

Yukon CITY COUNCIL AGENDA

November 1, 2011

John Alberts, Mayor ~ Ward 2
Nick Grba, Vice Mayor ~ Ward 1
Dewayne Maxey, Council Member ~ Ward 3
Bob Bradway, Council Member ~ Ward 4
Ken Smith, Council Member ~ At-Large
Grayson Bottom, City Manager

Yukon City Council / Yukon Municipal Authority Work Session
Conference Room - Centennial Building - 12 South 5th Street
November 1, 2011 – 6:00 p.m.

1. Review of Buxton Retail Assessment

City Council - Municipal Authority Agendas

November 1, 2011 - 7:00 p.m.

Council Chambers – Centennial Building

12 South Fifth Street, Yukon, Oklahoma

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, October 31, 2011.

Invocation: Pastor Gary Reynolds, Yukon First Church of the Nazarene

Flag Salute:

Roll Call: John Alberts, Mayor
Nick Grba, Vice-Mayor
Bob Bradway, Council Member
Ken Smith, Council Member
Dewayne Maxey, Council Member

Presentations and Proclamations
"Mobile Meals Sunday"

Visitors

(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 18, 2011

ACTION _____

2A. Consider approving an amendment to the current water treatment plant operation agreement with Veolia Water North America Operating Services, LLC, for the purposes of implementing a Consumer Price Index adjustment to the fee resulting in a fee of \$94,127.33 per month; and also implementing a new fee of \$5,000.00 per year for additional testing required by the current discharge permit

ACTION _____

(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 18, 2011**
- B) Payment of material claims in the amount of \$416,392.03**
- C) A Settlement Agreement with Cox TMI Wireless, L.L.C., to terminate a lease of approximately 100 square feet at 12601 NW 10th Street (Yukon Water Tank)**
- D) The receipt of Oklahoma Department of Environmental Quality Permit No. SL000055110732, for the construction of 1,465 linear feet of 8” sewer line to serve the City of Yukon West 10th Street Office Center Sewer Line Extension Project**
- E) Setting the date for the next regular Council meeting for November 15, 2011, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth Street**

ACTION _____

2. Reports of Boards, Commissions and City Officials

Russ Kline, Chairman, Board of Adjustment

- 3. Consider approving Staff’s recommendations regarding operational changes to City-provided sanitation service, including (but not limited to) rates, equipment, and staffing**

ACTION _____

- 4. Consider approving an expenditure of funds in an amount not to exceed \$1,700,000.00, for the lease and purchase of required to implement operational changes to City-provided sanitation service**

ACTION _____

- 5. Consider approving an amendment to the current water treatment plant operation agreement with Veolia Water North America Operating Services, LLC, for the purposes of implementing a Consumer Price Index adjustment to the fee resulting in a fee of \$94,127.33 per month; and also implementing a new fee of \$5,000.00 per year for additional testing required by the current discharge permit**

ACTION _____

6. Consider and approve Ordinance No. 1271, an ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma, by amending Chapter 46, Article II of the Code of Ordinances, by amending Section 46-44 to provide for notice to owner of a property which may be determined to present a nuisance; amending Section 46-46 to provide for a hearing by the City Manager or his Designee; amending Section 46-47 to provide a reasonable time within which to abate a nuisance; amending Section 46-48 to provide for an appeal to the City Council of orders by the City Manager or his Designee; amending Section 46-49 to provide that the City Manager or his Designee shall determine costs of abatement; amending Section 46-51 to provide that the City Manager or his Designee may cause recurring nuisances to be summarily abated; and renumbering; and declaring an emergency.

ACTION _____

- 6A. Consider and approve the Emergency Clause of Ordinance No. 1271

ACTION _____

7. Consider approving the City Manager to negotiate terms of a credit facility in the amount of \$1,700,000.00 with Arvest Bank, to provide funding for the purchase of vehicles and equipment as outlined in the FY 2011-2012 budget

ACTION _____

8. City Manager's Report – Information items only
 - A. Library e-books program
 - B. Current street improvement projects
 - C. Cornwell Booster Station
 - D. Parks & Recreation update
 - E. Information Technology update
9. New Business
10. Council Discussion
11. Adjournment

Yukon Municipal Authority Minutes October 18, 2011

ROLL CALL: (Present) John Alberts, Chairman
 Nick Grba, Vice-Chairman
 Bob Bradway, Trustee
 Ken Smith, Trustee
 Dewayne Maxey, Trustee

(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 18, 2011**
- B) Payment of material claims in the amount of \$472,997.95**

The motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of October 18, 2011, and payment of material claims in the amount of \$472,997.95, was made by Trustee Grba and seconded by Trustee Maxey.

The vote:

AYES: Smith, Grba, Alberts, Maxey, Bradway

NAYS: None

VOTE: 5-0

MOTION CARRIED

2A. Consider and approve Resolution No. YMA 2011-02, a resolution authorizing the issuance of the Yukon Municipal Authority 2011 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" 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 2011-02, a resolution authorizing the issuance of the Yukon Municipal Authority 2011 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" 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 Smith and seconded by Trustee Maxey.

The vote:

AYES: Bradway, Smith, Maxey, Alberts, Grba

NAYS: None

VOTE: 5-0

MOTION CARRIED

(Adjourn as YMA and Reconvene as Yukon City Council)



John Alberts, Mayor & Council Member Ward II
Nick Grba, Vice Mayor & Council Member Ward I
Ken Smith, Council Member At Large
Dewayne Maxey, Council Member Ward III
Bob Bradway, Council Member Ward IV

From the Office of the
Public Works Director
Matt Maly

2A

Date: October 27, 2011
To: Grayson Bottom
From: Matt Maly
Re: Veolia Water Annual CPI and Sampling Scope Change

On March 21, 2011 received a letter notifying the City of a CPI adjustment and scope change from Veolia Water. The CPI adjustment for the year 2011-2012 is actually \$22,031.83 less than our previous contract year. This decrease was due to the cost of electric decreasing within the contract definition.

They also requested a scope change based on the information given to us on the February 25, 2011, DEQ Compliance Inspection. Since the facility has been permitted, we have only been required to sample upstream and downstream on a monthly basis. Under the revised OAC 252:606-11-3(e), this must be completed twice monthly. This change resulted in increased sampling cost for this operation. Due to a scope change an Amendment to the Agreement was requested.

One October 24, 2011, I received a signed amendment from Veolia Water for submittal to Council. Our City Attorney has reviewed the amendment and I submit to you to be place as an agenda item on the November 1, 2011 Council Meeting.

**Amendment Ten
to the
Amended Restatement Agreement for Operation and Maintenance Services**

THIS AMENDMENT to the Agreement is entered into on this 18th day of October, 2011, by and between:

Yukon Municipal Authority
A public trust created under the laws of the State of Oklahoma,
whose sole beneficiary is the City of Yukon,
Oklahoma, a municipal Corporation
500 West Main
(hereinafter "YUKON");

and

The City of Yukon
a municipal Corporation, with its principal address at:
Yukon City, OK 73033 (hereinafter "CITY");

and

Veolia Water North America Operating Services, LLC, a
Delaware limited liability company ("VWNAOS")
with its principal address at:
200 East Randolph Street, Suite 7900
Chicago, IL 60601

WHEREAS, YUKON, and Professional Services Group, Inc., a Minnesota corporation (hereinafter "PSG") entered into that certain Restatement Agreement for Operation and Maintenance and Services dated as of July 1, 1996, and amended from time to time and assigned to VWNAOS (collectively the "Agreement"); and

WHEREAS, the parties now desire to modify selective portions of the Agreement, all as set forth herein;

1. As a result of the CPI adjustment as provided for in the Agreement, the 2011-2012 fee shall be \$1,129,528 (or \$94,127.33 monthly). The new fee shall be effective July 1, 2011.

2. Additional cost of \$5,000 per year for upstream and downstream testing required by the discharge permit addressed in section 2.8 of the agreement.

WHEREFORE, the parties indicate their approval of this Amendment by their signatures below and each party warrants that all action necessary to bind the parties to the terms of this Agreement has been taken.

YUKON MUNICIPAL AUTHORITY

By: _____

Name: _____

Title: _____

Date: _____

CITY OF YUKON, OKLAHOMA

By: _____

Name: _____

Title: _____

Date: _____

VEOLIA WATER NORTH AMERICA OPERATING SERVICES, LLC

By: John M. Wood

Name: John M. Wood

Title: Vice President

Date: October 18, 2011



March 21, 2011

To: Grayson Bottom, City Manager

From: Gary Giddings, Project Manager

Re: Annual Fee Adjustment for 2011-2012

As in pervious years we have used February data from the U.S. Department of Labor for the CPI adjustment. Since February 2010 there has been a 2.06% increase in the CPI. The electrical cost has decreased 13.4% since 2009.

In order to update the contract with the additional scope of work I have included the cost for required additional stream monitoring in the amount of \$ 5,000.

The new contract price for O&M will be \$1,129,528.adding the Facility Saving Participation Fee, and the Repair and Maintenance the monthly bill will be \$ 94,127.33. This will reflect the majority of contract based on the CPI increase.

I would like to thank you for the opportunity to work with you and the city staff. It is my sincere hope we have shown we are committed to improving the operations, reliability and appearance of the Yukon facilities.

Respectfully,

A handwritten signature in black ink, appearing to read "Gary D. Giddings", written in a cursive style.

Gary D. Giddings
Project Manager

cc: Matt Maly



Change Electric Usage Schedule from January - December to December - November to keep the client electric rebate in Veolia Water's same fiscal year.

Additional Stream Monitoring	\$5,000
New CPI Adjusted Fee	\$1,124,528
New Adjusted Contract Fee	\$1,129,528

Annual fee Adjustment for 2011-2012 Budget with Veolia Water

Adjusted Annual Fee = (Annual Fee) (.74 X CPI Feb 2011 / CPI Feb 2010) + (.26 X electrical cost ending 12/09 / electrical cost ending 12/10)

$$\frac{\text{CPI Feb 2011}}{221.309} \quad \frac{\text{CPI Feb 2010}}{216.741} \quad \frac{\text{CPI}}{1.0211} \quad X \quad 0.74 \quad X \quad \$ \quad 1,146,560 \quad = \quad \$866,336.29$$

$$\frac{\text{Electric Cost Average 2010}}{0.0621} \quad \frac{\text{Electric Cost Average 2009}}{0.0717} \quad X \quad 0.8661 \quad X \quad 0.26 \quad X \quad \$ \quad 1,146,560 \quad = \quad \$258,191.88$$

New Fee **\$1,124,528.17**

Old Fee \$1,146,560.00
-\$22,031.83

Monthly Budget Calculator

2008-2009

	\$	5,141.67	X	12	\$	61,700	
	\$	2,500.00	X	12	\$	30,000	Facility savings Participation Fee
	\$	78,825.38	X	12	\$	945,905	Repair And Maintenance
							Operation and Management
Monthly Bill Amount	\$	86,467.05			\$	1,037,605	

2009-2010

	\$	5,141.67	X	12	\$	61,700	
	\$	2,916.67	X	12	\$	35,000	Facility savings Participation Fee
	\$	84,523.66	X	12	\$	1,014,284	Repair And Maintenance
							Operation and Management
Monthly Bill Amount	\$	92,582.00			\$	1,110,984	

2010-2011

	\$	5,141.67	X	12	\$	61,700	
	\$	2,916.67	X	12	\$	35,000	Facility savings Participation Fee
	\$	87,488.33	X	12	\$	1,049,860	Repair And Maintenance
							Operation and Management
Monthly Bill Amount	\$	95,546.67			\$	1,146,560	

2011-2012

	\$	5,141.67	X	12	\$	61,700	
	\$	2,916.67	X	12	\$	35,000	Facility savings Participation Fee
	\$	86,017.17	X	12	\$	1,032,206	Repair And Maintenance
							Operation and Management
Monthly Bill Amount	\$	94,075.51			\$	1,129,528	



STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

April 6, 2011

The Honorable John Alberts, Mayor
c/o Grayson Bottom, City Manager
City of Yukon
P.O. Box 850500
Yukon, OK 73085

Re: OPDES Compliance Evaluation Inspection Closeout Letter
OPDES Permit No. OK0028584
Facility No. S-20533

Dear Mayor Alberts:

A Compliance Evaluation Inspection (CEI) was conducted at the City of Yukon's Wastewater Treatment Plant (WWTP) on February 25, 2011. The inspection revealed several violations and/or deficiencies that were mentioned on a CEI report dated March 4, 2011, and as listed below:

- There are discrepancies between the laboratory analytical results and the data reported on the DMR for November 2010;
- The treatment plant is not being operated and maintained as required (see comment section of report);
- There was pin floc going over the weir of Clarifier No. 3;
- The treatment units often experienced hydraulic overloads above the 4.5 MGD designed flow;
- There have been excessive bypasses (unpermitted discharges) from the wastewater collection system since the last CEI;
- *Scope Change* The receiving stream upstream and downstream monitoring requirements are not being accomplished as required by OAC 252:606-11-3(e); and
- The SSO Inspection Checklist v2.1 given to the facility during the CEI needs to be completed and returned to the DEQ (SSO Inspection Checklist v2.1 is attached if needed) with the response to this CEI.

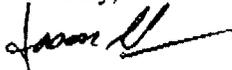
On April 1, 2011, the Department of Environmental Quality (DEQ) received a letter outlining corrective actions to the issues outlined in the CEI report. Based on the submitted information, the DEQ considers the corrective actions identified in the response letter to be adequate. The effectiveness of the corrective actions will be determined through future inspections of the facility.



The Honorable John Alberts, Mayor
City of Yukon
OPDES Compliance Evaluation Inspection Closeout Letter
OPDES Permit No. OK0028584
April 6, 2011
Page 2 of 2

If you have any questions or need additional information, please contact me at (405) 702-8126, or write me at the letterhead address.

