

# Yukon City Council Minutes

## November 2, 2010

The Yukon City Council met in regular session on November 2, 2010 at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth Street, Yukon, Oklahoma.

The invocation was given by Pastor Ron Rasmussen, Christ's Church of Yukon  
The flag salute was given in unison.

ROLL CALL: (Present)      Bob Bradway, Mayor  
                                    John Tipps, Vice Mayor  
                                    John Alberts, Council Member  
                                    Dewayne Maxey, Council Member  
                                    Nick Grba, Council Member  
(Absent)

### OTHERS PRESENT:

Mark Osby, City Attorney	Tammy Kretchmar, Asst. To the City Manager
Doug Shivers, City Clerk	Pat Garrett, Assistant to the City Engineer
Frosty Peak, Emergency Management Dir.	Mitch Hort, Comm. Development Director
Mitch Hort, Community Development Director	Gary Wieczorek, Director of Public Safety
Matt Maly, Water Distribution Supervisor	Gary Cooper, Information Technology Director
Kevin Jones, Fire Chief	

### Presentations and Proclamations

Mayor Bradway read the proclamation for "Winter Weather Preparedness Day", and presented the certificate to Emergency Management Director Frosty Peak. Mr. Peak advised everyone to take steps now to be ready for bad weather. Mayor Bradway said the City appreciated his efforts.

Mayor Bradway read the proclamation for "Yukon Millerette Girls Softball Team Day", and presented several members of the team with a certificate. He congratulated the team on its 2010 Class 6A State Championship.

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### Visitors

Mr. Rick Sumner of 4161 Gregory Rd. explained a safety concern to the Council, having to do with excessive dust caused by trucks on Gregory Rd. south of SH 66. Mayor Bradway said he would look again at the issue and would visit the location.

(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 October 19, 2010
- B) Payment of material claims in the amount of \$43,443.78

The motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of October 19, 2010, and payment of material claims in the amount of \$43,443.78, was made by Trustee Tipps and seconded by Trustee Alberts.

The vote:

**AYES: Maxey, Alberts, Tipps, Bradway**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

**2A.** Consider and approve Resolution No. YMA 2010-02, a resolution authorizing the issuance of the Yukon Municipal Authority 2010 Revenue Note (the "Revenue Note"), in an aggregate principal amount of not to exceed \$2,000,000; waiving competitive bidding and authorizing said Revenue Note to be sold at a price less than par value by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving documents, procedures and payments related to issuance of the Revenue Note; designating the Revenue Note as "qualified tax-exempt obligations" and providing that the Revenue Note shall qualify for the exception for small governmental units, each as contained in the Internal Revenue Code of 1986; providing that the Trust Indenture shall be subject to provisions of the Revenue Note; ratifying a lease agreement and operation and maintenance contract between the City of Yukon

and the Yukon Municipal Authority and agreeing that the term of the lease shall extend so long as the Revenue Note remains outstanding and unpaid.

The motion to approve Resolution No. YMA 2010-02, a resolution authorizing the issuance of the Yukon Municipal Authority 2010 Revenue Note (the "Revenue Note"), in an aggregate principal amount of not to exceed \$2,000,000; waiving competitive bidding and authorizing said Revenue Note to be sold at a price less than par value by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving documents, procedures and payments related to issuance of the Revenue Note; designating the Revenue Note as "qualified tax-exempt obligations" and providing that the Revenue Note shall qualify for the exception for small governmental units, each as contained in the Internal Revenue Code of 1986; providing that the Trust Indenture shall be subject to provisions of the Revenue Note; ratifying a lease agreement and operation and maintenance contract between the City of Yukon and the Yukon Municipal Authority and agreeing that the term of the lease shall extend so long as the Revenue Note remains outstanding and unpaid, was made by Trustee Tipps and seconded by Trustee Maxey.

