

# Minutes



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## City Council Minutes February 15, 2005

The Yukon City Council met in regular session on February 15, 2005, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

The invocation was given by Scott Kinney, pastor of the Trinity Baptist Church.

The flag salute was given in unison.

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

Others Present:  
Jim Crosby, City Manager  
Pat Hargis, City Clerk  
Mike Segler, City Attorney  
Robbie Williams, City Engineer  
Tony Lum, Building Maintenance Department  
Mitchell Hort, Community Development Director  
Tammy Kretchmar, Administrative Assistant  
Tim Rundel, Personnel/Safety Director  
J. R. Reed, Public Works Director  
Ike Shirley, Police Chief  
Jeff Lara, Fire Chief

Presentations and Proclamations



Visitors

Joel Moore, owner of a property at 748 Royal Lane, appeared before the Council. Mr. Moore stated he also “owns land in Banner.” Mr. Moore presented a survey he had taken via his website regarding Banner becoming a town. He presented a copy to the Council. Mr. Moore stated the majority of the people surveyed were from Yukon and did not have any concern about Banner becoming a town and wanted to know why the Yukon City Council kept spending money fighting this issue. He further stated he felt the citizens deserve a full account of costs spent on this challenge.

Mayor Alberts asked what his purpose was tonight. Mayor Alberts advised the Council has only been defending the state statutes regarding towns/cities and stated that Mr. Moore is the first person to approach the Council regarding this issue.

Mr. Moore stated, "We want to set our own zoning and laws, etc. and don't want to be part of Yukon or El Reno." He said they do not want taxes, etc. like the other cities have.

Mr. Alberts asked how they propose to fund the town of Banner.

Mr. Moore replied "they same way you do," then advised they have a meeting the second Thursday of the month and invited the Mayor to attend the meeting to hear their plans. He stated all the information you could want is filed with the County Commissioners.

Council Member Larson asked why Mr. Moore is casting dispersions on City of Yukon when the State Supreme Court has filed against those requesting that Banner be made a town. He asked why they are blaming Yukon? Mr. Larson said we had to expend unnecessary funds to defend the statutes and asked why they are causing us to have to spend money unnecessarily.

Jim Crosby, City Manager, stated the new law regarding towns says you cannot be within three miles of a town's city limits and the District Attorney gave an opinion against those wishing to declare Banner a town.



(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 February 1, 2005
- B) The payment of claims in a total amount of \$26,949.39

The motion to approve the YMA Consent Docket, consisting of the minutes of the regular meeting of February 1, 2005, and payment of claims in a total amount of \$26,949.39 was made by Trustee Maxey, with Trustee Larson seconding the motion.

#### **The vote:**

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

**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 February 1, 2005
- B) The payment of salary and material claims in the amount of \$437,022.40
- C) Denying tort claim number 19932-MP from Brad Womack, as recommended by the Oklahoma Municipal Assurance Group
- D) Denying tort claim number 19946 from Susan E. Young, as recommended by the Oklahoma Municipal Assurance Group
- E) Setting the date for the next Council meeting for March 1, 2005, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth

Council Member Larson made a motion to approve the Consent Docket, consisting of approval of the minutes of the regular meeting of February 1, 2005; payment of salary and material claims in the amount of \$437,022.40; denying tort claim number 19932-MP from Brad Womack, as recommended by the Oklahoma Municipal Assurance Group; denying tort claim number 19946 from Susan E. Young, as recommended by the Oklahoma Municipal Assurance Group; and setting the date for the next Council meeting for March 1, 2005, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth. The second to the motion was made by Council Member Smaistrla.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

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

**3. Consider accepting a letter of credit in the amount of \$120,000 in lieu of a subdivision bond for Legacy Lakes, as recommended by the Planning Commission**

The motion to accept a letter of credit in the amount of \$120,000 in lieu of a subdivision bond for Legacy Lakes, as recommended by the Planning Commission, was made by Council Member Maxey and seconded by Council Member Larson.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**4. Consider approving an application by Salt Creek, L.P. to rezone from C-3 (Restricted Commercial District) to C-3 PUD (Restricted Commercial District Planned Unit Development) for a part of the NE/4 of Section 30, T12N, R5W of the IM, as recommended by the Planning Commission (north of Wal-Mart and west of Garth Brooks Blvd. and south of West Vandament)**

City Attorney Mike Segler advised this document was not complete and the motion needs to include "to be subject to Staff review."

Vice Mayor Bradway made a motion approving an application by Salt Creek, L.P. to rezone from C-3 (Restricted Commercial District) to C-3 PUD (Restricted Commercial District Planned Unit Development) for a part of the NE/4 of Section 30, T12N, R5W of the IM, as recommended by the Planning Commission, subject to Staff review (north of Wal-Mart and west of Garth Brooks Blvd. and south of West Vandament). The second to the motion was made by Council Member Larson.