Sincerely,



Jason Ma, P.E.
Water Quality Division

JM /WTC/kw HB

cc: Jennifer Robbins, OKC Office, ECLS, DEQ
Bruce Vande Lune, Regional Manager, ECLS, DEQ
Gary Diddings, Veolia (Yukon WWTP)

Yukon City Council Minutes October 18, 2011

The Yukon City Council met in regular session on October 18, 2011 at 7:00 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth Street, Yukon, Oklahoma.

The invocation was given by Mayor John Alberts.
The flag salute was given in unison.

ROLL CALL: (Present) John Alberts, Mayor
 Nick Grba, Vice-Mayor
 Bob Bradway, Council Member
 Ken Smith, Council Member
 Dewayne Maxey, Council Member

OTHERS PRESENT:

Mike Segler, City Attorney	Tammy Kretchmar, Asst. City Manager
Robbie Williams, City Engineer	Doug Shivers, City Clerk
Mitch Hort, Community Development Director	Frosty Peak, Emergency Management Director
Gary Cooper, Information Technology Director	Bill Stover, Asst. Public Works Director
Kevin Jones, Fire Chief	Terri Peak, Utility Billing Supervisor
Cheryl Dunn, Deputy City Clerk	Matt Maly, Public Works Director

Presentations and Proclamations

Mayor Alberts read the proclamation for Head Start Month and presented it to Head Start Instructors Emaline Pohlmeier and Jennifer Homer. They thanked Yukon citizens for their support.

•••
Visitors

There were no visitors.

(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 18, 2011**
- B) Payment of material claims in the amount of \$472,997.95**

The motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of October 18, 2011, and payment of material claims in the amount of \$472,997.95, was made by Trustee Grba and seconded by Trustee Maxey.

The vote:

AYES: Smith, Grba, Alberts, Maxey, Bradway

NAYS: None

VOTE: 5-0

MOTION CARRIED

2A. Consider and approve Resolution No. YMA 2011-02, a resolution authorizing the issuance of the Yukon Municipal Authority 2011 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" 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 2011-02, a resolution authorizing the issuance of the Yukon Municipal Authority 2011 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" 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 Smith and seconded by Trustee Maxey.

The vote:

AYES: Bradway, Smith, Maxey, Alberts, Grba

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 October 4, 2011
- B) Payment of material claims in the amount of \$431,164.95
- C) The 2011 updates to the City of Yukon Emergency Operations Plan
- D) Accepting a 2011 Community Development Block Grant from the Oklahoma Dept. of Commerce, for Water System Improvements, in the amount of \$64,567.00
- E) The items on the attached list from the Technology Dept. as surplus, and authorizing their sale, donation or trade
- F) Resolution 2011-12, naming Frosty Peak as Local Point of Contact for National Incident Management System (NIMS) activities and compliance
- G) A budget amendment to allow for a transfer of funds from the Stormwater Fund Balance, in the amount of \$100,000.00, to cover unbudgeted engineering expenses previously approved by Council for the Turtle Creek Master Drainage Plan
- H) Setting the date for the next regular Council meeting for November 1, 2011, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth Street

Council Member Smith asked to remove Item G, a budget amendment to allow for a transfer of funds from the Stormwater Fund Balance, in the amount of \$100,000.00, to cover unbudgeted engineering expenses previously approved by Council for the Turtle Creek Master Drainage Plan, for additional discussion.

The motion to approve the remainder of the Consent Docket, consisting of the minutes of the regular meeting of October 4, 2011; payment of material claims in the amount of \$431,164.95; accepting a 2011 Community Development Block Grant from the Oklahoma Dept. of Commerce, for Water System Improvements, in the amount of \$64,567.00; the items on the attached list from the Technology Dept. as surplus, and authorizing their sale, donation or trade; Resolution 2011-12, naming Frosty Peak as Local Point of Contact for National Incident Management System (NIMS) activities and compliance;; and setting the date for the next regular Council meeting for October 18, 2011, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth Street, was made by Council Member Grba and seconded by Council Member Maxey.

The vote:

AYES: Maxey, Grba, Bradway, Smith, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

Council Member Smith made a motion to approve Item G, a budget amendment to allow for a transfer of funds from the Stormwater Fund Balance, in the amount of \$100,000.00, to cover unbudgeted engineering expenses previously approved by Council for the Turtle Creek Master Drainage Plan, seconded by Council Member Maxey. Mr. Smith then asked if it was known at the time Item G was passed, what the funding source would be. City Manager Bottom explained that Item G was simply a housekeeping item to allow for the transfer of funds, and that the original source of funds had never changed.

The vote:

AYES: Bradway, Smith, Maxey, Alberts, Grba

NAYS: None

VOTE: 5-0

MOTION CARRIED

2. Report of Boards, Commissions and City Officials

There was no report.

3. Conduct a hearing to receive comments and discuss an application from Joey Smith & Dennis Whittaker/Route 66 Asphalt Emulsion Maintenance to rezone the property at 1401 Lakeshore Drive currently zoned I-1 (light industrial district) to I-2 (heavy industrial district), previously recommended for denial by the Planning Commission; no action will be taken

Mayor Bradway read the rules for discussion.

Vivian Housh of 1169 Church St. said that she did not believe that Yukon had any areas zoned for High Industrial.

Roger Everett, co-counsel for the applicants, recapped the process to be used for that asphalt emulsification and emphasized that it was a contained process with no heavy truck traffic needed.

Mark Henrickson, co-counsel for the applicants, added that the business could add between 30 and 40 jobs to Yukon, and that current zoning was contrary to standards.

Becky McMahon of 1205 Twilight Terrace asked about parking for those with the additional jobs and said the previous permit should have been maintained.

Julie Owens of 201 Sunrise Drive said that there has been activity including large trucks coming and going from the property, along with noise from the property late at night.

Bob Harper of 1817 Lakeshore Drive said he had hired an engineer to look at property near the site and found that environmental reports were needed.

Bob Wheeler of 1104 Landmark Drive said that trucks were using Landmark Drive in violation of the existing signage.

Cynthia Kidd of 1118 McConnell said there were too many risks of pollution and of danger to area children.

Larry Trotter of 313 Amanda also spoke of hazards to area children and families, and noted that recent plantings on the property have died.

Corey Wilkins of 308 Eastview said that according to City Codes, the lot was not big enough to allow for the 300-ft. buffer between zoning districts.

Jo Schuler of 11777 Plaza Drive said citizens were already dealing with noise and odor concerns.

Stan Brooks of 1100 Landmark was concerned about the precedent for future zoning of adjacent property, and also noted that other asphalt plants have associated odor.

Don McCool of 308 Market was concerned about the future decline of property values in the area.

Gus Hall of 1173 Church felt that this facility would be a step backwards relative to ongoing improvements in the area and community.

Mayor Alberts asked for anyone to speak who was in favor of the zoning change, and there was no response.

Council Member Smith asked the Mayor to call the question. Mayor Alberts thus closed the hearing and moved to the next agenda item.

3A. Consider the recommendation of the Planning Commission to deny the application for rezoning of 1401 Lakeshore Drive

(Council may only make a motion to A) Uphold the recommendation of the Planning Commission; B) uphold the recommendation subject to modification, C) deny the recommendation, or D) return the application to the planning commission for further study)

Council Member Maxey made a motion to Uphold the Recommendation of the Planning Commission, seconded by Council Member Smith. Mr. Smith mentioned that this Council was not responsible for previous decisions, and it was clear that the previous zoning was incorrect. He asked the applicant's counsel what the basis would be for a decision to return the item to the Planning Commission. Counselor Everett was unsure. Mayor Alberts wanted to know if the Counselor was sure of his position regarding a light-industrial operation, and Mr. Everett could not say for sure. Mr. Smith then said that he had found 3 similar operations in the Oklahoma City area that were all located in areas zoned for heavy industrial use. Mayor Alberts expressed his concern with moving ahead to litigation. City Attorney Segler said that the permit should be applied for based on the correct use of the property.

The vote:

AYES: Grba, Maxey, Smith, Alberts, Bradway,

NAYS: None

VOTE: 5-0

MOTION CARRIED

4. Consider approving an Agreement for Services between the City of Yukon and Yukon Chamber of Commerce, for the period beginning July 1, 2011 through June 30, 2012, at a cost of \$2,500 per month

The motion to approve an Agreement for Services between the City of Yukon and Yukon Chamber of Commerce, for the period beginning July 1, 2011 through June 30, 2012, at a cost of \$2,500 per month, was made by Council Member Smith and seconded by Council Member Grba.

Council Member Bradway was concerned that because of the start date of the contract (July 1, 2011), that money had been paid to the Chamber already. City Manager Bottom advised that no money had been paid. Council Member Smith observed that this payment had been approved in the current budget already approved by Council.

Bob Harper of 1817 Lakeshore was supportive of paying the Chamber on a results basis and noted he had been unsuccessful in working with the Chamber to attract business in the past.

Mr. Bradway asked for specific names of business that were brought in, or retained, or otherwise developed by the Chamber, to be provided at a future date. He also was interested to know the role of the Chamber in community events, and felt like the Chamber was being funded without a proven trail of attracting businesses to Yukon. He believed that commission-based pay was a better solution for supporting the Chamber. Mr. Smith agreed that an incentive-based agreement was indeed a better approach. He also mentioned the results of the Chamber's Shop Yukon program, which has a goal of \$1,000,000.00 for 2011. Mr. Smith pledged to do as much as possible to monitor the benefits brought to Yukon by the Chamber.

The vote:

AYES: Alberts, Grba, Smith, Maxey

NAYS: Bradway

VOTE: 4-1

MOTION CARRIED

5. Consider and approve Resolution No. 2011- 11, a resolution approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its 2011 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; 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. 2011- 11, a resolution approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its 2011 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; 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 Smith and seconded by Council Member Maxey.

The vote:

AYES: Smith, Bradway, Maxey, Grba, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 6. Consider and approve Ordinance No. 1270, 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 2011 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 Ordinance was read in full by City Attorney Segler.

The motion to approve Ordinance No. 1270, 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 2011 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 Grba.

The vote:

AYES: Grba, Alberts, Smith, Maxey, Bradway,

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 6A. Consider and approve the Emergency Clause of Ordinance No. 1270**

The motion to approve the Emergency Clause of Ordinance No. 1270, was made by Council Member Maxey and seconded by Council Member Smith.

The vote:

AYES: Maxey, Smith, Grba, Bradway, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 7. Consider approving Change Order No. 2, for the construction of the new Yukon Fire Station, in an amount decreasing the Contract Sum by \$15,792.58**

The motion to approve Change Order No. 2, for the construction of the new Yukon Fire Station, in an amount decreasing the Contract Sum by \$15,792.58, was made by Council Member Grba and seconded by Council Member Maxey.

The vote:

AYES: Alberts, Bradway, Grba, Maxey, Smith

NAYS: None

VOTE: 5-0

MOTION CARRIED

8. **Consider approving a request for a Conditional Use Permit for a mobile home located at 5360 Cimmaron Rd., by Joshua and Ann Wooley & Mark Parizek, as recommended by the Planning Commission**

The motion to approve a request for a Conditional Use Permit for a mobile home located at 5360 Cimmaron Rd., by Joshua and Ann Wooley & Mark Parizek, as recommended by the Planning Commission, was made by Council Member Bradway and seconded by Council Member Maxey.

The vote:

AYES: Bradway, Maxey, Alberts, Smith, Grba

NAYS: None

VOTE: 5-0

MOTION CARRIED

9. **Consider approving an expenditure of funds for the purpose of reconfiguring City Hall offices in an amount anticipated to be \$62,900.00, with cash expenditures for outsourced competitively bid items not to exceed \$40,000 of the above total, to be funded from the Capital Improvement fund**

The motion to approve an expenditure of funds for the purpose of reconfiguring City Hall offices in an amount anticipated to be \$62,900.00, with cash expenditures for outsourced competitively bid items not to exceed \$40,000 of the above total, to be funded from the Capital Improvement fund, was made by Council Member Smith and seconded by Council Member Grba.

Council Member Bradway was concerned that the dome over the City Hall lobby should be repaired First. City Manager Bottom said that other funds were budgeted for that repair, and it has proved difficult to locate a contractor to make those repairs.

The vote:

AYES: Smith, Grba, Maxey, Bradway, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

10. **City Manager's Report – Information items only**

Mr. Bottom gave a brief status report of the Fire Station construction project, saying he was pleased with the quality of construction thus far. He mentioned that a Factory Direct Mattress Store was moving into the vacant building previously housing Blockbuster Video, and also said that Channel 9 was making a road trip to Yukon on Friday, October 28.

11. **New Business** None.

12. **Council Discussion** None.

13. **Adjournment**

John Alberts, Mayor

Doug Shivers, City Clerk



RECAP OF CLAIMS

FUND #			
01	General Fund Claims	\$	210,082.76
62	CIP - O & G; Hwy & Streets		68,451.74
64	Special Revenue Fund		12,105.25
70	Water & Sewer Enterprise		87,818.44
71	Sanitation Enterprise		32,587.57
73	Storm Water Enterprise		1,457.28
74	Grant Fund		3,888.99
		\$	<u>416,392.03</u>

The above foregoing claims have been passed and approved
this 1st day of November, 2011 by the Yukon City Council.

