

# Minutes



## City Council Minutes April 19, 2005

The Yukon City Council met in regular session on April 19, 2005, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

The invocation was given by Roy Jaye, pastor of the First Baptist Church of Yukon.

The flag salute was given in unison.

Roll Call: Present: John Alberts, Mayor  
Bob Bradway, Vice Mayor  
Dwayne Maxey, Council Member  
Ward Larson, Council Member  
Earline Smaistrla, 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  
Jan Scott, Park and Recreation Director  
J. R. Reed, Public Works Director  
Ike Shirley, Police Chief  
Jeff Lara, Fire Chief  
John Knuppel, Historical Committee

Presentations and Proclamations ●●●

Visitors ●●●

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(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 April 5, 2005
- B) Payments in the amount of \$8,675.17

Trustee Larson made a motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of April 5, 2005, and payments in the amount of \$8,675.17. The second to the motion was made by Trustee Maxey.

**The vote:**

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

**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 April 5, 2005
- B) Payment of the salary and material claims in the amount of \$503,180.38
- C) Denying tort claims No. 20135-MP and No. 20138-MP from Silvia Betscher as recommended by the Oklahoma Municipal Assurance Group
- D) Acceptance of Permit No. WL000009050232 for the construction of 883 L.F. of 8" and 1,126 L.F. of 6" water lines to serve the Sunrise Hills Section 8, Canadian County, Oklahoma
- E) Acceptance of Permit No. SL000009050233 for the construction of 1,179 L.F. of 8" sewer lines to serve the Sunrise Hills, Section 8, Canadian County, Oklahoma
- F) Acceptance of Permit No. WL 000009050311 for the construction of 3,238 L.F. of 6" water lines to serve the Rosewood, Canadian County, Oklahoma
- G) Acceptance of Permit No. SL000009050312 for the construction of 6,031 L.F. of 8" sewer lines to serve the Rosewood, Canadian County, Oklahoma
- H) Casting a ballot for three (3) members to the Board of Trustees of the Oklahoma Municipal Assurance Group and authorizing Mayor to sign official ballot
- I) Setting the date for the next meeting for Council installation for Monday, May 2, 2005, and the next regular Council meeting for May 3, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth

A motion to approve the Consent Docket, consisting of approval of the minutes of the regular meeting of April 5, 2005; payment of the salary and material claims in the amount of \$503,180.38; denying tort claims No. 20135-MP and No. 20138-MP from Silvia Betscher as recommended by the Oklahoma Municipal Assurance Group; acceptance of Permit No. WL000009050232 for the construction of 883 L.F. of 8" and 1,126 L.F. of 6" water lines to serve the Sunrise Hills Section 8, Canadian County, Oklahoma; acceptance of Permit No. SL000009050233 for the construction of 1,179 L.F. of 8" sewer lines to serve the Sunrise Hills, Section 8, Canadian County, Oklahoma; acceptance of Permit No. WL 000009050311 for the construction of 3,238 L.F. of 6" water lines to serve the Rosewood, Canadian County,

Oklahoma; acceptance of Permit No. SL000009050312 for the construction of 6,031 L.F. of 8" sewer lines to serve the Rosewood, Canadian County, Oklahoma; casting a ballot for three (3) members to the Board of Trustees of the Oklahoma Municipal Assurance Group and authorizing Mayor to sign official ballot; and setting the date for the next meeting for the City Council installation for Monday, May 2, 2005, at 7:30 p.m., and the next regular Council meeting for May 3, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth, was made by Vice Mayor Bradway, with Council Member Smaistrle seconding the motion.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

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

Park and Recreation Director Jan Scott advised that there are many upcoming events being presented by the Park and Recreation Department. She reminded the Council that this Thursday and Friday Yukon will be hosting the Senior Games; on April 29th Byron Berline will be performing at the Dale Robertson Center; the Festival of the Child will be held on May 7th; and Concerts in the Park will begin June 2nd. Mrs. Scott invited everyone to attend these events.

**3. Consider approving a final plat for Red Rock Commercial Center, as recommended by the Planning Commission**

A motion was made by Council Member Maxey to approve a final plat for Red Rock Commercial Center, as recommended by the Planning Commission. Second to the motion was made by Council Member Smaistrle.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**4. Consider awarding the Well Field Waterline Relocation for SH 152 to Brewer Construction, Inc., in an amount not to exceed \$185,958.25, and authorizing the Mayor to execute the contract and accept the bonds**

A motion to approve awarding the Well Field Waterline Relocation for SH 152 to Brewer Construction, Inc., in an amount not to exceed \$185,958.25, and authorizing the Mayor to execute the contract and accept the bonds was made by Vice Mayor Bradway and seconded by Council Member Larson.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**5. Consider approving a rezoning application by John Nail to rezone Parcel 1 from R-1 (Single Family Residential) to R-1 PUD (Planned Unit Development) and Parcel 2 from C-5 (Automotive and Commercial Recreation District) to C-3 (Restricted Commercial District) for part of a tract of land lying in the NE and SE/4 of S28, T12N, R5W**

Council Member Larson made a motion to approve a rezoning application by John Nail to rezone Parcel 1 from R-1 (Single Family Residential) to R-1 PUD (Planned Unit Development) and Parcel 2 from C-5 (Automotive and Commercial Recreation District) to C-3 (Restricted Commercial District) for part of a tract of land lying in the NE and SE/4 of S28, T12N, R5W. The second to the motion was made by Council Member Maxey.

