



**CITY COUNCIL AGENDA  
September 3, 2015**

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**John Alberts, Mayor ~ Ward 2  
Richard Russell, Vice Mayor ~ Ward 1  
Earline Smaistrla, Council Member ~ At-Large  
Donna Yanda, Council Member ~ Ward 3  
Michael McEachern, Council Member ~ Ward 4  
Grayson Bottom, City Manager**

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**City Council Agenda**  
September 3, 2015 - 5:30 p.m.  
Council Chambers - Centennial Building  
12 South Fifth Street, Yukon, Oklahoma  
**\*\*\*Special Meeting\*\*\***

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The City of Yukon strives to accommodate the needs of all citizens, including those who may be disabled. If you would like to attend this Council meeting but find it difficult to do so because of a disability or architectural barrier, please contact City Hall at 354-1895. We will make a sincere attempt to resolve the problem. If you require a sign-language interpreter at the meeting, please call or notify City Hall, 500 West Main, by noon, September 3, 2015.

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**Call to Order: John Alberts, Mayor**

**Roll Call:** John Alberts, Mayor  
Richard Russell, Vice Mayor  
Michael McEachern, Council Member  
Earline Smaistrila, Council Member  
Donna Yanda, Council Member

- 1A. Consider and approve Resolution No. YMA 2015-05, a resolution authorizing the issuance of the Yukon Municipal Authority 2015 Revenue Note (the "Revenue Note"), in an aggregate principal amount of not to exceed \$2,400,000; 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; 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.**

**ACTION** \_\_\_\_\_

(Adjourn as YMA and Reconvene as Yukon City Council)

- 1. Consider and approve Resolution No. 2015-16, a resolution approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its 2015 Revenue Note (the "Revenue Note"), in an aggregate principal amount of not to exceed \$2,400,000; 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; 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.**

**ACTION** \_\_\_\_\_

- 2. Consider and approve Ordinance No. 1324, 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 2015 Revenue Note in an aggregate principal amount not to exceed \$2,400,000, do not exceed debt limitations; repealing all conflicting ordinance provisions; and declaring an emergency.**

**ACTION** \_\_\_\_\_

- 2a. Consider approving the Emergency Clause of Ordinance No. 1324**

**ACTION** \_\_\_\_\_

- 3. Adjournment**

THE TRUSTEES OF THE YUKON MUNICIPAL AUTHORITY MET IN SPECIAL SESSION ON SEPTEMBER 3, 2015, IN THE COUNCIL CHAMBERS OF THE CENTENNIAL BUILDING AT 12 S. 5TH ST., YUKON, OKLAHOMA, AT 5:30 P.M.

TRUSTEES PRESENT:

TRUSTEES ABSENT:

Notice of this meeting having been given in writing to the Clerk of the municipality as required by law and public notice of the agenda for same having been posted in prominent public view at the principal office of the Authority and at the location of said meeting, twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(Other Proceedings)

THEREUPON, the Chairman introduced a Resolution, copies having been distributed to the Trustees, and upon motion by Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, such Resolution was adopted by the following vote:

AYE:

NAY:

The Resolution as adopted is as follows:

RESOLUTION NO. YMA-2015-5

A RESOLUTION AUTHORIZING THE ISSUANCE OF THE YUKON MUNICIPAL AUTHORITY 2015 REVENUE NOTE (THE "REVENUE NOTE"), IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,400,000; 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; 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.

BE IT RESOLVED BY THE TRUSTEES OF THE YUKON MUNICIPAL AUTHORITY:

Section 1. Authorization of Issuance of Revenue Note. The Yukon Municipal Authority (the "Authority"), a public trust organized and existing under the laws of the State of Oklahoma, the beneficiary of which is the City of Yukon, Oklahoma (the "City"), hereby authorizes the issuance of its obligation designated:

Yukon Municipal Authority 2015 Revenue Note in an aggregate principal amount not to exceed \$2,400,000 (the "Revenue Note"),

for the purposes of providing capital improvements and equipment for the use and benefit of the City and the payment of associated indebtedness, the payment of financing costs and for expenses of issuing the Revenue Note.

Section 2. Waiver of Competitive Bidding on Sale of the Revenue Note. Competitive bidding on the sale of the Revenue Note is hereby waived and the same is authorized to be sold at a price less than par value by negotiated sale, pursuant to the terms of the Revenue Note, all within the limits provided by Title 60, Oklahoma Statutes 2011, Section 176, as amended.