Doug Shivers, City Clerk

John Alberts, Mayor

P.O.#	VENDOR #	NAME	DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 01						
12-46360	01-02152	Legislative Frank Austin	Lease-10W Main-Nov11	11/2011	Nov '11	107.14
12-46378	01-05373	Canadian Cty Assessor	Vis Insp Cost 11-12	10/2011	11-12	7,048.25
12-46377	01-05386	Capitol Decisions	Prof Services-Oct'11	10/2011	7632	7,500.00
12-46361	01-05388	Estate of Murial Carson	Lease-10W Main-Nov11	11/2011	Nov '11	435.72
12-46362	01-05390	Phil Carson	Lease-10W Main-Nov11	11/2011	Nov '11	107.14
12-46363	01-06815	Compassionate Hands, Inc.	Mthly Contrib-Nov'11	11/2011	Nov '11	583.34
12-46230	01-1	Catering by Regina	Catering for MPB	9/2011	C 1348	182.00
12-46367	01-1	CapRisk Consulting Group	GASB 54 actuarial valuati	10/2011	C 111004	3,450.00
12-46364	01-15003	Four H	Mthly Contrib-Nov'11	11/2011	Nov '11	100.00
12-46381	01-25000	The Journal Record	legal ad-cabling bid	10/2011	740071466	31.63
			legal ad-roof bid	10/2011	740075586	28.77
12-46382	01-58100	wheatley Segler Osby & Mill	Prof. Services-Sep11	10/2011	10478	131.44
12-46383	01-58110	wheatley Segler Osby & Mill	Prof. Services-Sep11	10/2011	10478	1,077.63
12-46366	01-59400	Kathryn Wright Rentals	DrLicBldgRent-Nov'11	11/2011	Nov '11	800.00
12-46385	01-62900	Yukon Review Inc.	legal ad-Ord #1269	10/2011	YR44376	23.75
			legal-ReqBids-Cablin	10/2011	YR44377	31.95
			legal-ReqBids-Roofs	10/2011	YR44495	29.80
			legal ad-Ord #1270	10/2011	YR44603	72.65
DEPARTMENT TOTAL:						21,741.21
DEPARTMENT: 02						
12-46368	01-47660	Finance Shred-It Oklahoma City	document destruction	9/2011	10011057321	6.45
12-46369	01-47660	Shred-It Oklahoma City	document destruction	10/2011	10011057322	6.45
12-46357	01-75330	Doug Shivers	reimb mileage-OMCTFOA Con	10/2011	10/26/11	87.47
DEPARTMENT TOTAL:						100.37
DEPARTMENT: 03						
12-45301	01-00180	Park Maintenance City of Yukon (BankOne)PW	non durables	10/2011	Locke 16407733	29.51
			non durables	10/2011	Lowe 03533	14.41
			non durables	10/2011	Lowe 02830	24.52
			non durables	10/2011	Ace 862389	11.95
			non durables	10/2011	Lowe 14346	15.96
12-46014	01-00180	City of Yukon (BankOne)PW	upgrade electrical panel	10/2011	Locke 16178219	1,399.19
12-46224	01-00180	City of Yukon (BankOne)PW	uniform cleaning,ren	10/2011	Clean 50512112	25.07
12-46277	01-00180	City of Yukon (BankOne)PW	uniform cleaning,ren	10/2011	Clean 50513094	25.07
DEPARTMENT TOTAL:						1,545.68

P.O.#	VENDOR #	NAME	DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 04						
12-46373	01-50700	Engineering Triad Design Group	A/E Srvcs-09/25/11	10/2011	7927	945.06
DEPARTMENT TOTAL:						945.06
DEPARTMENT: 05						
12-45088	01-00105	Fire Department City of Yukon (BankOne)FD	rechargeable battery-Capn	7/2011	Physio 112023538	108.80
			rechargeable battery-Capn	9/2011	Physio 112048879	108.80
12-45630	01-00105	City of Yukon (BankOne)FD	Hat Badges for Ike Suit	9/2011	MTM 5566319	1,295.00
12-45953	01-00105	City of Yukon (BankOne)FD	Pappe-hoodie	10/2011	S&S 31384	43.50
12-45994	01-00105	City of Yukon (BankOne)FD	Goodrich - hoodie	10/2011	S&S 31382	41.50
12-45375	01-74700	Myra Schmidt	reimb mileage-FH tra	10/2011	10/01/11	238.66
DEPARTMENT TOTAL:						1,836.26
DEPARTMENT: 06						
12-45989	01-00106	Municipal Court City of Yukon (BankOne)CRT	Record Supplies/Juveniles	9/2011	Staples 7077635799	148.71
			Record Supplies/Juveniles	9/2011	Staples 103826287	44.98
			credit	9/2011	Staples7077635799A	98.19-
12-46365	01-44380	George H Ramey	MunJudgeSrvc-Nov'11	11/2011	Nov '11	2,943.25
12-46384	01-58115	wheatley Segler Osby & Mill	MunProsecution-Sep11	10/2011	10461	1,212.72
DEPARTMENT TOTAL:						4,251.47
DEPARTMENT: 08						
12-46067	01-00108	Library City of Yukon (BankOne)LIB	Postage for ILL	10/2011	USPS 247	44.71
12-45712	01-44395	Recorded Books, LLC	Audio Books-Standing Orde	9/2011	74383230	160.65
			Audio Books-Standing Orde	9/2011	74383737	101.80
DEPARTMENT TOTAL:						307.16
DEPARTMENT: 09						
12-46231	01-00101	Administration City of Yukon (BankOne)ADM	Jackets for staff	9/2011	Lands'End 10623651	100.00
12-46368	01-47660	Shred-It Oklahoma City	document destruction	9/2011	10011057321	12.90
12-46369	01-47660	Shred-It Oklahoma City	document destruction	10/2011	10011057322	12.90
DEPARTMENT TOTAL:						125.80

P.O.#	VENDOR #	NAME	DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 10		Parks & Events				
12-46163	01-00110	City of Yukon (BankOne)REC	Spooksville supplies	10/2011	HancockFab10/10/11	17.96
			Spooksville supplies	10/2011	OrientTrad647090974	185.00
12-46193	01-00110	City of Yukon (BankOne)REC	Craft Show radio ads	10/2011	ClearChannel 86842	350.00
12-45879	01-07390	Crosslands A & A Rent-All	Sporta potties	8/2011	01-402847-40	63.00
			porta potties	8/2011	01-437401-22	63.00
			porta potties	8/2011	01-464754-09	63.00
			porta potties	8/2011	01-476309-03	156.00
			porta potties	8/2011	01-476310-03	78.00
			porta potties	9/2011	01-464755-11	63.00
			porta potties	9/2011	01-402847-41	63.00
			porta potties	9/2011	01-437401-23	63.00
			porta potties	9/2011	01-437401-23	63.00
			porta potties	9/2011	01-476309-04	126.00
			porta potties	9/2011	01-476310-04	63.00
			porta potties	9/2011	01-464754-10	63.00
12-46154	01-1	Fu-Ling-Yu	Spooksville Magician	10/2011	P 20111029a	325.00
DEPARTMENT TOTAL:						1,804.96
DEPARTMENT: 11		Police Department				
12-45742	01-00111	City of Yukon (BankOne)PD	K9 items	9/2011	RayAllen 153501	73.41
12-45869	01-00111	City of Yukon (BankOne)PD	Records uniform shirts	9/2011	Lands'End 10717917	153.63
12-46034	01-00111	City of Yukon (BankOne)PD	maint supplies	10/2011	GE Appliances10/6/	37.50
12-46135	01-00111	City of Yukon (BankOne)PD	bulbs for parking lot	10/2011	Locke 16342519	52.40
12-46209	01-1	Wetherbee Electric	camera inspection	9/2011	w 11762TM	130.00
12-46215	01-36720	OK Dept of Public Safety	user fee	10/2011	04-1203681	350.00
12-45746	01-48410	Special Ops Uniforms, Inc	Daugherty uniform items	9/2011	168320	54.99
12-45389	01-53410	Ultramax	officer ammo	10/2011	123789	582.00
12-46216	01-60295	X-clusive Collision & Tow	towing of police vehicle	10/2011	34948	159.00
DEPARTMENT TOTAL:						1,592.93
DEPARTMENT: 12		Property Maintenance				
12-45295	01-00180	City of Yukon (BankOne)PW	bulbs, ballasts, mis	10/2011	Locke 16401298	295.08
			cleaning supplies	10/2011	Massco 2234335	995.45
			cleaning supplies	10/2011	walmart 05122	67.64
			cleaning supplies	10/2011	walmart 06121	41.72
			building repairs	10/2011	Locke 16402152	19.31
			building repairs	10/2011	Allied Glass 34666	422.00
12-46224	01-00180	City of Yukon (BankOne)PW	uniform cleaning,ren	10/2011	Clean 50512112	23.66
			hand sanit.dispenser	10/2011	Clean 50512112	3.61
12-46277	01-00180	City of Yukon (BankOne)PW	uniform cleaning,ren	10/2011	Clean 50513094	23.66
			hand sanit.dispenser	10/2011	Clean 50513094	3.61
12-46379	01-06750	Clearwater Enterprises, LLC	Srvccity Bldgs-09/11	10/2011	26781109	350.96
12-46223	01-36715	OK Dept of Labor	boiler insp YMAC	9/2011	201268455	25.00
			boiler insp CH	9/2011	201268451	25.00
12-46375	01-37200	OK Gas & Electric	Srvccomb.Bill-Sep11	10/2011	10/08/11	32,452.33
DEPARTMENT TOTAL:						34,749.03

P.O.#	VENDOR #	NAME	DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 15		Recreation Facilities				
12-46182	01-00115	City of Yukon (BankOne)REC	Office supplies	10/2011	Staples 47528	27.87
12-46185	01-00115	City of Yukon (BankOne)REC	Craft supplies YCC	10/2011	S&S world 117023	58.94
12-46132	01-1	Rig Right Manufacturing	Storage net for YCC	10/2011	R 4866	35.00
12-45055	01-53450	United Linen - Uniform Re	Dust Mops and Mats YCC	10/2011	1440166	70.68
DEPARTMENT TOTAL:						192.49
DEPARTMENT: 16		Fleet Maintenance				
12-45139	01-00180	City of Yukon (BankOne)PW	parts to repair vehicles	10/2011	Napa 482392	41.34
			parts to repair vehicles	10/2011	Napa 482787	122.15
12-45478	01-00180	City of Yukon (BankOne)PW	unl/diesel) filter	9/2011	Hoidale 96350	15.00
12-45515	01-00180	City of Yukon (BankOne)PW	oil and lubricants	10/2011	LubEngineers178455	160.32
			oil and lubricants	10/2011	Hoidale 96821	150.00
			oil and lubricants	10/2011	Napa 483849	350.00
			oil and lubricants	10/2011	Napa 483849	178.76
12-45810	01-00180	City of Yukon (BankOne)PW	parts to repair vehs	10/2011	OREillys 181276	685.14
			parts to repair vehs	10/2011	OREillys 184657	131.34
12-45913	01-00180	City of Yukon (BankOne)PW	seminar - t stover	9/2011	F.PryorCareer 9/21	79.00
12-45946	01-00180	City of Yukon (BankOne)PW	parts to repair vehicles	9/2011	Siddons 0101196	46.00
			parts to repair vehicles	10/2011	T&W Tire 4816592	270.88
			parts to repair vehicles	10/2011	T&W Tire 4816607	541.76
			parts to repair vehicles	10/2011	X-Clusive 7658	500.00
			parts to repair vehicles	10/2011	ChappellSup340729	50.53
			parts to repair vehicles	10/2011	Ace 862197	21.60
			parts to repair vehicles	10/2011	TheShop 669984	24.95
			parts to repair vehicles	10/2011	UnitedEng R095911Y	110.00
			parts to repair vehicles	10/2011	Ace 862463	9.99
			parts to repair vehicles	10/2011	Ace 862505	11.56
			parts to repair vehicles	10/2011	HerculesTire295287	190.32
			parts to repair vehicles	10/2011	SmithDist 762921	187.98
			parts to repair vehicles	10/2011	X-Clusive 7832	105.00
			parts to repair vehicles	10/2011	UnitedEng R096459Y	165.88
			parts to repair vehicles	10/2011	UnitedEng R096459Y	54.12
12-46079	01-00180	City of Yukon (BankOne)PW	orange safety paint	10/2011	Napa 482787	13.98
12-46090	01-00180	City of Yukon (BankOne)PW	shifter for Grader	10/2011	KirbySmith K97026	1,599.71
			labor	10/2011	KirbySmith K97026	243.75
			environ.fees	10/2011	KirbySmith K97026	21.94
12-46125	01-00180	City of Yukon (BankOne)PW	clips	10/2011	Ace 862198	12.00
12-46202	01-00180	City of Yukon (BankOne)PW	tires for the grader	10/2011	T&W Tire 4814960	2,380.00
			mounting fee	10/2011	T&W Tire 4814960	168.00
			orings	10/2011	T&W Tire 4814960	66.00
12-46224	01-00180	City of Yukon (BankOne)PW	uniform cleaning,ren	10/2011	Clean 50512112	18.12
12-46226	01-00180	City of Yukon (BankOne)PW	transmission repair	10/2011	YTransmission10/18	1,600.00
12-46277	01-00180	City of Yukon (BankOne)PW	uniform cleaning,ren	10/2011	Clean 50513094	18.12
12-46077	01-18150	Hampel Oil Distributors, Inun	leaded fuel	10/2011	90331043	6,412.88
			diesel fuel	10/2011	90331043	1,306.36
12-46288	01-18150	Hampel Oil Distributors, Inun	leaded fuel	10/2011	90333925	7,325.71
			diesel fuel	10/2011	90333925	698.93