**The vote:**

**AYES: Tipps, Bradway, Maxey, Alberts,**

**NAYS: None**

**VOTE: 4-0**

**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 October 19, 2010
- B) Payment of material claims in the amount of \$480,931.73
- C) The appointment of Bob Bradway as the City of Yukon official representative to the Association of Central Oklahoma Governments (ACOG), and appointing John Tipps as First Alternate Representative, and appointing John Alberts as Second Alternate Representative
- D) Declaring the items on the attached list from the Public Works Department as surplus, and authorizing their sale or donation
- E) Setting the date for the next regular Council meeting for November 16, 2010, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth Street

The motion to approve the Consent Docket, consisting of the approval of the minutes of the regular meeting of October 19, 2010; payment of material claims in the amount of \$480,931.73; The appointment of Bob Bradway as the City of Yukon official representative to the Association of Central Oklahoma Governments (ACOG), and appointing John Tipps as First Alternate Representative, and appointing John Alberts as Second Alternate Representative; Declaring the items on the attached list from the Public Works Department as surplus, and authorizing their sale or donation; and setting the date for the next regular Council meeting for November 16, 2010, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth Street, was made by Council Member Tipps and seconded by Council Member Maxey.

**The vote:**

**AYES: Bradway, Alberts, Tipps, Maxey**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

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

There were no reports.

- 3. Consider accepting a warranty deed from Lloyd D. Orr and Melota M. Orr, to Grant, Bargain, Sell, and Convey the following described real property;**

The East One Hundred Fifty Feet (E 150') of Lot Two (2), Block Three (3), COOPERVILLE INDUSTRIAL PARK, to the City of Yukon, Canadian County, Oklahoma, according to the recorded plat thereof;

**in consideration of the sum of TEN DOLLARS (\$10.00)**

The motion to accept a warranty deed from Lloyd D. Orr and Melota M. Orr, to Grant, Bargain, Sell, and Convey the following described real property; The East One Hundred Fifty Feet (E 150') of Lot Two (2), Block Three (3), COOPERVILLE INDUSTRIAL PARK, to the City of Yukon, Canadian County, Oklahoma, according to the recorded plat thereof; in consideration of the sum of TEN DOLLARS (\$10.00), was made by Council Member Tipps and seconded by Council Member Maxey.

The vote:

**AYES: Alberts, Maxey, Bradway, Tipps**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

- 4. Consider and approve Resolution No. 2010-10, a resolution approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its 2010 Revenue Note (the "Revenue Note"), in an aggregate principal amount of not to exceed \$2,000,000; waiving competitive bidding and authorizing said Revenue Note to be sold at a price less than par value by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving a sales tax agreement providing security for the Revenue Note; designating the Revenue Note as "qualified tax-exempt obligations" under the Internal Revenue Code of 1986 (the "Code"); making determinations necessary for the exception for small governmental units under the code; providing that the Trust Indenture shall be subject to provisions of the Revenue Note; ratification of lease agreement and operation and maintenance contract between the City and the Authority and agreeing that the term of the lease shall extend to long as the Revenue Note remains unpaid; and, authorization of documents and procedures related to issuance of the Revenue Note.**

The motion to approve Resolution No. 2010-10, a resolution approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its 2010 Revenue Note (the "Revenue Note"), in an aggregate principal amount of not to exceed \$2,000,000; waiving competitive bidding and authorizing said Revenue Note to be sold at a price less than par value by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving a sales tax agreement providing security for the Revenue Note; designating the Revenue Note as "qualified tax-exempt obligations" under the Internal Revenue Code of 1986 (the "Code"); making determinations necessary for the exception for small governmental units under the code; providing that the Trust Indenture shall be subject to provisions of the Revenue Note; ratification of lease agreement and operation and maintenance contract between the City and the Authority and agreeing that the term of the lease shall extend to long as the Revenue Note remains unpaid; and, authorization of documents and procedures related to issuance of the Revenue Note., was made by Council Member Tipps and seconded by Council Member Maxey.

The vote:

**AYES: Maxey, Bradway, Tipps, Alberts**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

- 5. Consider and approve Ordinance No. 1260, an ordinance amending Sec. 2-137(b) of the Code of Ordinances of the City of Yukon by determining that certain obligations, including the Yukon Municipal Authority 2010 Revenue Note in an aggregate principal amount not to exceed \$2,000,000, do not exceed debt limitations; repealing all conflicting ordinance provisions; and declaring an emergency.**

The motion to approve Ordinance No. 1260, an ordinance amending Sec. 2-137(b) of the Code of Ordinances of the City of Yukon by determining that certain obligations, including the Yukon Municipal Authority 2010 Revenue Note in an aggregate principal amount not to exceed \$2,000,000, do not exceed debt limitations; repealing all conflicting ordinance provisions; and declaring an emergency, was made by Council Member Maxey and seconded by Council Member Tipps.