The City Attorney stated this motion should include “subject to the Planning Commission’s recommendations.”

Council Member Larson amended his motion to include the phrase “subject to the Planning Commission’s recommendations,” and Council Member Maxey seconded the amended motion.

**The vote on the motion as amended :**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**6. Consider approving a preliminary plat for Villas at Stone Mill, as recommended by the Planning Commission**

Vice Mayor Bradway made a motion, seconded by Council Member Maxey, to approve a preliminary plat for Villas at Stone Mill, as recommended by the Planning Commission.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**7. Consider approving Addendum No. 4 for the Mustang Road Water Tower Painting Project**

Council Member Smaistrla moved to approve Addendum No. 4 for the Mustang Road Water Tower Painting Project. The motion was seconded by Council Member Maxey.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**8. Consider approving Amendment No. 1 to the City of Yukon, Oklahoma, Environmental Contract for the 11th Street Bridge over North Canadian River, 10th Street Bridge over I-40, Transmission Water Line Project, and the SH-4 from**

## **I-40 to SH-66 projects**

Vice Mayor Bradway made a motion to approve Amendment No. 1 to the City of Yukon, Oklahoma, Environmental Contract for the 11th Street Bridge over North Canadian River, 10th Street Bridge over I-40, Transmission Water Line Project, and the SH-4 from I-40 to SH-66 projects. Council Member Smaistrla seconded the motion for approval.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**9. A) Consider approving Ordinance No. 1167, an ordinance amending Ordinance No. 657, Appendix A of the Code of the City of Yukon, Oklahoma, by providing that the zoning designation for part of the Northeast Quarter (NE/4) of Section Thirty (30), Township Twelve North (T12N), Range 5 (R5) West of the I.M., Canadian County, Oklahoma, be changed from C-3 (Restricted Commercial District) to C-3 PUD (Restricted Commercial District Planned Unit Development); and declaring an emergency**

A motion to approve Ordinance No. 1167, an ordinance amending Ordinance No. 657, Appendix A of the Code of the City of Yukon, Oklahoma, by providing that the zoning designation for part of the Northeast Quarter (NE/4) of Section Thirty (30), Township Twelve North (T12N), Range 5 (R5) West of the I.M., Canadian County, Oklahoma, be changed from C-3 (Restricted Commercial District) to C-3 PUD (Restricted Commercial District Planned Unit Development); and declaring an emergency, was made by Council Member Maxey; motion was seconded by Council Member Larson.

**The roll call vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**B) Consider approving the Emergency Clause of Ordinance No. 1167**

The Emergency Clause of Ordinance No. 1167 was approved on a motion made by Council Member Maxey and seconded by Council Member Larson.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**10. A) Consider approving Ordinance No. 1168, providing for the annexation of the Northeast Quarter (NE/4) of Section 21, Township 12 North, Range 6 West of the Indian Meridian, Canadian County, Oklahoma, into the corporate limits and as part of the City of Yukon, Oklahoma; amending Ordinance No. 657, Appendix A of the Code of the City of Yukon, Oklahoma, by providing that the Northeast Quarter (NE/4) of Section 21, Township 12 North, Range 6 West of**

**the Indian Meridian, less the highway easement, be zoned "I-2" District (Heavy Industrial District); and declaring an emergency**

A motion to approve Ordinance No.1168, providing for the annexation of the Northeast Quarter (NE/4) of Section 21, Township 12 North, Range 6 West of the Indian Meridian, Canadian County, Oklahoma, into the corporate limits and as part of the City of Yukon, Oklahoma; amending Ordinance No. 657, Appendix A of the Code of the City of Yukon, Oklahoma, by providing that the Northeast Quarter (NE/4) of Section 21, Township 12 North, Range 6 West of the Indian Meridian, less the highway easement, be zoned "I-2" District (Heavy Industrial District); and declaring an emergency, was made by Vice Mayor Bradway. Council Member Larson seconded the motion for approval.

Maxine Radcliff appeared before the Council and stated she lived west of Yukon and her family owns land in the area being discussed. She said she would like to see if what is being proposed is legal, as there is a 100' buffer zone there that goes to Southwest 15th and it is owned by El Reno. Mrs. Radcliff said to her knowledge, El Reno has never taken this area off of their property.