P.O.#	VENDOR #	NAME	DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 16		Fleet Maintenance				
12-46374	01-37489	OK Tax Commission	tag-'01 Ford CVP 5017	10/2011	CI 15553	28.00
12-46220	01-53425	DOC/Union City Comm Corr	Ctsept'11 transport fees	10/2011	093011-WKREL012	1,008.00
12-46221	01-53425	DOC/Union City Comm Corr	CtAug'11 transports fees	10/2011	083111-WKREL012	1,104.00
12-46242	01-53425	DOC/Union City Comm Corr	Ctsept'11 ppwp pay	10/2011	UC01-000074	108.77
			adm costs	10/2011	UC01-000074	10.88
DEPARTMENT TOTAL:						28,348.77
DEPARTMENT: 17		Human Resources				
12-46227	01-35050	Occupational Health Centers	drug test,alcohol	10/2011	254102848	70.00
12-46298	01-35050	Occupational Health Centers	post accident	10/2011	254109420	40.50
			tb skin test	10/2011	254109420	56.00
			preplacement	10/2011	254109420	40.50
12-46368	01-47660	Shred-It Oklahoma City	document destruction	9/2011	10011057321	6.45
12-46369	01-47660	Shred-It Oklahoma City	document destruction	10/2011	10011057322	6.45
12-46228	01-48420	Specialized Outpatient Serv	drug test	9/2011	093011-2	25.00
12-46359	01-75300	Cindi Shivers	reimb mileage-OKPELR	10/2011	10/27/11	23.31
12-46358	01-76430	Tonia Wilson	reimb mileage-OMCTFOA	10/2011	10/27/11	87.47
DEPARTMENT TOTAL:						355.68
DEPARTMENT: 18		Animal Control				
12-46214	01-63150	Yukon Veterinary Hospital,	vet services	10/2011	122621	243.00
DEPARTMENT TOTAL:						243.00
DEPARTMENT: 19		Street Department				
12-45296	01-00180	City of Yukon (BankOne)PW	non durables	10/2011	Ace 862491	11.97
12-45912	01-00180	City of Yukon (BankOne)PW	seminar b stover	9/2011	Rockhursu401189158	299.00
12-45944	01-00180	City of Yukon (BankOne)PW	supplies-Christmas displa	10/2011	Lowes 02157	26.15
			supplies-Christmas displa	10/2011	Lowes 01535A	122.76
			supplies-Christmas displa	10/2011	Ace 862467	88.11
12-46024	01-00180	City of Yukon (BankOne)PW	PwrBroom Rental-Czech Day	10/2011	RSC 49455951-002	314.64
12-46030	01-00180	City of Yukon (BankOne)PW	barricades,signs-CzechDay	10/2011	ActionSafety169368	1,975.00
12-46080	01-00180	City of Yukon (BankOne)PW	donuts/drinks-czech day	10/2011	walmart 03666	21.60
			donuts/drinks-czech day	10/2011	Y Donuts 3659	68.73
12-46224	01-00180	City of Yukon (BankOne)PW	uniform cleaning,ren	10/2011	Clean 50512112	32.25
12-46277	01-00180	City of Yukon (BankOne)PW	uniform cleaning,ren	10/2011	Clean 50513094	32.25
12-46157	01-04475	Brewer Construction Co.	St repair-Glacier/E.Parkl	10/2011	2011-39	10,346.75
12-46158	01-04475	Brewer Construction Co.	St repair-BigHornCan/Olym	10/2011	2011-38	2,769.97
12-46159	01-04475	Brewer Construction Co.	St repair-BigHornCan/E.Pa	10/2011	2011-40	14,774.20
12-46160	01-04475	Brewer Construction Co.	road repair	10/2011	2011-41	8,404.45
12-46243	01-04475	Brewer Construction Co.	SH4/wagner bridge repair	10/2011	2011-44	1,634.28
12-46065	01-09525	Dolese Bros. Company	concrete	10/2011	RM11057154	213.75
12-45813	01-47670	SignalTek, Inc.	signal repair-Sth & Main	10/2011	7646	8,823.46
DEPARTMENT TOTAL:						49,959.32

P.O.#	VENDOR #	NAME	DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 22		Insurance				
12-46370	01-04400	Bradford-Irwin Insurance	Public Off Bd-City Treas	10/2011	LSM0163810 2011	450.00
DEPARTMENT TOTAL:						450.00
DEPARTMENT: 23		Technology				
12-46170	01-00123	City of Yukon (BankOne)TEC	HP CC533A Magenta	10/2011	CDW-G ZWQ3505	234.72
12-46171	01-00123	City of Yukon (BankOne)TEC	Heat and Air Grills	9/2011	Locke 16306964	12.32
12-46172	01-00123	City of Yukon (BankOne)TEC	Return Shipping	9/2011	Staples 55261	26.02
			Insurance Microphone	9/2011	staples 55261	31.50
12-46177	01-00123	City of Yukon (BankOne)TEC	LongDist Srvc-AU'11	9/2011	ATT LD 09/03/11	66.56
12-46178	01-00123	City of Yukon (BankOne)TEC	Plexar Service-SP'11	9/2011	ATT 09/21/11	1,319.28
12-46179	01-00123	City of Yukon (BankOne)TEC	DirectDialSrvc-SP'11	9/2011	ATT 09/21/11DD	1,093.46
12-46181	01-00123	City of Yukon (BankOne)TEC	HP CE250A Black Ink	10/2011	CDW-G ZXH3776	519.88
12-46229	01-00123	City of Yukon (BankOne)TEC	LG DVD-ROM Drive	10/2011	CDW-G ZZM 5555	46.44
12-46316	01-02242	Back40 Design	City Website Redesign	10/2011	94105	2,415.00
12-46284	01-03770	Blackboard Connect, Inc.	Connect Service for City	9/2011	1081512	20,133.00
12-46020	01-05490	CDW Government Inc.	Panasonic Lind	10/2011	ZXC8109	464.40
			Gamber Base	10/2011	ZZP2934	117.28
			Gamber Upper Tube	10/2011	ZZP2934	123.14
			Gamber MAG Dock	10/2011	ZZP2934	1,940.00
			Havis Vehicle Mount	10/2011	ZZR7194	142.70
12-46087	01-1	A-T Solutions	Easy Street Draw v5	10/2011	A SINV-9-03579	995.00
12-45872	01-18230	Harris Corporatioin	replacement speaker mics	9/2011	93088233	3,039.58
			replacement speaker mics	10/2011	93090235	3,024.00-
			replacement speaker mics	10/2011	93090151	3,598.48
12-46047	01-40840	Presidio Networked	Catalyst SFP LAN Lite	10/2011	40164002	3,710.70
12-46083	01-40840	Presidio Networked	Ethernet Connector	10/2011	40164004	734.70
12-46084	01-40840	Presidio Networked	Software Renewal	10/2011	40164664	12,286.17
12-46126	01-40840	Presidio Networked	Wireless Access Pt	10/2011	40164008	3,701.40
12-46169	01-40840	Presidio Networked	Firewall Memory Upgrade	10/2011	40165439	217.00
			Firewall Memory Upgrade	10/2011	40165439	10.00
12-46176	01-42990	Public Surplus	Sep '11 auction fees	9/2011	336565	28.72
12-46175	01-48885	Superior Office Systems	Copier Rental Charge	10/2011	525	498.00
			PRbillable Cop SP'11	10/2011	525	39.45
			PR basecopiesSP'11	10/2011	525	150.80
			CC basecopies SP'11	10/2011	525	26.00
			RAC basecopies SP'11	10/2011	525	44.87
12-46173	01-50688	Travis Voice & Data	Eventide VR725 16 channel	9/2011	46953	2,700.00
12-46174	01-60351	Xerox Corporation	WCP232CMDcopier JA11	10/2011	057537441	262.87
			CMD billable copies	10/2011	057537441	2.85
			D252EFI lease SP'11	10/2011	057537440	261.04
12-46244	01-60351	Xerox Corporation	W5030 CRTlease OC'11	10/2011	057765869	280.82
12-46246	01-60351	Xerox Corporation	D242V CH lease SP'11	10/2011	057710479	1,341.73
			D242V CH meter usage	10/2011	057710479	0.76
			W5675 CH lease SP'11	10/2011	057710480	1,425.12
			W5030 LIB leaseSP'11	10/2011	057710478	177.01
			W5030 PW lease SP'11	10/2011	057710481	272.40
			W5030 PW meter usage	10/2011	057710481	58.63

P.O.#	VENDOR #	NAME	DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 23		Technology				
12-46245	01-72890	Rhonda Massey	Mileage Reimb to 9-31-11	10/2011	102511	7.77
DEPARTMENT TOTAL:						61,533.57
FUND TOTAL:						210,082.76

P.O.#	VENDOR #	NAME	DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 73 12-46372	01-04475	2006 GO Bond Fund Brewer Construction Co.	Wtr Sys Improvements	10/2011	2011-42	68,451.74
					DEPARTMENT TOTAL:	68,451.74
					FUND TOTAL:	68,451.74

P.O.#	VENDOR #	NAME	DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 23 Special Events						
12-46019	01-00101	City of Yukon (BankOne)ADM	Supplies/Decor-Christmas/	9/2011	RoundTop 112750	1,481.32
12-46235	01-00110	City of Yukon (BankOne)REC	Supplies & Decorations	10/2011	OrienTrad647311988	773.15
			Supplies & Decorations	10/2011	GetSmartProd640371	128.25
			Supplies & Decorations	10/2011	uline 40512643	89.15
			Supplies & Decorations	10/2011	M&N Int'l 5523707	947.68
12-46121	01-1	Catering By Regina	Catering for MPB	9/2011	C 1348	546.00
12-46283	01-15440	Frontier Country	Design logo	10/2011	6363A	100.00
DEPARTMENT TOTAL:						4,065.55
DEPARTMENT: 28 Park & Recreation						
12-45762	01-00110	City of Yukon (BankOne)REC	trophies for YNB award	9/2011	MTM 46321	118.00
12-46161	01-00110	City of Yukon (BankOne)REC	arch for events/ programs/	9/2011	InteractivInf 4107	1,200.00
			arch for events/ programs	9/2011	InteractivInf 4107	750.00
12-46137	01-00115	City of Yukon (BankOne)REC	Shuffle board for RAC	10/2011	Galaxy 9180	2,995.00
DEPARTMENT TOTAL:						5,063.00
DEPARTMENT: 42 Insurance & Misc Reimb						
12-46119	01-04156	Book wholesalers, Inc.	Young Adult Biographies	10/2011	687431	1,286.48
DEPARTMENT TOTAL:						1,286.48
DEPARTMENT: 67 Police Department						
12-46144	01-00110	City of Yukon (BankOne)REC	radar units	10/2011	AutoFX 1001	1,235.00
12-45871	01-00111	City of Yukon (BankOne)PD	materials-cabinet/shelvin	9/2011	Lowe's 02342	351.22
			materials-cabinet/shelvin	9/2011	ward wood 14324	104.00
DEPARTMENT TOTAL:						1,690.22
FUND TOTAL:						12,105.25

P.O.#	VENDOR #	NAME	DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 01		Utility Billing				
12-45556	01-36835	Oklahoma Envelope &	Billing Forms & Envelopes	10/2011	83925	3,945.00
12-46368	01-47660	Shred-It Oklahoma City	document destruction	9/2011	10011057321	38.69
			document destruction	9/2011	10011057321	
12-46369	01-47660	Shred-It Oklahoma City	document destruction	10/2011	10011057322	38.69
DEPARTMENT TOTAL:						4,022.38
DEPARTMENT: 02		Water Distribution				
12-45139	01-00180	City of Yukon (BankOne)PW	parts to repair vehicles	10/2011	Napa 482392	87.74
12-45478	01-00180	City of Yukon (BankOne)PW	unl/diesel filters	9/2011	Hoidale 96350	6.75
12-45515	01-00180	City of Yukon (BankOne)PW	oil and lubricants	10/2011	Hoidale 96821	39.90
12-45810	01-00180	City of Yukon (BankOne)PW	parts to repair veh's	10/2011	OReillys 181276	11.45
			parts to repair veh's	10/2011	OReillys 184657	136.70
12-45946	01-00180	City of Yukon (BankOne)PW	parts to repair vehicles	10/2011	FrontierE11003YUK	592.13
			parts to repair vehicles	10/2011	T&W Tire 4820172	1,261.60
			parts to repair vehicles	10/2011	T&W Tire 4820423	360.00
12-46012	01-00180	City of Yukon (BankOne)PW	water line repairs	10/2011	HD Supply 3801977	550.00
			water line repairs	10/2011	HD Supply 3814467	472.70
			water line repairs	10/2011	OK Contract 512048	695.00
			water line repairs	10/2011	HD Supply 3842325	112.46
12-46224	01-00180	City of Yukon (BankOne)PW	uniform cleaning,ren	10/2011	Clean 50512112	36.78
12-46225	01-00180	City of Yukon (BankOne)PW	925 gal poly tank	10/2011	ChappelSupp0341059	1,223.13
12-46277	01-00180	City of Yukon (BankOne)PW	uniform cleaning,ren	10/2011	Clean 50513094	36.78
12-46289	01-00180	City of Yukon (BankOne)PW	10" clamp	10/2011	OK Contract 512383	125.00
			3x4 x 6 tap saddle	10/2011	OK Contract 512383	76.00
			reducer, bushing	10/2011	OK Contract 512383	30.00
			teflon sealant	10/2011	OK Contract 512383	15.00
12-46303	01-00180	City of Yukon (BankOne)PW	valve box	10/2011	HD Supply 3917921	215.00
12-46077	01-18150	Hampel Oil Distributors, Inc	unleaded fuel	10/2011	90331043	844.82
			diesel fuel	10/2011	90331043	361.73
12-46288	01-18150	Hampel Oil Distributors, Inc	unleaded fuel	10/2011	90333925	951.64
			diesel fuel	10/2011	90333925	438.63
12-46373	01-50700	Triad Design Group	Eng srvc-09/25/11	10/2011	7927	448.67
DEPARTMENT TOTAL:						9,129.61

P.O.#	VENDOR #	NAME	DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 03		Treatment and Supply				
12-46380	01-06375	City of Oklahoma City	water Usage-Sep'11	10/2011	10/10/11	74,666.45
					DEPARTMENT TOTAL:	74,666.45
					FUND TOTAL:	87,818.44

