

## Yukon City Council Minutes June 4, 2013

The Yukon City Council met in regular session June 4, 2013 at 7:00 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth Street, Yukon, Oklahoma.

The invocation was given by Pastor Kent Mullins, Church of the Nazarene  
The flag salute was given in unison.

ROLL CALL: (Present)    Ken Smith, Mayor  
                                 Rick Opitz, Vice-Mayor  
                                 John Alberts, Council Member  
                                 Nick Grba, Council Member  
                                 Michael McEachern, Council Member

### OTHERS PRESENT:

Mike Segler, City Attorney	Doug Shivers, City Clerk
Robbie Williams, City Engineer	Tammy Kretchmar DeSpain, Asst. City Mgr
Arnold Adams, Public Works Director	John Corn, Police Chief
Gary Cooper, Information Technology Dir.	Josh Gotcher, Information Technology
Jeff Deckard, Parks Superintendent	Mitch Hort, Community Development Director
Bill Stover, Sanitation	Dana Deckard, Administrative Coordinator
Sara Schieman, Librarian	Frosty Peak, Emergency Management Dir.
Larry Mitchell, Contractor	Captain Kent Long, Fire Department
Michael Dean, Police Officer	Dave Carroll, Police Officer
Todd Hawthorne, Police Officer	Sergeant John Brown, Police Officer
Sergeant Matthew Fairchild, Police Officer	

### Presentations and Proclamations

Mayor Ken Smith read and presented "Bug Bash Day" Proclamation to Pastor Kent Mullins, 1st Church of the Nazarene, and Marvin Smith. Marvin Smith gave details on the Car and Craft Show. All proceeds go to faith based organizations. Mr. Smith thanked Mayor Smith for the proclamation.

### Visitors

Grayson Bottom was joined by Sergeant Matthew Fairchild and Chris Novy, volunteer storm spotter for the Emergency Management. Mr. Bottom is proud to give the City Manager Commendation to Sergeant Fairchild for his heroism. Mr. Bottom read the Commendation and thanked Sergeant Fairchild. Sergeant Fairchild asked Angel Salazar from Salazar's Roofing to join him. He then related the events of the incident. Sergeant Fairchild stated Angel and his friends deserve lots of credit for helping. Grayson Bottom thanked all involved.

(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 an 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 May 22, 2013
- B) Payment of Material claims in the amount of \$6,959.49

The motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of May 22, 2013 and Payment of Material claims in the amount of \$6,959.49, was made by Trustee McEachern and seconded by Trustee Opitz.

**The vote:**

**AYES: Alberts, Grba, McEachern, Smith, Opitz**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**2A. Consider approving Resolution No. YMA 2013-01, a Resolution approving the Yukon Municipal Authority budget for the fiscal year 2013-2014 and establishing budget amendment authority**

The motion to approve Resolution No. YMA 2013-01, a Resolution approving the Yukon Municipal Authority budget for the fiscal year 2013-2014 and establishing budget amendment authority, was made by Trustee Opitz and seconded by Trustee Grba.