Section 3. Approval of Documents. The following documents are hereby authorized and approved and the Chairman or Vice Chairman of the Authority is hereby authorized and directed to execute and deliver the same on behalf of the Authority, and such documents shall be conclusively deemed approved by the Authority upon such execution and delivery, to-wit:

(A) Revenue Note, issued by the Authority, in favor of Bank of Commerce, Yukon, Oklahoma, or its successors (the "Bank"), in a principal amount not to exceed \$2,400,000, together with interest thereon at a fixed rate per annum not to exceed the maximum rate prescribed by Title 60, Oklahoma Statutes 2011, Section 176, as amended, all according to the terms and conditions expressed therein, and a real estate mortgage(s)

covering such property as designated by the Chairman or Vice Chairman in favor of the Bank securing the Revenue Note.

(B) Security Agreement between the Authority and the Bank (herein the “Security Agreement”), providing security for the obligation of the Authority under the Revenue Note, all according to the terms and conditions expressed in said Security Agreement; and such other security instruments as necessary to secure the revenue Note, including but not limited to the granting and extension of real estate mortgages.

(C) Sales Tax Agreement with the City (the “Sales Tax Agreement”) whereby the City pledges funds of the City to the Authority for repayment of the Revenue Note, provided such Sales Tax Agreement shall comply in all respects with applicable Oklahoma law, including Oklahoma law which provides that the City may not become obligated beyond its fiscal year (July 1 through June 30), and providing that all payments of funds of the City to the Authority for payment of the Revenue Note shall be subject to annual appropriation by the City.

(D) Financing Statement wherein the Authority is the debtor and the Bank is the secured party, all according to the terms and conditions expressed in said Financing Statement.

(E) Preliminary Offering Document and Final Offering Document describing the terms, conditions and security for payment of the Revenue Note. The Authority certifies that the information contained in the Preliminary Offering Document and the Final Offering Document will at the time of finalization and delivery of same be correct in all material respects, and will not omit to state any material fact necessary to make the statements therein, in light of the circumstances under which they are made, not misleading; and, in furtherance thereof, the Chairman (or the Vice Chairman in the absence of the Chairman) is authorized to certify the foregoing and to “deem final” the Preliminary Offering Document and Final Offering Document for purposes of Rule 15c2-12 as promulgated by the Securities and Exchange Commission of the United States of America. Bond Counsel is authorized to execute and file the Preliminary Offering Document and the Final Offering Document.

(F) The Closing Order, which shall direct disbursement of proceeds received from the sale of the Revenue Note and which shall further authorize and direct the payment of the cost of issuance of the Revenue Note.

(G) Any and all other documents and certifications as necessary to consummate issuance of the Revenue Note, including as necessary a Continuing Disclosure Agreement, and contracts for professional and other services incident to issuance of the Revenue Note.

Section 4. Trust Indenture Subject to Revenue Note. The Trust Indenture dated as of June 20, 1972, as amended, creating the Authority is subject to the provisions of the Revenue Note.

Section 5. Ratification of Lease. The Authority hereby ratifies and confirms the Lease Agreement and Operation and Maintenance Contract by and between the City of Yukon, Oklahoma, and the Authority dated the 3rd day of October 1972, as amended, (the “Lease”) pertaining to the lease by the City to the Authority of its existing and after acquired water and

sanitary sewer systems in order to enable the Authority to secure any obligations issued by the Authority by a pledge of its leasehold interest in such system, together with a pledge of revenues and proceeds derived from the operation thereof; and, it is agreed that the term of the Lease shall extend so long as the Revenue Note remains outstanding and unpaid.

Section 6. Finalization, Execution and Delivery of Documents Necessary for Issuance of the Revenue Note. The Chairman (or the Vice Chairman in the absence of the Chairman), is authorized and directed (i) to execute and deliver the Revenue Note to the Bank upon receipt of the purchase price therefor and to determine the final rate of interest applicable to the Revenue Note; (ii) to direct disbursement of the proceeds received from the Revenue Note, to include but not be limited to the payment of costs and expenses of issuance of the Revenue Note as set out in the Closing Order; and (iii) to finalize, modify, create, execute, record and file and deliver on behalf of the Authority all bond, securities, tax, security, mortgage and related documents and certifications necessary to consummate issuance of the Revenue Note, and further to modify dates with respect to the Revenue Note and other instruments and to modify the name of the Revenue Note; and, the Secretary (or the Assistant Secretary in the absence of the Secretary) is authorized and directed to provide all attestations and certifications necessary to consummate issuance of the Revenue Note; and, upon execution and delivery of all documents provided for or contemplated by this Resolution, the same shall be conclusively deemed authorized and approved by the Authority.

PASSED AND APPROVED on September 3, 2015.

TRUSTEES OF THE YUKON  
MUNICIPAL AUTHORITY

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary  
(SEAL)

STATE OF OKLAHOMA            )  
  ) SS:  
COUNTY OF CANADIAN        )

I, the undersigned, the duly qualified and acting Secretary of the Yukon Municipal Authority, hereby certify that the above and foregoing is a true, correct and complete copy of the Resolution duly adopted by the Trustees of said Authority and of the proceedings of the Authority in the adoption of said Resolution on the date therein set out as shown by the records of my office.