P.O.#	VENDOR #	NAME	DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 01		Sanitation				
12-45139	01-00180	City of Yukon (BankOne)PW	parts to repair vehicles	10/2011	Napa 482787	42.26
12-45515	01-00180	City of Yukon (BankOne)PW	oil and lubricants	10/2011	Hoidale 96821	39.90
			oil and lubricants	10/2011	Napa 483849	178.76
12-45810	01-00180	City of Yukon (BankOne)PW	parts to repair veh's	10/2011	OReillys 181276	36.96
12-45912	01-00180	City of Yukon (BankOne)PW	seminar k kammerzell	9/2011	Rockhursu401189158	299.00
12-45913	01-00180	City of Yukon (BankOne)PW	seminar k kammerzell	9/2011	F.PryorCareer 9/21	79.00
12-45935	01-00180	City of Yukon (BankOne)PW	wheels	10/2011	Roll off 0029798	240.00
			2 yd dumpster	10/2011	Roll off 0029798	2,055.00
			lift pockets added	10/2011	Roll off 0029798	100.00
			estimated freight	10/2011	Roll off 0029798	450.00
12-45946	01-00180	City of Yukon (BankOne)PW	parts to repair vehicles	10/2011	ATC 53515430	742.50
			parts to repair vehicles	10/2011	Hydradyne510392588	149.40
			parts to repair vehicles	10/2011	Roberts 5-623117	451.00
			parts to repair vehicles	10/2011	S&D Hydraylics1894	525.00
			parts to repair vehicles	10/2011	Evco 40419	355.00
			parts to repair vehicles	10/2011	Eggelhoff 85144-0	141.15
			parts to repair vehicles	10/2011	Hydradyne510397861	1,218.62
12-46224	01-00180	City of Yukon (BankOne)PW	uniform cleaning,ren	10/2011	Clean 50512112	8.13
12-46277	01-00180	City of Yukon (BankOne)PW	uniform cleaning,ren	10/2011	Clean 50513094	8.13
12-46077	01-18150	Hampel Oil Distributors, In	unleaded fuel	10/2011	90331043	85.23
			diesel fuel	10/2011	90331043	1,499.91
12-46288	01-18150	Hampel Oil Distributors, In	unleaded fuel	10/2011	90333925	94.42
			diesel fuel	10/2011	90333925	2,371.44
12-45934	01-58125	Williams Refuse Equipment	poly karts for residents	10/2011	4235	20,160.00
			freight	10/2011	4235	759.99
			side stamp artwork	10/2011	4235	150.00
DEPARTMENT TOTAL:						32,240.80
DEPARTMENT: 02		Recycling				
12-46371	01-16350	Carole Garner	VoiceMail-thru Dec11	9/2011	Oct'11-Dec'11	46.77
12-46376	01-36841	OK Environ Mgmt Authority	Recycle Bins Sep'11	9/2011	31539	300.00
DEPARTMENT TOTAL:						346.77
FUND TOTAL:						32,587.57

FUND: 73 - Storm Water Enterprise

P.O.#	VENDOR #	NAME	DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 01		Stormwater				
12-45818	01-00173	City of Yukon (BankOne)SW	Office Supplies	10/2011	Staples 49653	79.92
12-45819	01-00173	City of Yukon (BankOne)SW	Paper for plotter	10/2011	Staples 49653	123.76
12-46076	01-00173	City of Yukon (BankOne)SW	Recycling-meal & drinks	10/2011	DaylightDonuts10/8	13.98
			Recycling-meal & drinks	10/2011	walmart 06183	72.99
			Recycling-meal & drinks	10/2011	Logan's 10/08/11	86.97
12-46204	01-00173	City of Yukon (BankOne)SW	Keys for storage building	10/2011	Ace 862347	9.74
12-46077	01-18150	Hampel Oil Distributors, Inunleaded		10/2011	90331043	101.69
12-46288	01-18150	Hampel Oil Distributors, Inunleaded		10/2011	90333925	212.23
12-46045	01-62900	Yukon Review Inc.	Ads Fall Recycling event	9/2011	YR43744	378.00
			Ads Fall Recycling event	10/2011	YR43942	378.00
DEPARTMENT TOTAL:						1,457.28
FUND TOTAL:						1,457.28

P.O.#	VENDOR #	NAME	DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 11		Police Grants				
12-45945	01-1	Harris Corporation	radio purchase	9/2011	H 93089137	3,888.99
					DEPARTMENT TOTAL:	3,888.99
					FUND TOTAL:	3,888.99
					GRAND TOTAL:	416,392.03



Cox TMI Wireless, L.L.C.
1400 Lake Hearn Drive
Atlanta, Georgia 30319

October 21, 2011

Mr. Matt Maley
City of Yukon, Oklahoma
521 Mark Ave
Yukon, OK 73099-2029

Re: Settlement Agreement between City of Yukon, Oklahoma, a municipal corporation,
and Cox TMI Wireless, L.L.C. for Site OK206A/Yukon Water Tank

Dear Mr. Maley:

Pursuant to Section 11 of the Site Agreement between City of Yukon, Oklahoma and Cox
TMI Wireless, L.L.C. (Cox) dated November 3, 2009; we regret to inform you of our
decision to terminate said agreement effective November 30, 2011.

Enclosed are the following documents which require your signature:

- Four originals of the Settlement Agreement between City of Yukon, Oklahoma and
Cox. The purpose of the Settlement Agreement is to memorialize the specific
equipment of which City of Yukon, Oklahoma will take ownership on November 30,
2011.
- One original of the Release of Memorandum of Agreement (MOA). The purpose is
to un-record the Site Agreement dated November 3, 2009 in the local jurisdictional
office.

Please respond within 10 business days of receipt of this letter and the aforementioned
documents. Please sign and date each original and return them in the enclosed addressed
envelope. Upon receipt, Cox will fully execute and return Two original Settlement
Agreements to you.

Should you have any questions regarding this matter, please feel free to contact us at 866-
658-0660 or via e-mail at wireless.propertymanagement@cox.com. Please reference Cox
Site ID OK206A/Yukon Water Tank when communicating with our office.

We appreciate the time and courtesy you have extended us.

Thank you,

A handwritten signature in cursive script that reads "Lugenia L. Sanders".

Lugenia Sanders
Property Manager, Product Development - Cox Wireless

Cc: Robert Bradway

SETTLEMENT AGREEMENT
(Location: OK206A/Yukon Water Tank)

THIS **SETTLEMENT AGREEMENT** (this "**Agreement**") is made as of the 1st day of November, 2011, by and between **City of Yukon, Oklahoma** ("**Owner**"), a municipal corporation, and **Cox TMI Wireless, L.L.C.**, a Delaware limited liability company ("**Cox**").

RECITALS

A. Pursuant to that certain Site Agreement dated as of November 3, 2009, (the "**Lease**"), Cox has leased from Owner certain premises (the "**Premises**") consisting of approximately 100 square feet and located at 12601 NW 10th Street, Yukon, Oklahoma 73085 and more particularly described in the Lease.

B. Owner and Cox desire to terminate the Lease upon the terms and conditions set forth herein.

AGREEMENT

NOW, THEREFORE, for and in consideration of the premises, Ten Dollars (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Cox agree as follows:

1. Termination of Agreement. Owner and Cox hereby terminate the Lease effective as of November 30, 2011 (the "**Termination Date**").
2. Surrender of Premises. Notwithstanding anything to the contrary contained in the Lease, Cox shall deliver possession of the Premises to Owner on or prior to the Termination Date in the same condition as exists on the date of this Agreement, ordinary wear and tear and damage by casualty and condemnation excepted. Cox agrees to leave all permanently affixed equipment owned by Cox as per Exhibit A in the Premises and, as of the Termination Date, such equipment shall become the property of Owner, at no cost to Owner. Except as set forth herein to the contrary, any other property owned by Cox that is not removed from the Premises within 30 days following the Termination Date shall be conclusively deemed abandoned and Owner may, without liability, cost or compensation to Cox, use or sell or otherwise dispose of such property in Owner's sole discretion. *Owner shall have no right to claim an interest in any communications equipment located on or about the Premises.*
3. Mutual Release. Effective as of 5:00 p.m. on the Termination Date, and subject to receipt by Owner of the Fee, each of Cox and Owner, for itself and any other party that may claim through or under Cox and Owner respectively, agrees that, without further acts, it shall release and forever discharge the other party and its respective employees, agents, representatives, affiliates, officers, directors, and successors and assigns, from any and all actions, damages, causes of action, judgments, suits, debts, claims, demands, liabilities, obligations, and expenses of any and every character, whether known or unknown, direct and/or indirect, including without limitation, the payment of any outstanding or future amounts owing under the Lease, the reconciliation or payment of operating expenses, taxes, insurance and/or any other operating expenses, any obligations surviving termination, the repair or replacement of the Premises or any part thereof, any prior defaults of either party under the Lease, or any other cause or thing whatsoever, arising out of or in any way connected with the Lease or the Premises.
4. No Brokers. The parties hereto acknowledge that in this termination of the Lease, no one has acted as agent for Owner and no one has acted as agent for Cox. Each party represents and warrants to the other party that, other than stated herein, neither party has employed or dealt with any broker, agent or finder in the negotiations of this

Agreement and each party shall indemnify and hold the other party harmless from and against any liability, claim, damage, cost or expense in the event of the inaccuracy of such representation and warranties.

5. Entire Agreement. This Agreement supersedes any and all prior discussion and agreements either oral or written, by and between Owner and Cox with respect to the termination of the Lease, and this Agreement contains the sole and entire agreement between Owner and Cox with respect to the termination of the Lease.
6. Successors and Assigns. This Agreement and the covenants and conditions contained in this Agreement shall be binding upon and inure to the benefit of Owner and Cox and their respective successors and assigns.
7. Applicable Law. This Agreement shall be governed by the laws of the state in which the Premises is located.
8. Authority. Cox hereby warrants the authority of the person executing this Agreement on its behalf and shall be estopped from asserting lack of authority of such signatory as a defense to the enforceability of this Agreement. Owner hereby warrants the authority of the person executing this Agreement on its behalf and shall be estopped from asserting lack of authority of such signatory as a defense to the enforceability of this Agreement.
9. Defined Terms. All capitalized terms used herein shall have the same meaning as set forth in the Lease, unless otherwise specifically defined herein.
10. Counterparts. This Agreement may be signed in multiple counterparts, each of which shall be deemed an original and together shall constitute one and the same instrument.

[EXECUTED ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year first above written.

OWNER:

**City of Yukon, Oklahoma,
a municipal corporation**

By: _____
Name: _____
Title: _____
Date: _____

COX:

Cox TMI Wireless, L.L.C.

By:  _____
Name: _____
Title: _____
Date: _____

EXHIBIT A
City of Yukon, Oklahoma
OK206A / Yukon Water Tank

12601 NW 10th Street, Yukon Oklahoma 73085

Enter “NO” for any equipment you would like to remain on the site:

Lines and Antennas	(Yes or No)
Remove antennas	Yes
Remove antenna mounts and collars	No
Remove antenna mounting brackets	No
Remove intermediate ground bars on tower	No
Remove any and tower mounted coax and fiber support systems	Yes
Remove all coax or fiber on tower and back to site pad, including any surge arrestors	Yes
Ground Space	
Remove conduit from backside of Power-Telco cabinet facing the BTS	Yes
Remove conduit from Power-Telco cabinet facing the ALU transport cabinet	Yes
Remove conduits from the Power-Telco cabinet back to the power meter or panel	Yes
Remove Power-Telco panel	Yes
Dismantle and remove any Hoffman box, H-Frame and including the uni-strut and support posts	Yes
Dismantle and remove all Cox wireless ice-bridge, cable supports and support posts	Yes
Remove any Cox Wireless specific signage	Yes
Remove all ground wire from the Cox Wireless pad or support structure back to the ground grid	Yes
Remove the Cox Wireless Master ground bar	Yes
Remove GPS antenna and cable	Yes
Remove any concrete equipment pad or support structure for Cox Wireless equipment	Yes Grass area

Prepared by and after recording return to:
Cox TMI Wireless, L.L.C.
1400 Lake Hearn Drive
Atlanta, GA 30319
Atten: Wireless Property Manager

Cross Ref: Volume/Deed Book RB 3607, Page 1051-1053

TERMINATION OF MEMORANDUM OF AGREEMENT

Cox Site Name: Yukon Water Tank

Cox Site ID #: OK206A

THIS TERMINATION OF MEMORANDUM OF AGREEMENT is made as of the ____ day of _____, 2011, by and between City of Yukon, Oklahoma, a municipal corporation ("Owner"); and COX TMI WIRELESS, L.L.C., a Delaware limited liability company ("Tenant").

WITNESSETH:

WHEREAS, Owner and Tenant are parties to that certain unrecorded Site Agreement dated November 3, 2009, (the "Agreement"), pursuant to which Tenant was granted the right to enter upon certain real property owned by Owner and located at 12601 NW 10th Street, City of Yukon, County of Canadian, State of Oklahoma, as further described in the Agreement (the "Site"), and as further described in **Exhibit A** attached hereto; and

WHEREAS, Owner and Tenant may have entered into one or more subordination and/or non-disturbance agreements in connection with the Agreement and/or the Site (collectively, the "SNDA"); and

WHEREAS, a Memorandum of Agreement evidencing the Agreement as it affects the Site was filed for record on 11/4/2009 in Volume/Deed Book RB 3607, Page 1051-1053, in the land records of Yukon, Oklahoma (the "Memorandum"); and

WHEREAS, the Agreement has been terminated as to the Site pursuant to the terms and conditions of an unrecorded termination agreement (the "Termination Agreement"), and Owner and Tenant accordingly desire to have the Memorandum and SNDA terminated and the Memorandum released of record.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the parties hereby agree as follows:

1. Owner and Tenant hereby terminate and release the Memorandum and the SNDA.
2. This instrument is being executed and recorded solely to give notice of the termination of the Agreement as to the Site pursuant to the Termination Agreement, and to terminate the Memorandum and the SNDA and release said Memorandum of record.