**The vote:**

**AYES: Grba, McEachern, Smith, Opitz, 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 an 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 May 22, 2013
- B) Payment of material claims in the amount of \$323,340.37
- C) The renewal of the existing Interlocal Governmental Cooperation Agreement with the City of Bethany, providing use of the Yukon jail, for the term of July 1, 2013 through June 30, 2014, for a rate of \$42.00 per day per prisoner
- D) The renewal of the existing Interlocal Governmental Cooperation Agreement with the City of El Reno, providing use of the Yukon jail, for the term of July 1, 2013 through June 30, 2014 for a rate of \$42.00 per day per prisoner
- E) The renewal of the existing Interlocal Governmental Cooperation Agreement with the City of Piedmont, providing after-hours emergency dispatch services, for the term of July 1, 2013 through June 30, 2014, at a rate of \$3,350.00 per month
- F) The renewal of the existing Interlocal Governmental Cooperation Agreement with the City of Piedmont, providing use of the Yukon jail, for the term of July 1, 2013 through June 30, 2014 for a rate of \$42.00 per day per prisoner
- G) The renewal of the existing Contract with the Yukon Public School District to provide School Resource Officers at the High School and Middle School, for the term of July 1<sup>st</sup>, 2013 to June 30<sup>th</sup>, 2014, for the sum of \$150,000.00
- H) Accepting Oklahoma Department of Environmental Quality Permit No. SL000009130291 for the construction of approximately 297 linear feet of 8- inch sewer line and appurtenances to serve the City of Yukon – Yukon Hills Shopping Center Block B Sewer Line Extension Project, Canadian County, Oklahoma
- I) Designating the items on the attached list from the Technology Department as surplus and authorizing their sale, donation, or trade
- J) Setting the date for the next regular Council meeting for June 18, 2013, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth St.

The motion to approve the Consent Docket, consisting of the approval of the minutes of the regular meeting of May 22, 2013; Payment of material claims in the amount of \$323,340.37; The renewal of the existing Interlocal Governmental Cooperation Agreement with the City of Bethany, providing use of the Yukon jail, for the term of July 1, 2013 through June 30, 2014, for a rate of \$42.00 per day per prisoner; The renewal of the existing Interlocal Governmental Cooperation Agreement with the City of El Reno, providing use of the Yukon jail, for the term of July 1, 2013 through June 30, 2014 for a rate of \$42.00 per day per prisoner; The renewal of the existing Interlocal Governmental Cooperation Agreement with the City of Piedmont, providing after-hours emergency dispatch services, for the term of July 1, 2013 through June 30, 2014, at a rate of \$3,350.00 per month; The renewal of the existing Interlocal Governmental Cooperation Agreement with the City of Piedmont, providing use of the Yukon jail, for the term of July 1, 2013 through June 30, 2014 for a rate of \$42.00 per day per prisoner; The renewal of the existing Contract with the Yukon Public School District to provide School Resource Officers at the High School and Middle School, for the term of July 1<sup>st</sup>, 2013 to June 30<sup>th</sup>, 2014, for the sum of \$150,000.00; Accepting Oklahoma Department of Environmental Quality Permit No. SL000009130291 for the construction of approximately 297 linear feet of 8- inch sewer line and appurtenances to serve the City of Yukon – Yukon Hills Shopping Center Block B Sewer Line Extension Project, Canadian County, Oklahoma; Designating the items on the attached list from the Technology Department as surplus and authorizing their sale, donation, or trade; and Setting the date for the next regular Council meeting for June 18, 2013, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth St., was made by Council Member Grba and seconded by Council Member McEachern.

**The vote:**

**AYES: Smith, Alberts, Grba, McEachern, Opitz**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**2. Reports of Boards, Commissions and City Officials – None**

**3. Consider approving Resolution No. 2013-06, a Resolution approving the City of Yukon, Oklahoma budget for the fiscal year 2013-2014 and establishing budget amendment authority**

The motion to approve Resolution No. 2013-06, a Resolution approving the City of Yukon, Oklahoma budget for the fiscal year 2013-2014 and establishing budget amendment authority, was made by Council Member Opitz and seconded by Council Member McEachern.

**The vote:**

**AYES: Alberts, Opitz, McEachern, Grba, Smith**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**4. Consider approving Resolution No. 2013-07, a Resolution of the City of Yukon, Oklahoma authorizing entering into an Interlocal Cooperative Agreement for Municipal Court Jurisdiction Concerning Juveniles**

The motion to approve Resolution No. 2013-07, a Resolution of the City of Yukon, Oklahoma authorizing entering into an Interlocal Cooperative Agreement for Municipal Court Jurisdiction Concerning Juveniles, was made by Council Member Grba and seconded by Council Member Opitz.