I further certify that in conformity with Title 25, Oklahoma Statutes 2011, Section 301-314, inclusive, as amended (the Oklahoma Open Meeting Act), and in conformity with Title 60 Oklahoma Statutes 2011, Section 176, et seq. (the Oklahoma Public Trust Act), notice of this meeting was given in conformity with the requirements of law.

WITNESS my hand and the seal of said Authority on September 3, 2015.

(SEAL)

\_\_\_\_\_  
Secretary

THE CITY COUNCIL OF THE CITY OF YUKON MET IN SPECIAL SESSION ON SEPTEMBER 3, 2015, IN THE COUNCIL CHAMBERS OF THE CENTENNIAL BUILDING AT 12 S. 5<sup>th</sup> ST., YUKON, OKLAHOMA, AT 5:30 P.M.

PRESENT:

ABSENT:

Notice of this meeting having been given in writing to the Clerk of the municipality as required by law and public notice of the agenda for same having been posted in prominent public view at the principal office of the City Council and at the location of said meeting, twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(Other Proceedings)

Thereupon the Mayor introduced a Resolution, copies having been distributed to the Council members, and upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, such Resolution was adopted by the following vote:

AYE:

NAY:

The Resolution as adopted is as follows:

RESOLUTION NO. 2015-16

A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE YUKON MUNICIPAL AUTHORITY (THE "AUTHORITY") ISSUING ITS 2015 REVENUE NOTE (THE "REVENUE NOTE"), IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,400,000; 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; 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.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF YUKON:

Section 1. Authorization of Issuance of Revenue Note. The Yukon Municipal Authority (the "Authority"), a public trust organized and existing under the laws of the State of Oklahoma, the beneficiary of which is the City of Yukon, Oklahoma (the "City"), is hereby authorized to incur an indebtedness by the issuance of its obligation designated:

Yukon Municipal Authority 2015 Revenue Note in the aggregate principal amount not to exceed \$2,400,000 (the "Revenue Note"),

for the purposes of providing capital improvements and equipment for the use and benefit of the City and the payment of associated indebtedness, the payment of financing costs and for expenses of issuing the Revenue Note; provided that the Revenue Note shall never constitute a debt of the City.

Section 2. Waiver of Competitive Bidding on Sale of the Revenue Note. Competitive bidding on the sale of the Revenue Note is hereby waived and the same is authorized to be sold at a price less than par value by negotiated sale, pursuant to the terms of the Revenue Note, all within the limits provided by Title 60, Oklahoma Statutes 2011, Section 176, as amended.

Section 3. Sales Tax Agreement The Mayor or Vice Mayor are hereby authorized to enter into a Sales Tax Agreement providing security for the Revenue Note, by which the City pledges funds of the City to the Authority for repayment of the Revenue Note, provided such Sales Tax Agreement complies in all respects with applicable Oklahoma law, including Oklahoma law which provides that the City may not become obligated beyond its fiscal year (July 1 through June 30), and all payments of City funds to the Authority for payment of the Revenue Note are subject to annual appropriation by the City.

Section 4. Trust Indenture Subject to Revenue Note. The Trust Indenture dated as of

June 20, 1972, as amended, creating the Authority is subject to the provisions of the Revenue Note.

Section 5. Ratification of Lease. The City hereby ratifies and confirms the Lease Agreement and Operation and Maintenance Contract by and between the City and the Authority dated the 3rd day of October 1972, as amended, (the "Lease") pertaining to the lease by the City to the Authority of its existing and after acquired water and sanitary sewer systems in order to enable the Authority to secure any obligations issued by the Authority by a pledge of its leasehold interest in such system, together with a pledge of revenues and proceeds derived from the operation thereof; and, it is agreed that the term of the Lease shall extend so long as the Revenue Note remains outstanding and unpaid.

Section 6. Finalization, Execution and Delivery of Documents Necessary for Issuance of the Revenue Note. The Mayor (or the Vice Mayor in the absence of the Mayor) is authorized and directed to finalize, modify, create, execute, record, file and deliver on behalf of the City all bond, securities, tax, security and mortgage documents and certifications necessary to consummate issuance of the Revenue Note, and further to modify dates with respect to the Revenue Note and other instruments and to modify the name of the Revenue Note; and, the City Clerk (or the Assistant City Clerk in the absence of the City Clerk) is authorized and directed to provide all attestations and certifications necessary to consummate issuance of the Revenue Note; and, upon execution and delivery of all documents provided for or contemplated by this Resolution, the same shall be conclusively deemed authorized and approved by the City.