**The vote:**  
**AYES: Bradway, Tipps, Alberts, Maxey**  
**NAYS: None**  
**VOTE: 4-0**  
**MOTION CARRIED**

- 5a. Consider and approve the Emergency Clause of Ordinance No. 1260**

The motion to approve the Emergency Clause of Ordinance No. 1260, was made by Council Member Maxey and seconded by Council Member Tipps.

**The vote:**  
**AYES: Alberts, Maxey, Tipps, Bradway**  
**NAYS: None**  
**VOTE: 4-0**  
**MOTION CARRIED**

- 6. Consider accepting a new utility easement for a water line and fire hydrant to be located at 1780 Garth Brooks Blvd. (Joe Cooper Ford)**

The motion to accept a new utility easement for a water line and fire hydrant to be located at 1780 Garth Brooks Blvd. (Joe Cooper Ford), was made by Council Member Tipps and seconded by Council Member Maxey.

**The vote:**  
**AYES: Maxey, Tipps, Bradway, Alberts**  
**NAYS: None**  
**VOTE: 4-0**  
**MOTION CARRIED**

- 7. Consider vacating an existing utility easement and the removal of the fire line and fire hydrant located at 1780 Garth Brooks Blvd. (Joe Cooper Ford)**

The motion to vacate an existing utility easement and the removal of the fire line and fire hydrant located at 1780 Garth Brooks Blvd. (Joe Cooper Ford), was made by Council Member Tipps and seconded by Council Member Maxey.

**The vote:**  
**AYES: Maxey, Tipps, Bradway, Alberts**  
**NAYS: None**  
**VOTE: 4-0**  
**MOTION CARRIED**

- 8. Consider approving the specifications, and authorizing the purchasing agent to solicit bids, for the 2010 Community Development Block Grant Roadway and Sanitary Sewer Line Replacement Project**

The motion to approve the specifications, and authorizing the purchasing agent to solicit bids, for the 2010 Community Development Block Grant Roadway and Sanitary Sewer Line Replacement Project, was made by Council Member Maxey and seconded by Council Member Tipps.

**The vote:**

**AYES: Bradway, Maxey, Tipps, Alberts**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

- 9. Consider approving the specifications, and authorizing the purchasing agent to solicit bids, for the construction of a new Fire Station to be located west of the Jackie Cooper gym and south of SH 66 (Main Street)**

The motion to approve the specifications, and authorizing the purchasing agent to solicit bids, for the construction of a new Fire Station to be located west of the Jackie Cooper gym and south of SH 66 (Main Street), was made by Council Member Tipps and seconded by Council Member Maxey.

**The vote:**

**AYES: Maxey, Tipps, Alberts, Bradway**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

- 10. Consider approving the specifications, and authorizing the purchasing agent to solicit bids, for the 2011 Concrete and Asphalt Paving, Drainage, Water and Sewer project**

The motion to approve the specifications, and authorizing the purchasing agent to solicit bids, for the 2011 Concrete and Asphalt Paving, Drainage, Water and Sewer project, was made by Council Member Maxey and seconded by Council Member Tipps.

**The vote:**

**AYES: Alberts, Tipps, Bradway, Maxey**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

- 11. Consider a Public hearing to determine whether the following properties should be declared detrimental to the health, benefit and welfare of the public and community, and direct staff to take appropriate action to abate same**