**The vote:**

**AYES: Smith, Grba, Opitz, McEachern, Alberts**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

5. Consider approving Ordinance No. 1288, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by repealing the payment of fifty dollars (\$50.00) required by Sec. 98-3 for private hauling of garbage and rubbish in lieu of the collection charges set forth in Sec. 98-11 and declaring an emergency

The motion to approve Ordinance No. 1288, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by repealing the payment of fifty dollars (\$50.00) required by Sec. 98-3 for private hauling of garbage and rubbish in lieu of the collection charges set forth in Sec. 98-11 and declaring an emergency, was made by Council Member Opitz and seconded by Council Member McEachern.

**The vote:**  
**AYES: McEachern, Opitz, Grba, Alberts, Smith**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

**5A. Consider approving the Emergency Clause of Ordinance No. 1288**

The motion to approve the Emergency Clause of Ordinance No. 1288, was made by Council Member Opitz and seconded by Council Member McEachern.

**The vote:**  
**AYES: Opitz, Alberts, McEachern, Smith, Grba**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

6. Consider approving Ordinance No. 1289, an Ordinance which provides amendment to the code of Ordinances of the City of Yukon, Oklahoma by adding Section 110-435 requiring the use of helmets for every person under the age of eighteen (18) when operating or riding a bicycle and declaring an emergency

The motion to approve Ordinance No. 1289, an Ordinance which provides amendment to the code of Ordinances of the City of Yukon, Oklahoma by adding Section 110-435 requiring the use of helmets for every person under the age of eighteen (18) when operating or riding a bicycle and declaring an emergency, was made by Council Member Grba and seconded by Council Member McEachern.

Mayor Smith is unclear as to how it will be enforced and levels of fine, warnings, etc. Chief Corn stated fines approved later, Ordinance becomes law first. Mike Segler stated there is a general penalty for any violation and it is located in Section 1-2 of the Code of Ordinances and the fine can be up to \$750.00. Mayor Smith asked if we can discuss. Mr. Segler stated other traffic violations have limits. Council Member McEachern asked about minimum penalties. Mr. Segler stated it could be the discretion of the judge.

**The vote:**  
**AYES: Alberts, Grba, Smith, Opitz, McEachern**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

**6A. Consider approving the Emergency Clause of Ordinance No. 1289**

The motion to approve the Emergency Clause of Ordinance No. 1289, was made by Council Member McEachern and seconded by Council Member Grba.

**The vote:**  
**AYES: Grba, Opitz, Alberts, McEachern, Smith**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

- 7. Consider approving Ordinance No. 1290, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by Amending Sec. 70-77 to include a prohibition against the drilling and/or placement of any oil and gas wells on platted property or property for which there is a current preliminary plat; providing for repealer; and declaring an emergency**

The motion to approve Ordinance No. 1290, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by Amending Sec. 70-77 to include a prohibition against the drilling and/or placement of any oil and gas wells on platted property or property for which there is a current preliminary plat; providing for repealer; and declaring an emergency, was made by Council Member Opitz and seconded by Council Member McEachern.

Council Member Alberts asked if other cities have similar type of ordinance. Mike Segler stated he has not had time to research. Council Member Alberts is concerned about property rights, there is a surface right and sub-surface right. He is concerned property won't be able to be developed. Mike Segler said he didn't see restrictions in Oklahoma City. Grayson Bottom stated in western Oklahoma, it is placed outside town, directional to access. Council Member Alberts stated the problem is we are surrounded by Oklahoma City. Is there an area where we can reserve for drilling? What if there is an existing well?

Mr. Segler stated the well was there first, then platted around. Mr. Segler stated we could craft ordinance to address issue. Mayor Smith asked if we can table ordinance in order to revise and avoid two ordinances. Council Member Opitz stated we are land locked in Yukon. What if a developer spends money for platting a piece of property and an oil or gas well comes and drills 300 feet from the property. What do we do about that? Mayor Smith questioned slapping one hand to protect the other. Mr. Segler stated producing wells within neighborhoods are not part of plat. Council Member Grba asked if they could get exception to the ordinance.