City Attorney Mike Segler said that several years ago, El Reno did place a buffer, but it is legal for Yukon to annex this land and the buffer is not relevant.

Mrs. Radcliff said she did know what she was talking about and asked how this can be annexed with the buffer.

Mr. Segler said if the land in question is adjacent to or contiguous to the city's boundary, it is legal to annex it.

Mrs. Radcliff said, "I am 80 years old and know the law. I think you're trying to bluff us and I do know the buffer goes south to 15th Street."

Ron Bohannon, 3900 North Banner Road, El Reno, asked if "adjacent" meant catty-corner or next to? He said that Mrs. Radcliff says the Houck's property is adjacent to Oklahoma City. Mr. Bohannon asked Mr. Segler what statute says this land can be annexed.

Mr. Segler said he could not recall the specific statute at this time.

City Manager Jim Crosby told Mr. Bohannon that Mr. Segler doesn't have to answer this question; that he has researched the issue and has given the Council his opinion that the land in question can be annexed into Yukon. Mr. Crosby advised Mr. Bohannon if he wanted to debate the issue, he can do so at a later time and that Mr. Segler does not have to answer to him. He stated that if Mr. Bohannon does not like the opinion, he can take it to court.

Mayor Alberts said it is his understanding that Mr. Segler feels confident that it is contiguous and therefore legal to annex. Mr. Alberts said the City Attorney has answered his question and that the points come together and that is contiguous.

Mr. Bohannon said his question has not been answered - he asked what statute says this is legal.

Mr. Alberts said there is a law on the books, but Mr. Segler just can't recall the specific statute at the time; however, he feels his research indicates this is a legal process.

Vice Mayor Bradway asked if this wasn't an unsolicited request by Mr. Williams that happened after the Attorney General ruled?

Mr. Bradway was advised by the City Attorney he was correct.

Mr. Segler said that the property owner filed a petition asking to be annexed and no one solicited the property owners. Mr. Segler advised that Mr. Williams said he did not want to be a part of Banner if the case should be changed.

Vice Mayor Bradway said that Mr. Williams is requesting to be a part of the City of Yukon.

Mrs. Radcliff asked how the City plans to deal with the 100' buffer zone.

Mr. Segler said in his opinion this did not pose a problem.

Mrs. Radcliff asked how that could be since the county still shows this as being on record.

The City Attorney stated that El Reno has de-annexed the area.

Mrs. Radcliff said that wasn't the case, as the buffer is on her property.

Mr. Bohannon said that if CPI Pipe wants to be a part of Yukon, that is fine, and that "they" had tried to get Yukon to annex "us" years ago for protection of their property, but Yukon wouldn't do it. Mr. Bohannon asked what would happen to the other properties.

Mr. Segler said Yukon did not solicit this annexation and does not want anyone to be part of Yukon that does not want to be.

Mr. Bohannon said that part of the people in question do not want to be part of El Reno, but they are all concerned about what will happen to their property. He stated that Banner tried to become a town to protect the homeowners from things they don't want in their neighborhoods. He said this was the reason they went to the state the second time.

Mayor Alberts asked the City Attorney if he was confident we are in acting within our legal limits on this matter and Mr. Segler confirmed he was.

A roll call vote was taken. The vote:

AYES: Smaistrła, Maxey, Bradway, Alberts, Larson

NAYS: None

VOTE: 5-0

MOTION CARRIED

## **B) Consider approving the Emergency Clause of Ordinance No. 1168**

A motion for approval of the Emergency Clause of Ordinance No. 1168 was made by Council Member Larson, with Vice Mayor Bradway seconding the motion.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**11. Consider approving Resolution No. 2005-03, a resolution adopting the Personnel Manual of the City of Yukon, Oklahoma**

Council Member Larson made a motion to approve Resolution No. 2005-03, a resolution adopting the Personnel Manual of the City of Yukon, Oklahoma. The second to the motion was made by Council Member Maxey.

**The vote:**



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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**12. Consider declaring the items listed herein as surplus and approving their disposal by public auction**

A motion was made by Council Member Maxey, seconded by Council Member Smaistrla, to declare the items listed in the agenda as surplus and approving their disposal at a public auction.

**The vote on the motion:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**13. New Business**

**14. Council Discussion**

Council Member Smaistrla stated she wanted to thank the Park and Recreation staff and the OU students for their great clean up efforts in the parks. Ms. Smaistrla also reminded everyone to go to the concerts in the park starting June 2nd.

Mayor Alberts stated the Yukon Art League is sponsoring a high school students' art show on April 19th and encouraged everyone to attend. Mr. Alberts advised we should all remember what happened ten years ago today and to think of the people affected (referring to the bombing of the Murrah Building).

**15. Adjournment**

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John Alberts, Mayor

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Patricia G. Hargis, City Clerk