IN WITNESS WHEREOF, the parties hereto have executed these presents with an intended effective date of November 30, 2011.

OWNER:

Two Way Radio Communications, Co., Inc

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT – OWNER

STATE OF _____)

)

COUNTY OF _____)

In _____ [city/town] on this _____ day of _____, 2011, before me personally appeared _____ [name(s) of person(s) signing], as _____ [title(s)] of _____ [name of corporation], to me known and known by me to be the party(ies) executing the foregoing instrument on behalf of said corporation, and acknowledged said instrument and the execution thereof, to be his/her/their free act and deed in said capacity and the free act and deed of said corporation.

Notary Signature

My commission expires: _____

Printed, Typed or Stamped Name of Notary

(AFFIX NOTARIAL SEAL)

[Signatures Continue on Following Page]

[Signatures Continued from Preceding Page]

TENANT:

COX TMI WIRELESS, L.L.C., a Delaware limited liability company

By: [Signature]
Name: _____
Title: _____

ACKNOWLEDGMENT – TENANT

STATE OF GEORGIA)
COUNTY OF FULTON)

In ATLANTA [city/town] on this 21 day of OCTOBER, 2011, before me personally appeared BEN FRUITT [name(s) of person(s) signing], as _____ [title(s)] of COX TMI WIRELESS, L.L.C., to me known and known by me to be the party(ies) executing the foregoing instrument on behalf of said corporation, and acknowledged said instrument and the execution thereof, to be his/her/their free act and deed in said capacity and the free act and deed of said corporation.

[Signature]
Notary Sign Dorothy J. Bolin
Notary Public, Fulton County, GA
My Commission Expires Dec. 16, 2014

My commission expires: 12/16/2014

Printed, Typed or Stamped Name of Notary

(AFFIX NOTARIAL SEAL)

EXHIBIT A

Site Description

(See attached)

**EXHIBIT A
TO SITE AGREEMENT**

Legal Description of Owner's Property

The Owner's Property is located at 12601 NW 10th Street, situated in the City of Yukon, County of Canadian, State of Oklahoma, commonly described as follows:

PARENT TRACT DESCRIPTION

A tract of land lying in the Southwest Quarter of Section 29, Township 12 North, Range 5 West of the Indian Meridian, Canadian County, Oklahoma, and being more particularly described as follows:
Commencing at a point 50.00 feet North of the Southeast Corner of said Southwest Quarter for a point of beginning; thence North a distance of 250.00 feet; thence West a distance of 250.00 feet; thence South a distance of 250.00 feet; thence East a distance of 250.00 feet to the point or place of beginning; containing 62,500 square feet or 1.43 acres, more or less.
(WARRANTY DEED RECORDED IN BOOK 2108, PAGE 222, DEED RECORDS OF CANADIAN COUNTY, OKLAHOMA.)

**SURVEY OF A LESSEE'S LEASE SITE LYING WITHIN THE SW/4
OF SECTION 29, TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE
INDIAN MERIDIAN, CANADIAN COUNTY, OKLAHOMA**

LESSEE'S LEASE SITE DESCRIPTION

A tract of land lying in and being part of a certain 1.43 acre tract situated in the Southwest Quarter (SW/4) of Section 29, Township 12 North, Range 5 West of the Indian Meridian, as described in Book 2108, Page 222, Deed Records of Canadian County, Oklahoma; Said tract being more particularly described as follows:
Commencing at a 1/2" iron rod with cap found for the Southeast corner of said SW/4; Thence S 89°58'20" W on the South line of said SW/4, a distance of 97.86 feet to a point on said South line; Thence N 00°01'40" W perpendicular to said South line, a distance of 235.22 feet to a 1/2" iron rod with cap set for the Southwest corner, said corner being the Point of Beginning; Thence N 06°15'16" W a distance of 10.00 feet to a 1/2" iron rod with cap set for the Northwest corner; Thence N 83°44'44" E a distance of 10.00 feet to a 1/2" iron rod with cap set for the Northeast corner; Thence S 06°15'16" E a distance of 10.00 feet to a 1/2" iron rod with cap set for the Southeast corner; Thence S 83°44'44" W a distance of 10.00 feet to the Point of Beginning, containing 100.00 square feet or 0.002 acres, more or less.

LESSEE'S ACCESS EASEMENT DESCRIPTION

A 15.00 foot wide easement for ingress and egress purposes crossing a part of a certain 1.43 acre tract situated in the Southwest Quarter (SW/4) of Section 29, Township 12 North, Range 5 West of the Indian Meridian, as described in Book 2108, Page 222, Deed Records of Canadian County, Oklahoma; Said easement being 7.50 feet on each side of the following described centerline:
Commencing at a 1/2" iron rod with cap found for the Southeast corner of said SW/4; Thence S 89°58'20" W on the South line of said SW/4, a distance of 60.32 feet to a point on said South line; Thence N 00°01'40" W perpendicular to said South line, a distance of 50.00 feet to the Point of Beginning on the North Right-of-way line of N.W. 10th Street; Thence continuing N 00°01'40" W perpendicular to said South line, a distance of 4.98 feet to the Point of termination at an existing gate. Side lines of said easement to be shortened or extended such as to begin on the North Right-of-way line of N.W. 10th Street and terminate at an existing gate.

LESSEE'S UTILITY EASEMENT DESCRIPTION

A 5.00 foot wide easement for utility purposes crossing a part of a certain 1.43 acre tract situated in the Southwest Quarter (SW/4) of Section 29, Township 12 North, Range 5 West of the Indian Meridian, as described in Book 2108, Page 222, Deed Records of Canadian County, Oklahoma; Said easement being 2.50 feet on each side of the following described centerline:
Commencing at a 1/2" iron rod with cap found for the Southeast corner of said SW/4; Thence S 89°58'20" W on the South line of said SW/4, a distance of 15.38 feet to a point on said South line; Thence N 00°01'40" W perpendicular to said South line, a distance of 135.97 feet to the Point of Beginning on the West line of an existing 15.0 foot Utility Easement recorded in Book 2132, Page 780; Thence S 62°58'18" W a distance of 36.54 feet to a point; Thence N 72°38'38" W a distance of 40.52 feet; Thence N 18°00'37" W a distance of 84.98 feet to a point; Thence N 04°48'22" W a distance of 26.60 feet to a point; Thence N 85°13'38" E a distance of 16.70 feet to the Point of termination at the West line of the above described 0.002 acre Lessee's Lease Site. Side lines of said easement to be shortened or extended such as to begin on the West line of said 15.0' wide Utility Easement and terminate at said West line of said 0.002 acre Lessee's Lease Site.

ACCESS NOTE: LESSEE has common access from the Lessee's Lease Site to the 15.0' Lessee's Access Easement to N.W. 10th Street, a public street to the South as recorded in Book 910, Page 499.



STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

October 13, 2011

Grayson Bottom, City Manager
City of Yukon
500 W. Main Street
Yukon, Oklahoma 73099

Re: Permit No.: SL000055110732
West 10th Street Office Center
Sewer Line Extension Project
Facility No.: S-20533

Dear Mr. Bottom:

Enclosed is Permit No. SL000055110732 for the construction of 1,465 L. F. of eight (8) inch sewer line and appurtenances to serve the City of Yukon West 10th Street Office Center Sewer Line Extension Project, Oklahoma County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on October 13, 2011. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the City of Yukon, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you and retaining one (1) set for our files.

Respectfully,

A handwritten signature in black ink, appearing to read "Robert Walker".

Robert Walker
Construction Permit Section
Water Quality Division

RBW/RC/bg

Enclosure

c: Bruce Vande Lune, R. S., Regional Manager, DEQ
Brandon Lodge, P. E., Red Rock Engineering
Oklahoma City DEQ Office





STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

PERMIT NO.: SL000055110732

SEWER LINES

FACILITY NO.: S-20533

PERMIT TO CONSTRUCT

October 13, 2011

Pursuant to O.S. 27A 2-6-304, the City of Yukon is hereby granted this Tier I Permit to construct 1,465 L. F. of eight (8) inch sewer line and appurtenances to serve the City of Yukon West 10th Street Office Center Sewer Line Extension Project, located in part of SE-1/4, SW-1/4, Section 29, T-12-N, R-5-W, I. M., Oklahoma County, Oklahoma, in accordance with the plans approved October 13, 2011.

By acceptance of this permit, the permittee agrees to operate and maintain the facilities in accordance with the "Oklahoma Pollutant Discharge Elimination System Standards - OPDES" (OAC 252:606) rules and to comply with the state certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

- 1) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.
- 2) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.
- 3) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.
- 4) That tests will be conducted as necessary to insure that the construction of the sewer lines will prevent excessive infiltration and that the leakage will not exceed 10 gallons per inch of pipe diameter per mile per day.
- 5) That the Oklahoma Department of Environmental Quality shall be kept informed of occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.
- 6) That the permittee will take steps to assure that the connection of house services to the sewers is done in such a manner that the functioning of the sewers will not be impaired and that earth and ground water will be excluded from the sewers when the connection is completed.
- 7) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.

Page 1 of 2





O K L A H O M A
DEPARTMENT OF ENVIRONMENTAL QUALITY

STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

PERMIT NO.: SL000055110732

SEWER LINES

FACILITY NO.: S-20533

PERMIT TO CONSTRUCT

- 8) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.
- 9) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.
- 10) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. 2-6-201 *et. seq.* For information or a copy of the GENERAL PERMIT (GP-005) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.
- 11) That all manholes shall be constructed in accordance with the standards for Water Pollution Control Facility Construction (OAC 252:656-5-3), as adopted by the Oklahoma Department of Environmental Quality.
- 12) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Water Pollution Control Facility Construction OAC 252:656-5-4(c)(1) and OAC 252:656-5-4(c)(2), respectively, the sewer shall be designed and constructed equal to water pipe, and shall be pressure tested with no detectable leakage prior to backfilling, in accordance with the standards for Water Pollution Control Facility Construction OAC 252:656-5-4(c)(3).

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.

Rocky Chen, P.E., Engineering Manager, Construction Permit Section
Water Quality Division

Page 2 of 2



Report of Boards, Commissions and Committees

Titles and members of various boards, commissions and committees that are appointed by the Mayor and City Council are listed below, as well as the expiration date of their term and the ward they represent. All terms expire June 30th.

Planning Commission

Earline Smaistrila	Ward 1	2014
Larry Taylor	Ward 2	2014
Bob Doggett	Ward AL	2015
Terry Beaver	Ward 3	2012
Michael McEachern	Ward 4	2012

Board of Adjustment/Board of Appeal

Sherry Huston	Ward 1	2014
Ken Smith	Ward 2	2014
Buddy Carpenter	Ward AL	2015
Joe Horn	Ward 3	2012
Russ Kline	Ward 4	2012

Park Board

Joe Edwards	Ward 1	2014
D.E. Brower	Ward 2	2014
Ed Hatley	Ward AL	2015
Ward Larson	Ward 3	2012
Joe Baumann	Ward 4	2012

Library Board

Charlotte Novak*		2011
Donelda Wheatly*		2011
Lee Wells	Ward 2/1	2014
Joyce Roman	Ward 2	2014
Ginger LaCroix	Ward AL	2015
Jeanne Riggs	Ward 3	2012
Margaret Albrecht	Ward 4	2012

Traffic Commission

Charles Lee	Ward 1	2014
	Ward 2	2014
John Knuppel	Ward AL	2015
Jay Tallant	Ward 3	2012
Emil Albrecht	Ward 4	2012

Spanish Cove

Larry Taylor, Representative

OK Environmental Management Auth.

Jim Crosby, Representative
Dewayne Maxey, Alternate

Canadian County Alliance

Dewayne Maxey, Representative
Jim Crosby, Alternate

Senior Citizens

Ray Wright, Representative
John Alberts, Alternate

ACOG

Bob Bradway, Representative
John Tipps, Alternate

COWRA

Genie Vinson, Representative
Larry Taylor, Alternate

Sister City Committee

Illona Morris
Terry Beaver
Nancy Novosad
Edwin Shedeck

Recycling Committee

Carole Gamer	Rick Bolin
Dennis Beringer	Beverly Kofoed
Genie Vinson	Gary LaRue

*Members of Ladies' Library Club are appointed by same



John Alberts, Mayor & Council Member Ward II
Nick Grba, Vice Mayor & Council Member Ward I
Ken Smith, Council Member At Large
Dewayne Maxey, Council Member Ward III
Bob Bradway, Council Member Ward IV

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**From the Office of the
Public Works Director
Matt Maly**

Date: October 27, 2011
To: Grayson Bottom
From: Matt Maly
Re: Sanitation Operation Proposal Summary

Listed below is a summary of all the information listed in the proposed operational changes supplied to council during the review and discussion meetings over the last few months.

- Change from rear loader utilizing inmate manpower to one man remote arm to dump trucks.
- Purchase a front loader commercial truck that will allow us to service large dumpsters.
- Each resident will receive a new 96 gallon Polycart and a second cart if requested at no charge.
- Each resident will be able to utilize the transfer station twice monthly for bulk dumping.
- Citizens can still request a special handling pickup (bags, limbs, boxes) for a 25.00 charge.
- We will continue handicap service for those in need
- Raise the monthly trash service to \$16.60 monthly for residential customers.*
- A retired senior 63.5 years of age and has an annual income at or below low or a moderate income as defined by the Canadian County U.S. Census statistics receive a \$12.00 discount each month.
- Customers with annual income at or below low or a moderate income as defined by the Canadian County U.S. Census statistics.
- Utilize an annual CPI increase to all customers from this time forward to ensure we stay current with the cost of expenses.