**The roll call vote was:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**5. Consider approving a preliminary plat for Red Rock Commercial Center, as recommended by the Planning Commission (property north of Wal-Mart and south of West Vandament)**

Council Member Maxey moved to approve a preliminary plat for Red Rock Commercial Center, as recommended by the Planning Commission (property north of Wal-Mart and south of West Vandament), subject to Staff review. Council Member Smaistrla seconded the motion for approval.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**6. Consider accepting an easement for a fire line at Independent Public School District #27 (Skyview Elementary School) and approving and accepting maintenance bonds for the water main and placing bonds into effect**

A motion to approve an easement for a fire line at Independent Public School District #27 (Skyview Elementary School) and approving and accepting maintenance bonds for the water main and placing bonds into effect was made by Council Member Larson. Council Member Maxey seconded the motion.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**7. Consider granting permission to enter into a contract with The Empire Company to lease-purchase two (2) new refuse trucks (chassis and body) in the amount of \$209,560.00 plus interest as stipulated**

Council Member Smaistrla made a motion, seconded by Vice Mayor Bradway, to grant permission to enter into a contract with The Empire Company to lease-purchase two (2) new refuse trucks (chassis and body) in the amount of \$209,560.00 plus interest as stipulated.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**8. Consider granting permission to purchase a tractor with boom mower from P&K Riverside, State Contract approved supplier, in an amount not to exceed \$84,913.21**

A motion was made by Council Member Maxey and seconded by Council Member Larson to grant permission purchase a tractor with boom mower from P&K Riverside, State Contract approved supplier, in an amount not to exceed \$84,913.21.

Vice Mayor Bradway asked if this was the equipment that would be used to clean the drainage ditches. Mr. Crosby said it was.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**9. Consider approving Resolution No. 2005-01, a resolution amending Resolution No. 2003-06 directing the Oklahoma Municipal Retirement Fund to credit service time for former Employee Greg R. McCoy for a Captain at Step 9 of the pay plan in the Yukon Police Department**

Council Member Maxey moved to approve Resolution No. 2005-01, a resolution amending Resolution No. 2003-06, directing the Oklahoma Municipal Retirement Fund to credit service time for former employee Greg R. McCoy for a Captain at Step 9 of the pay plan in the Yukon Police Department. The second was made by Council Member Larson.

Vice Mayor Bradway asked if this action was necessary due to a lawsuit.

City Manager Jim Crosby advised it was, that we had lost an arbitrator's ruling and the Federal Court required this action be taken.

Vice Mayor Bradway asked why it had taken so long to come before Council.

Mike Segler, City Attorney, stated the Oklahoma Municipal Retirement Fund didn't address this step earlier and they have now asked us for this resolution.

**The roll call vote was:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**10. Consider approving Resolution No. 2005-02, a resolution of the City of Yukon in support of State Question 723 to create a Transportation Trust Fund to provide desperately needed funding for Oklahoma's highways, roads and bridges; the Trust Fund will be financed by incrementally increasing motor and diesel fuel**

## taxes to the regional average

A motion was made by Vice Mayor Bradway to approve Resolution No. 2005-02, a resolution of the City of Yukon in support of State Question 723 to create a Transportation Trust Fund to provide desperately needed funding for Oklahoma's highways, roads and bridges; the Trust Fund will be financed by incrementally increasing motor and diesel fuel taxes to the regional average. Second to the motion was made by Council Member Larson.

Vice Mayor Bradway stated he personally supports this and sees where we need the funding. Mr. Bradway suggested the City might host a public forum so Mr. Ridley with ODOT, who lives in Yukon, can explain why this is needed.

Mayor Alberts suggested Mr. Ridley attend the Legislative Breakfast to discuss this item.

Mr. Bradway said he would invite him.

### **The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**11. Consider a 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>LOCATION</b>	<b>OWNER</b>	<b>VIOLATION</b>
145 Snowmass	Barham	Nuisance Vehicle
934 St. James Court	Cunningham	Nuisance Vehicle
1109 Yuhoma	Gebhard	Nuisance Vehicle
304 West Bass	Jansen	Nuisance Vehicle
1000 Queensboro Place	Kamitchis	Nuisance Vehicle
506 West Bass	Harryman	Nuisance Vehicle
1307 Summerton	Klingelhoets/Cushman	Nuisance Vehicle
600 Owen	Elliott	Nuisance Vehicle
206 Choctaw Place	Ely/Frank	Trash, Grass, Weeds
206 Choctaw Place	Ely/Frank	Nuisance Vehicle
209 Choctaw Place	Yarbrough	Nuisance Vehicle
813 Willow Run	Mitchell/Warden	Trash, Grass, Weeds

Mitch Hort, Community Development Director, advised the property remaining to be considered was 1000 Queensboro, as all others have abated their situations. He presented pictures for the Council's review.

Vice Mayor Bradway made a motion to declare the property at 1000 Queensboro as 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 second to the motion was made by Council Member Larson.

The vote:

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**12. New Business**

**13. Council Discussion**

Vice Mayor Bradway said he was glad to be “re-elected by default” and he will try to do a good job in this position.

Council Member Larson said he was glad that Mr. Bradway and Mr. Alberts would both be back for another three years on the Council and he feels we have a great City Council team.

Council Member Smaistrla offered her congratulations to Mr. Alberts and Mr. Bradway.

Mayor Alberts said he was also glad to be coming back and feels we are moving in the right direction.

**14. Adjournment**

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John Alberts, Mayor

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Patricia G. Hargis, City Clerk