<b>LOCATION</b>	<b>OWNER</b>	<b>VIOLATION</b>
606 Annawood	Johnson	Trash, Grass, & Weeds
211 N Briarwood	Bishop	Trash, Grass, & Weeds
1508 W Commerce	Heritage Management Inc	Trash, Grass, & Weeds
1519 W Commerce	Heritage Management Inc	Trash, Grass, & Weeds
1601 W Commerce	Heritage Management Inc	Trash, Grass, & Weeds
4717 Deer Creek	Rowan	Trash, Grass, & Weeds
4717 Deer Creek	Rowan	Nuisance Vehicle
431 S 8 <sup>th</sup> St	Horn	Trash, Grass, & Weeds
435 S 8 <sup>th</sup> St	John C. Guthrie Jr. & Pam Suttles	Trash, Grass, & Weeds
1106 S 1 <sup>st</sup>	Hurst	Trash, Grass, & Weeds
776 Heather Terrace	Fedderson	Trash, Grass, & Weeds
776 Heather Terrace	Fedderson	Swimming Pool
301 Kimberly Ln	Wherritt	Trash, Grass, & Weeds
301 Kimberly Ln	Wherritt	Nuisance Vehicle
503 Kingston Dr	Jordan	Trash, Grass, & Weeds
401 S Ranchwood Blvd	Happy Times Car Wash, LLC	Trash, Grass, & Weeds
4517 N Sara Rd	Grace Pentecostal Church	Trash, Grass, & Weeds
Vacant Land	Edward Roy Trustee	Trash, Grass, & Weeds
1055 Squire Mansion	Jacob W. Davis & Teresa L. Seitz	Nuisance Vehicle
1220 Valley Rd	Reed	Nuisance Vehicle
206 W Vandament Ave	Munyon	Trash, Grass, & Weeds
220 Tanglewood Dr	McMurtrey	Trash, Grass, & Weeds

LOCATION	OWNER	VIOLATION
300 Walnut	First Commercial Bank	Trash, Grass, & Weeds
300 Walnut	First Commercial Bank	Unsecured Structure
Vacant Land (Walnut Ave)	Lee Etal Morris & Judy Brown	Trash, Grass, & Weeds
Vacant Land (Walnut Ave)	Lee Etal Morris & Judy Brown	Nuisance Vehicle
Vacant Land (Walnut Ave)	Lee Etal Morris & Judy Brown	Storage & Parking in Residential District
540 S 8 <sup>th</sup> St Dr	Hedin	Nuisance Vehicle
410 S 8 <sup>th</sup> St Dr	Barker	Trash, Grass, & Weeds

Community Development Director Hort read the addresses remaining to be considered: 606 Annawood, 4717 Deer Creek (2 citations), 431 S 8<sup>th</sup> St., 776 Heather Terr. (2 citations), 301 Kimberly Dr. (2 citations), 1220 Valley Rd., 220 Tanglewood Dr., 540 S 8<sup>th</sup> St Dr., and 410 S 8<sup>th</sup> St Dr. Pictures of the properties were presented for the Council's review.

Larry Rowan of 4717 Deer Creek reported that his grass was mowed, no weeds were present, and the trash had been removed. Mayor Bradway asked about the nuisance vehicle, and Mr. Rowan replied that it was there, did not run, and did not have a current tag. Mayor Bradway asked that it be moved and Mr. Rowan agreed to do so. A motion was made by Council Member Maxey, seconded by Council Member Tipps, to allow 30 days for Mr. Rowan to remove the vehicle.

**The vote:**

**AYES: Maxey, Tipps, Alberts, Bradway**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

Harvey Wherritt of 301 Kimberly appeared and stated his property was in compliance. Director Hort explained that the problem was in regard to a trailer with debris in and under it, and offered to meet with Mr. Wherritt within the week to discuss the problem. A motion was made by Council Member Alberts, seconded by Council Member Maxey, to table the item for 30 days.

**The vote:**

**AYES: Tipps, Alberts, Maxey, Bradway**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

Lavonne Hedin of 540 S 8<sup>th</sup> St Dr addressed the Council and asked for a 30 day extension of the time previously granted for her to remove her vehicle, because she is now unemployed. A motion was made by Council Member Tipps, seconded by Council Member Maxey, to allow another 30 days.

**The vote:**

**AYES: Tipps, Alberts, Maxey, Bradway**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

Mary Lou Barker of 410 S 8<sup>th</sup> St Dr appeared, and Director Hort told the Council her property was in compliance. A motion was made by Council Member Alberts, seconded by Council Member Tipps, to remove her citation from the list.

**The vote:**

**AYES: Tipps, Alberts, Maxey, Bradway**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

Council Member Maxey then made a motion to abate the remaining properties, seconded by Council Member Alberts.

**The vote:**

**AYES: Bradway, Alberts, Maxey, Tipps**

**NAYS: None**

**VOTE: 4-0**

**MOTION CARRIED**

- 6. **New Business** None.
- 7. **Council Discussion** No Council Members offered any discussion items.
- 8. **Adjournment**

  
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Doug Shivers, City Clerk

  
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Bob Bradway, Mayor

