mr. Andrew's class for being in attendance.

Vice Mayor Alberts wished everyone a Merry Christmas and encouraged people to share their good fortune with those less fortunate.

Mayor Smaistrle offered her thanks to those who worked on the bond election. She also wished everyone a Merry Christmas.

### **13. Adjournment**

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Earline Smaistrle, Mayor

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Patricia G. Hargis, City Clerk