Council Member Alberts stated to table item and get a City map and give time for Mike Segler to research. Mr. Segler stated dominant estate for minerals, means wells can be drilled. Council Member Alberts asked Segler is satisfied with the ordinance. Mr. Segler stated with legality of it. The Council is talking about the advisability of it. Only area out of reach of horizontal drilling is the core area downtown and it's not practical. Mayor Smith still thinks item should be tabled.

Council Member Opitz questioned what part is not understood by Mayor Smith. Mayor Smith is worried about property rights. Council Member McEachern asked how this ordinance was brought up. Council Member Opitz stated by me and 90 to 100 acre development. Platting the area and spending money and what happens when deciding to drill versus what happens to the property owner. Council Member McEachern questioned the platting and drilling. Council Member Alberts agrees with Council Member Opitz. It should be passed, but table to protect mineral owners and gather more information.

Motion revised to table item until first meeting in July, was made by Council Member Opitz and seconded by Council Member McEachern

**The vote:**  
**AYES: Opitz, Smith, McEachern, Grba, Alberts**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

- 7A. Consider approving the Emergency Clause of Ordinance No. 1290**

No Action

- 8. City Manager's Report – Information items only**
- A. Police & Fire participation in Moore**
  - B. Recycle Operations**

Police and Fire were called by the Oklahoma City Police Department on Monday, May 20<sup>th</sup> to help in South Oklahoma City. 22 Police men went and the fire department took two vehicles and eight to ten firemen. We continued aid up until the Presidential visit including helping with traffic control.

Last Friday's storm was upgraded and became a historic tornado. We aided Banner and El Reno during this time. Many private citizens helped, as well. It is humbling to see the destruction over the last two weeks. Mr. Bottom named all the areas in Oklahoma that had been affected. He is proud of all the assistance efforts.

Recycle Operations began on Saturday. We have five dumpsters and it is open during transfer station hours. We had a good turnout and anticipate it continuing. We are in the beginning recycle efforts and would like to be able to enhance.

Storm Shelter program has picked up. So far, we have installed 484 shelters and 70 to go. We have renewed interest. The program is doing good things.

Last Friday power was lost at the well field at Will Rogers World Airport. Due to this, we couldn't pump water, so half of supply is offline. We still do not have power, however our Oklahoma City water supply is available. Because of a power outage, the City asked for conservation water efforts and at no point was our water contaminated or a boil order issued. It did affect our fire suppression capabilities. The water supply is 100% safe.

Public shelter can be decided by Council, but is poor public policy. Shelters in schools, trailer parks, etc. are a good idea. But, a full public shelter with no parking or toilets is not desired.

**9. New Business** - There was no new business

## **10. Council Discussion**

Council Member McEachern congratulated Sergeant Fairchild and Angel and his friends. The North Star study session presentation was special. The storm water problems need to be reviewed. The recycle center is good. Bicycle helmets are important. Thanks to City staff for helping everywhere.

Council Member Grba agrees about public shelters. He anticipates FEMA giving assistance for shelters. This Thursday, starts concert in the Park at 7 pm.

Council Member Opitz agrees with Grayson Bottom. He is proud of City employees and their response. We are blessed that the storm jumped us.


Council Member Alberts stated Yukon is a great city. He agrees with Grayson Bottom, cars in tornados are unsafe. He thanked the staff for getting the budget together. He went to Moore and Banner to help, if you can give the time, please do. Volunteer in El Reno at the Fire Department.

Mayor Smith is glad we passed budget. He requested a discussion on a future agenda to discuss a donation of funds by Yukon Recycles.

## **11. Adjournment**

  
Doug Shivers, City Clerk



  
Ken Smith, Mayor