PASSED AND APPROVED on September 3, 2015.

CITY OF YUKON, OKLAHOMA

(SEAL)  
ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

STATE OF OKLAHOMA            )  
  ) SS:  
COUNTY OF CANADIAN        )

I, the undersigned, the duly qualified and acting Clerk of the City of Yukon, hereby certify that the above and foregoing is a true, correct and complete copy of the Resolution duly adopted by the governing body of said City and of the proceedings of the governing body of said City in the adoption of said resolution on the date therein set out as shown by the records of my office.

I further certify that in conformity with Title 25, Oklahoma Statutes 2011, Section 301-314, inclusive, as amended (the Oklahoma Open Meeting Act), notice of this meeting was given in conformity with the requirements of law.

WITNESS my hand and seal of said City on September 3, 2015.

\_\_\_\_\_  
City Clerk

(SEAL)

THE CITY COUNCIL OF THE CITY OF YUKON, OKLAHOMA, MET IN SPECIAL SESSION IN THE COUNCIL CHAMBERS OF THE CENTENNIAL BUILDING AT 12 S. 5TH ST., YUKON, OKLAHOMA, ON SEPTEMBER 3, 2015, AT 5:30 P.M.

PRESENT:

ABSENT:

Notice of this meeting having been given in writing to the Clerk of the municipality as required by law and public notice of the agenda for same having been posted in prominent public view at the principal office of the City Council and at the location of said meeting, twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(Other Proceedings)

Thereupon, an Ordinance was introduced by the Mayor and read, and upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, said Ordinance was adopted by the following vote:

AYE:

NAY:

Thereupon, the Mayor introduced the emergency clause attached to such ordinance, which was read, and upon separate vote and upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, said emergency clause was adopted by the following vote:

AYE:

NAY:

The Ordinance reads as follows:

ORDINANCE NO. 1324

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 2015 REVENUE NOTE IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,400,000, DO NOT EXCEED DEBT LIMITATIONS; REPEALING ALL CONFLICTING ORDINANCE PROVISIONS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF YUKON, OKLAHOMA:

Section 1. The Code of Ordinances of the City of Yukon is hereby amended by amending the existing language of Section 2-137(b), which new Section 2-137(b) is set out in its entirety below, to-wit:

(b) The following bonds and indebtednesses are conclusively determined to be within and not to exceed the limitations of Section 2-137(a), or any debt limitations of the Code of Ordinances or the Charter of the City, and any conflicting provisions of the Code of Ordinances of the City are modified to the extent necessary to fully validate the following:

- (i) Yukon Municipal Authority Sales Tax and Utility System Revenue and Refunding Bonds, Series 2012 in the aggregate principal amount of \$6,500,000.
- (ii) Yukon Municipal Authority Sales Tax and Utility System Revenue and Refunding Bonds, Series 2013 in the aggregate principal amount of \$8,500,000.
- (iii) Yukon Municipal Authority 2014 Revenue Note in the aggregate principal amount of \$4,800,000.
- (iv) Yukon Municipal Authority Sales Tax Revenue Note, Series 2015A in the aggregate principal amount of \$9,520,000.
- (v) Yukon Municipal Authority Sales Tax Revenue Note, Series 2015B in the aggregate principal amount of \$5,805,000.
- (vi) Yukon Municipal Authority Revenue Note, Series 2015 in the aggregate principal amount of \$2,400,000

Section 2. Repealer. All provisions of the Code of Ordinances of the City of Yukon which are inconsistent with the foregoing are hereby repealed to the extent of such conflict, it being intended that the foregoing Ordinance shall supersede and modify any conflicting provisions contained in the Code of Ordinances of the City of Yukon.

Section 3. Emergency. Whereas, it is necessary for the immediate preservation of peace, health and safety of the citizens and residents of the City of Yukon, Oklahoma, that the foregoing Ordinance be enacted, and that the provisions of this Ordinance become immediately effective, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately from and after its passage and approval as provided by law.

PASSED AND APPROVED on September 3, 2015.

CITY OF YUKON, OKLAHOMA

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

STATE OF OKLAHOMA            )  
  ) SS:  
COUNTY OF CANADIAN        )

I, the undersigned, the duly qualified and acting Clerk of the City of Yukon, hereby certify that the above and foregoing is a true, correct and complete copy of the Ordinance duly adopted by the governing body of said City and of the proceedings of the governing body of said City in the adoption of said Ordinance on the date therein set out as shown by the records of my office.

I further certify that in conformity with Title 25, Oklahoma Statutes 2011, Section 301-314, inclusive, as amended (the Oklahoma Open Meeting Act), notice of this meeting was given in conformity with the requirements of law.

WITNESS my hand and seal of said City on September 3, 2015.

\_\_\_\_\_  
City Clerk

(SEAL)