*Changes to rates must be approved by Council via Ordinance at a future meeting.

CITY OF YUKON

904 Industrial Drive
P.O. Box 850500
Yukon, Oklahoma 73085
Phone: 405.350.8940
Fax: 405.350.8944



John Alberts, Mayor & Council Member Ward II
Nick Grba, Vice Mayor & Council Member Ward I
Ken Smith, Council Member At Large
Dewayne Maxey, Council Member Ward III
Bob Bradway, Council Member Ward IV

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From the Office of the
Public Works Director
Matt Maly

Date: October 27, 2011
To: Grayson Bottom
From: Matt Maly
Re: Sanitation Operation Cost Summary

Below is the cost projected for the Sanitation Operation Change as proposed. All costs are projected utilizing budget proposals from different vendors.

	Cost per Unit	Units	Total
Side Loader 20 yd Trash Trucks	239,000	3	717,000
Front Loader 30 yd Trash Truck	262,000	1	262,000
1/2 pickup for cart repair	20,000	1	20,000
96 gal Polycarts	62	10,000	620,000
Loader Pockets for Existing Dumpsters	80	500	40,000
Routing and Inventory Tracking Software	36,000	1	36,000
			1,695,000

CITY OF YUKON

904 Industrial Drive
P.O. Box 850500
Yukon, Oklahoma 73085
Phone: 405.350.8940
Fax: 405.350.8944



John Alberts, Mayor & Council Member Ward II
Nick Grba, Vice Mayor & Council Member Ward I
Ken Smith, Council Member At Large
Dewayne Maxey, Council Member Ward III
Bob Bradway, Council Member Ward IV

**From the Office of the
Public Works Director
Matt Maly**

Date: October 27, 2011
To: Grayson Bottom
From: Matt Maly
Re: Veolia Water Annual CPI and Sampling Scope Change

On March 21, 2011 received a letter notifying the City of a CPI adjustment and scope change from Veolia Water. The CPI adjustment for the year 2011-2012 is actually \$22,031.83 less than our previous contract year. This decrease was due to the cost of electric decreasing within the contract definition.

They also requested a scope change based on the information given to us on the February 25, 2011, DEQ Compliance Inspection. Since the facility has been permitted, we have only been required to sample upstream and downstream on a monthly basis. Under the revised OAC 252:606-11-3(e), this must be completed twice monthly. This change resulted in increased sampling cost for this operation. Due to a scope change an Amendment to the Agreement was requested.

One October 24, 2011, I received a signed amendment from Veolia Water for submittal to Council. Our City Attorney has reviewed the amendment and I submit to you to be place as an agenda item on the November 1, 2011 Council Meeting.

**Amendment Ten
to the
Amended Restatement Agreement for Operation and Maintenance Services**

THIS AMENDMENT to the Agreement is entered into on this 18th day of October, 2011, by and between:

Yukon Municipal Authority
A public trust created under the laws of the State of Oklahoma,
whose sole beneficiary is the City of Yukon,
Oklahoma, a municipal Corporation
500 West Main
(hereinafter "YUKON");

and

The City of Yukon
a municipal Corporation, with its principal address at:
Yukon City, OK 73033 (hereinafter "CITY");

and

Veolia Water North America Operating Services, LLC, a
Delaware limited liability company ("VWNAOS")
with its principal address at:
200 East Randolph Street, Suite 7900
Chicago, IL 60601

WHEREAS, YUKON, and Professional Services Group, Inc., a Minnesota corporation (hereinafter "PSG") entered into that certain Restatement Agreement for Operation and Maintenance and Services dated as of July 1, 1996, and amended from time to time and assigned to VWNAOS (collectively the "Agreement"); and

WHEREAS, the parties now desire to modify selective portions of the Agreement, all as set forth herein;

1. As a result of the CPI adjustment as provided for in the Agreement, the 2011-2012 fee shall be \$1,129,528 (or \$94,127.33 monthly). The new fee shall be effective July 1, 2011.

2. Additional cost of \$5,000 per year for upstream and downstream testing required by the discharge permit addressed in section 2.8 of the agreement.

WHEREFORE, the parties indicate their approval of this Amendment by their signatures below and each party warrants that all action necessary to bind the parties to the terms of this Agreement has been taken.

YUKON MUNICIPAL AUTHORITY

By: _____

Name: _____

Title: _____

Date: _____

CITY OF YUKON, OKLAHOMA

By: _____

Name: _____

Title: _____

Date: _____

VEOLIA WATER NORTH AMERICA OPERATING SERVICES, LLC

By: John M. Wood

Name: John M. Wood

Title: Vice President

Date: October 18, 2011

**Amendment Ten
to the
Amended Restatement Agreement for Operation and Maintenance Services**

THIS AMENDMENT to the Agreement is entered into on this 18th day of October, 2011, by and between:

Yukon Municipal Authority
A public trust created under the laws of the State of Oklahoma,
whose sole beneficiary is the City of Yukon,
Oklahoma, a municipal Corporation
500 West Main
(hereinafter "YUKON");

and

The City of Yukon
a municipal Corporation, with its principal address at:
Yukon City, OK 73033 (hereinafter "CITY");

and

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Delaware limited liability company ("VWNAOS")
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YUKON MUNICIPAL AUTHORITY

By: _____

Name: _____

Title: _____

Date: _____

CITY OF YUKON, OKLAHOMA

By: _____

Name: _____

Title: _____

Date: _____

VEOLIA WATER NORTH AMERICA OPERATING SERVICES, LLC

By: John M. Wood

Name: John M. Wood

Title: Vice President

Date: October 18, 2011



March 21, 2011

To: Grayson Bottom, City Manager

From: Gary Giddings, Project Manager

Re: Annual Fee Adjustment for 2011-2012

As in pervious years we have used February data from the U.S. Department of Labor for the CPI adjustment. Since February 2010 there has been a 2.06% increase in the CPI. The electrical cost has decreased 13.4% since 2009.

In order to update the contract with the additional scope of work I have included the cost for required additional stream monitoring in the amount of \$ 5,000.

The new contract price for O&M will be \$1,129,528. adding the Facility Saving Participation Fee, and the Repair and Maintenance the monthly bill will be \$ 94,127.33. This will reflect the majority of contract based on the CPI increase.

I would like to thank you for the opportunity to work with you and the city staff. It is my sincere hope we have shown we are committed to improving the operations, reliability and appearance of the Yukon facilities.

Respectfully,

A handwritten signature in black ink, appearing to read "Gary D. Giddings".

Gary D. Giddings
Project Manager

cc: Matt Maly

[REDACTED]

Change Electric Usage Schedule from January - December to December - November to keep the client electric rebate in Veolia Water's same fiscal year.

Additional Stream Monitoring	\$5,000
New CPI Adjusted Fee	\$1,124,528
New Adjusted Contract Fee	\$1,129,528

Annual fee Adjustment for 2011-2012 Budget with Veolia Water

Adjusted Annual Fee = (Annual Fee) (.74 X CPI Feb 2011 / CPI Feb 2010) + (-.26 X electrical cost ending 12/09 / electrical cost ending 12/10)

$$\frac{\text{CPI Feb 2011}}{221.309} \quad \frac{\text{CPI Feb 2010}}{216.741} \quad \frac{\text{CPI}}{1.0211} \quad 0.74 \quad X \quad \$ \quad 1,146,560 = \$866,336.29$$

$$\frac{\text{Electric Cost Average 2010}}{0.0621} \quad \frac{\text{Electric Cost Average 2009}}{0.0717} \quad 0.8661 \quad X \quad \$ \quad 1,146,560 = \$258,191.88$$

New Fee **\$1,124,528.17**

Old Fee \$1,146,560.00

-\$22,031.83

Monthly Budget Calculator

2008-2009

	\$	5,141.67	X	12	\$	61,700	
	\$	2,500.00	X	12	\$	30,000	Facility savings Participation Fee
	\$	78,825.38	X	12	\$	945,905	Repair And Maintenance
							Operation and Management
Monthly Bill Amount	\$	86,467.05			\$	1,037,605	

2009-2010

	\$	5,141.67	X	12	\$	61,700	
	\$	2,916.67	X	12	\$	35,000	Facility savings Participation Fee
	\$	84,523.66	X	12	\$	1,014,284	Repair And Maintenance
							Operation and Management
Monthly Bill Amount	\$	92,582.00			\$	1,110,984	

2010-2011

	\$	5,141.67	X	12	\$	61,700	
	\$	2,916.67	X	12	\$	35,000	Facility savings Participation Fee
	\$	87,488.33	X	12	\$	1,049,860	Repair And Maintenance
							Operation and Management
Monthly Bill Amount	\$	95,546.67			\$	1,146,560	

2011-2012

	\$	5,141.67	X	12	\$	61,700	
	\$	2,916.67	X	12	\$	35,000	Facility savings Participation Fee
	\$	86,017.17	X	12	\$	1,032,206	Repair And Maintenance
							Operation and Management
Monthly Bill Amount	\$	94,075.51			\$	1,129,528	



STEVEN A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

April 6, 2011

The Honorable John Alberts, Mayor
c/o Grayson Bottom, City Manager
City of Yukon
P.O. Box 850500
Yukon, OK 73085

Re: OPDES Compliance Evaluation Inspection Closeout Letter
OPDES Permit No. OK0028584
Facility No. S-20533

Dear Mayor Alberts:

A Compliance Evaluation Inspection (CEI) was conducted at the City of Yukon's Wastewater Treatment Plant (WWTP) on February 25, 2011. The inspection revealed several violations and/or deficiencies that were mentioned on a CEI report dated March 4, 2011, and as listed below:

- There are discrepancies between the laboratory analytical results and the data reported on the DMR for November 2010;
- The treatment plant is not being operated and maintained as required (see comment section of report);
- There was pin floc going over the weir of Clarifier No. 3;
- The treatment units often experienced hydraulic overloads above the 4.5 MGD designed flow;
- There have been excessive bypasses (unpermitted discharges) from the wastewater collection system since the last CEI;
- The receiving stream upstream and downstream monitoring requirements are not being accomplished as required by OAC 252:606-11-3(e); and
- The SSO Inspection Checklist v2.1 given to the facility during the CEI needs to be completed and returned to the DEQ (SSO Inspection Checklist v2.1 is attached if needed) with the response to this CEI.

Scope Change

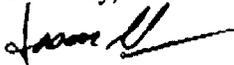
On April 1, 2011, the Department of Environmental Quality (DEQ) received a letter outlining corrective actions to the issues outlined in the CEI report. Based on the submitted information, the DEQ considers the corrective actions identified in the response letter to be adequate. The effectiveness of the corrective actions will be determined through future inspections of the facility.



The Honorable John Alberts, Mayor
City of Yukon
OPDES Compliance Evaluation Inspection Closeout Letter
OPDES Permit No. OK0028584
April 6, 2011
Page 2 of 2

If you have any questions or need additional information, please contact me at (405) 702-8126, or write me at the letterhead address.

Sincerely,



Jason Ma, P.E.
Water Quality Division

JM/WTC/kw HB

cc: Jennifer Robbins, OKC Office, ECLS, DEQ
Bruce Vande Lune, Regional Manager, ECLS, DEQ
Gary Diddings, Veolia (Yukon WWTP)



John Alberts , Mayor & Council Member Ward II
Nick Grba, Vice Mayor & Council Member Ward I
Bob Bradway, Council Member Ward IV
Dwayne Maxey, Council Member Ward III
Ken Smith, Council Member At Large

**From the Office of the
Community Development
Director
Mitchell Hort**

MEMO TO: City Manager & City Council

FROM: Mitchell Hort, Planning Director

DATE: October 27, 2011

RE: Request to amend Chapter 46, Article II of the Code of Ordinances

Attached is the amendment to the code of ordinances by amending Section 46-44 of Chapter 46 – Environment (Nuisances) for your review and recommendation for approval.

ORDINANCE NO. 1271

AN ORDINANCE WHICH PROVIDES AMENDMENT TO THE CODE OF ORDINANCES OF THE CITY OF YUKON, OKLAHOMA, BY AMENDING CHAPTER 46, ARTICLE II OF THE CODE OF ORDINANCES, BY AMENDING SECTION 46-44 TO PROVIDE FOR NOTICE TO OWNER OF PROPERTY WHICH MAY BE DETERMINED TO PRESENT A NUISANCE; AMENDING SECTION 46-46 TO PROVIDE FOR A HEARING BY THE CITY MANAGER OR HIS DESIGNEE; AMENDING SECTION 46-47 TO PROVIDE A REASONABLE TIME WITHIN WHICH TO ABATE A NUISANCE; AMENDING SECTION 46-48 TO PROVIDE FOR AN APPEAL TO THE CITY COUNCIL OF ORDERS BY THE CITY MANAGER OR HIS DESIGNEE; AMENDING SECTION 46-49 TO PROVIDE THAT THE CITY MANAGER OR HIS DESIGNEE SHALL DETERMINE COSTS OF ABATEMENT; AMENDING SECTION 46-51 TO PROVIDE THAT THE CITY MANAGER OR HIS DESIGNEE MAY CAUSE RECURRING NUISANCES TO BE SUMMARILY ABATED; AND RENUMBERING; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF YUKON, OKLAHOMA, that Chapter 46, Article II of the Code of Ordinances, City of Yukon, Oklahoma is hereby amended by addition of the following subsections which shall be numbered as follows unless some duplication occurs:

SECTION 1:

Chapter 1. GENERALLY

Sec. 46-26. Creation or maintenance prohibited.

It shall be unlawful for any person to create or maintain a public nuisance within the city, or to permit a public nuisance to remain on premises under his control within the city.
(Code 1975, § 15-1)

Sec. 46-27. Certain Nuisances Enumerated.

In addition to other public nuisances declared by other sections of this Code or law, the following are hereby declared to be public nuisances:

- (1) The sale, or offering for sale, of unwholesome food or drink; or the keeping of a place where such sales or offerings are made.
- (2) The sale, offering for sale or furnishing of intoxicating liquor in violation of the state law or ordinances of the city; or the keeping of a place where intoxicating liquor is sold, offered for sale or furnished in violation of the state law or ordinances of the city.
- (3) The exposure, display, sale or distribution of obscene pictures, books, pamphlets, magazines, papers, documents or objects; or the keeping of a place where such are exposed, displayed, sold or distributed.
- (4) The keeping of a place where persons gamble, whether by cards, slot machines, punch boards

or otherwise.

(5) The keeping of a place where prostitution, illicit sexual intercourse or other immoral acts are practiced.

(6) The keeping of a place where activities in violation of state law or ordinance are practiced or carried on.

(7) The conduct or holding of public dances in violation of this code or any other ordinance of the city; or the keeping of a place where such dances are held.

(8) The public exposure of a person having a contagious disease.

(9) The continued making of loud or unusual noises which annoy persons of ordinary sensibilities; or the keeping of an animal which makes such noises.

(10) The operation or use of any electrical apparatus or machine which materially and unduly interferes with radio or television reception by others.

(11) Any use of a street or sidewalk or a place adjacent thereto which causes crowds of people to gather so as to obstruct traffic on such street or sidewalk, or which otherwise obstructs traffic thereon, except as may be authorized by law or ordinance.

(12) Permitting water or other liquid to flow or fall, or ice or snow to fall, from any building or structure upon any street or sidewalk.

(13) All wells, pools, cisterns, bodies or containers of water in which mosquitoes breed or are likely to breed, or which are so constructed, formed, conditioned or situated as to endanger the public safety.

(14) Rank weeds or grass, carcasses, accumulations of manure, refuse or other things which are, or are likely to be, breeding places for flies, mosquitoes, vermin or disease germs; and the premises on which such exist.

(15) Any building or structure which is dangerous to the public health or safety because of damage, decay or other condition.

(16) Any pit, hole or other thing which is so constructed, formed, conditioned or situated as to endanger the public safety.

(17) Any fire or explosion hazard which endangers the public safety.

(18) Any occupation or activity which endangers the public peace, health, safety or welfare.

(Code 1975, § 15-2)

Sec. 46-28. Abatement generally.

(a) Some nuisances are of such nature as to constitute a grave and immediate danger to the peace, health, safety, morals or welfare of one (1) or more persons or of the public generally. It is recognized that circumstances may be such as to justify, and even to require, the city to take immediate and proper action summarily to abate such nuisances, or to reduce or suspend the danger until more deliberate action can be taken toward such abatement. In the event such a nuisance exists, the City Manager or his designee is hereby authorized in his discretion to take the least invasive action necessary to abate the nuisance until such time as proceedings provided for in this Article may be held.

(b) The City Manager, chief of the fire department, the chief of police, the city attorney, the city Community Development Director, the city health officer, the code official, the electrical inspector, the plumbing inspector, the fire inspector or any other officer subordinate to the City Manager, any health officer, any council member or any resident of the city may submit to the city council a statement as to the existence of a nuisance as defined by this Code or other law, and a request or

recommendation that it be abated.

(c) Before proceeding to abate the nuisance or to have it abated, the city shall give the owner and/or party responsible for the property on which the nuisance exists, ten (10) days' notice within which time the nuisance must be abated by the owner and/or responsible party of the property. The notice shall be personally served or mailed to the owner and/or party responsible for the property at the address shown on the current year's tax rolls in the county treasurer's office. The city shall obtain a receipt of mailing by the post office for the mailing of the notice. If the property owner and/or responsible party is unable to be personally served or notified by mail, then notice shall be posted on the property. The notice shall state the nature of the nuisance and the contact number of the code enforcement office, and shall advise the owner and/or responsible party of the property that s/he has a right to request a hearing before the city council.

(d) If, at a hearing held pursuant to subsections (b) and (c) above, the council finds that a public nuisance does in fact exist, it shall direct the owner or other persons responsible for or causing the public nuisance to abate it within a specified time, if the public interest would not be unduly jeopardized by the consequent delay. If the public interest would be unduly jeopardized by the consequent delay, or if the owner or other persons responsible for or causing the public nuisance do not abate it within the specified time, the council shall direct the City Manager to abate the public nuisance or to have it abated, if summary abatement is practical, as authorized by 50 O.S. § 16. The city clerk shall send a statement of the cost of such abatement to the owner or other persons responsible for or causing the nuisance, as may be just under the circumstances, if their names and addresses are known. Until paid, such cost shall constitute a debt to the city collectible as other debts may be collected.

(d) If summary abatement is deemed impractical, the council, by motion or resolution, shall direct the bringing of a suit in the district court to abate the public nuisance, as authorized by 50 O.S. § 17. (Code 1975, § 15-3)

Cross references: Administration, ch. 2.

State law references: Authority of city to define nuisances, 50 O.S. § 16.

Sec. 46-29. Enforcement.

The code official is designated as the enforcement officer for the provisions of this article.

Sec. 46-30. Abatement of health nuisances.

(a) Pursuant to authority granted by 63 O.S. § 1-1011, the code official shall have authority to order the owner or occupant of any private premises in the city to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within 24 hours, or within such other time as might be reasonable, and a failure to do so shall constitute an offense. Such order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the code official or by a policeman, or a copy thereof may be left at the last usual place of abode of such owner, occupant or agent, if known and within the state. If the premises are unoccupied and the residence of such owner, occupant or agent is unknown, or is without the state, such order may be served by posting a copy thereof on the premises, or by publication in at least one issue of a newspaper having a general circulation in the city.

(b) If an order given pursuant to subsection (a) of this section is not complied with, the code official

may cause the order to be executed and complied with, and the cost thereof shall be certified to the city clerk, and the cost of removing or abating such nuisance shall be added to the water bill or other city utility bill of the owner or occupant, if he is a user of water from the city water system or other utility service. The cost shall be treated as a part of such utility bill to which it is added, and shall become due and payable, and be subject to the same regulations relating to delinquency in payment, as the utility bill itself. If the owner or occupant is not a user of any city utility service, such cost, after certification to the city clerk, may be collected in any manner in which any other debt due the city may be collected.

(Code 1975, § 15-4)

Sec. 46-31. Abatement procedures cumulative.

The various procedures for abating or dealing with public nuisances, as prescribed by this article and other provisions of state law and city ordinances, shall be cumulative one to the other and the city may elect to follow any such procedure which is applicable in abating any particular nuisance.

(Code 1975, § 15-5)

Sec. 46-32. Person responsible.

Every successive owner and/or responsible party of property who neglects to abate a continuing nuisance upon or in the use of the property is liable for all costs set forth in this Article.

(Ord. No. 1036, § 1, 10-19-99)

Sec. 46-33. Time does not legalize.

No lapse of time can legalize a public nuisance.

(Ord. No. 1036, § 1, 10-19-99)

Sec. 46-34. Remedies against a public nuisance.

The remedies against a public nuisance are:

- (a) Prosecution on complaint before the municipal court;
- (b) Prosecution on information or indictment before another appropriate court;
- (c) Civil action; or
- (d) Abatement:

(1) By person injured by the nuisance as provided in 50 O.S. § 12.

(2) By the city in accordance with this Code or other law.

(Ord. No. 1036, § 1, 10-19-99)

Sec. 46-35. Remedies against private nuisances.

The remedies against a private nuisance are:

- (a) Civil action; or
- (b) Abatement

Abatement by any person injured by the nuisance as provided in 50 O.S. §§ 14 and

15.

(Ord. No. 1036, § 1, 10-19-99)

Sec. 46-36. Abatement by suit in district court

In cases where it is deemed impractical to summarily abate a nuisance, the city may bring suit in the district court of the county where the nuisance is located, as provided in 50 O.S. § 17. (Ord. No. 1036, § 1, 10-19-99)
Secs. 46-37--46-40. Reserved.

Chapter 2. TRASH, WEEDS, GRASS*

***State law references:** For state law similar to this article and authority of city to proceed in the manner prescribed in this article, see 11 O.S. § 22-111.

Sec. 46-41. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cleaning means the removal of trash from property.

Owner means the owner of record as shown by the most current tax rolls of the county treasurer.

Trash means any refuse, litter, ashes, leaves, debris, paper, combustible materials, rubbish, offal or waste, or matter of any kind or form which is uncared for, discarded or abandoned.

Weed includes, but is not limited to, poison ivy, poison oak, or poison sumac and all vegetation, including grass, at any state of maturity which:

(1) Exceeds ten inches in height, except healthy trees, shrubs or produce for human consumption grown on a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of such weeds;

(2) Regardless of height, harbors, conceals or invites deposits or accumulation of refuse or trash;

(3) Harbors rodents or vermin;

(4) Gives off unpleasant or noxious odors;

(5) Constitutes a fire or traffic hazard; or

(6) Is dead or diseased.

The term "weed" shall not include tended crops on land zoned for agricultural use which are planted more than 150 feet from a parcel zoned for other than agricultural use.

(Code 1975, § 15-17; Ord. No. 1210, § 1, 7-17-07)

Cross references: Definitions generally, § 1-2.

Sec. 46-42. Declaration of nuisance.

Any accumulation of trash or growth of grass or weeds within the city which meets conditions described in section 46-41 is hereby declared to be a public nuisance and may be administered under this chapter or considered to be a public offense under this section, at the sole discretion of the city.

(Code 1975, § 15-18)

Sec. 46-43. Report to City Manager.

Any officer or employee of the city who discovers, upon any premises in the city, what seems to him to be a public nuisance shall report such condition to the City Manager.

(Code 1975, § 15-19)

Cross references: City Manager, § 2-66 et seq.

Sec. 46-44. Hearing to determine existence of nuisance.

A. Notice; Hearing: At least ten (10) days' notice shall be given to the owner of the property by mail at the address shown by the current year's tax rolls in the county treasurer's office before the City Manager or his designee holds a hearing or takes action pursuant to this chapter. The notice shall order the property owner to clean the property of trash, or to cut or mow the weeds or grass on the property, as appropriate, and the notice shall further state that unless such work is performed within ten (10) days of the date of notice, the work shall be done by the city and a notice of lien shall be filed with the county clerk against the property owner, the city shall obtain a receipt of mailing from the postal service, which receipt shall indicate the date of mailing and the name and the address of the addressee. However, if the property owner cannot be located within ten (10) days from the date of mailing by the City Manager or his designee, notice may be given by posting a copy of the notice on the property or by publication, as defined in 11 Oklahoma Statutes section 1-102, one time not less than ten (10) days prior to any hearing or action by the city.

B. Summary Abatement: The notice, whether by mail, posting or publication, shall state that any accumulations of trash or excessive weed or grass growth on the owner's property occurring within six (6) months from and after the date of this notice may be summarily abated by the city; and that the costs of such abatement shall be assessed against the owner; and that a lien may be imposed on the property to secure such payment, all without further prior notice to the property owner.

Sec 46-45. Removal or Mowing with Owners Consent.

The owner of the property, after receiving notice pursuant to this chapter, may give his written consent to the city authorizing the removal of the trash or the mowing of the weeds, or grass. By giving written consent, the owner waives his right to a hearing by the city, agrees to pay the cost thereof and that a lien may be placed upon the property if the costs are not paid within thirty (30) days.

Sec 46-46. Hearing.

Upon request, a hearing may be held by the City Manager or his designee after notice has been given pursuant to this chapter to determine whether the accumulation of trash or the growth of weeds or grass has caused the property to become detrimental to the health, benefit and welfare of the public and the community or a hazard to traffic, or creates a fire hazard to the danger of property.

Sec . 46-47. City's right to Abate:

Upon a finding by the City Manager or his designee, after notice has been given pursuant to this chapter, that the condition of the property constitutes a detriment or hazard, and that the property would be benefitted by the removal of such conditions, the City Manager or his designee shall give the property owner or responsible party a reasonable time within which to abate the nuisance. In the

event the property owner or responsible party has not abated the nuisance in a timely manner, the agents of the city are granted the right of entry on the property for the removal of trash, mowing of weeds or grass, and performance of the necessary duties as a governmental function of the city.

Sec. 46-48. Property Owners Right to Appeal.

The property owner shall have the right of appeal to the City Council from any order of the City Manager or his designee. Such appeal shall be taken by filing a written notice of appeal with the City Clerk within 10 days after the City Manager or his designee's administrative Order is rendered. Upon receiving such notice, the City Council shall consider the appeal at a regularly scheduled emergency or special meeting. The Council shall affirm the order, affirm the order subject to modification or deny the order.

Sec. 46-49. Determination of cost; Statement to Owner.

The City Manager or his designee shall determine the actual cost of cleaning and mowing incurred pursuant to this division and any other expenses as may be necessary in connection therewith, including administrative costs and the cost of notice and mailing. The clerk shall forward by mail to the property owner at the address specified in Section 46-48 of this chapter a statement of such actual cost and demanding payment. If the cleaning and mowing are done by the city, the cost to the property owner for the cleaning and mowing shall not exceed the actual cost thereof. If the cleaning and mowing are done on a private contract basis, the contract shall be awarded to the lowest and best bidder.

Sec. 46-50. Lien for Non Payment.

A. Statement Filed with County:

1. If payment of the cost of cleaning and mowing incurred pursuant to this chapter is not made within thirty (30) days from the date of the mailing of the statement, the city clerk shall forward a certified statement of the amount of the cost to the county treasurer and the cost shall be levied on the property and collected by the county treasurer as other taxes authorized by law.

2. The cost and the interest thereon shall be a lien against the property from the date the cost is certified to the county treasurer, coequal with the lien of ad valorem taxes and all other taxes and special assessments and prior and superior to all other titles and liens against the property, and the lien shall continue until the cost is fully paid.

B. County Collection Fee; Civil Remedy; Discharge of Lien:

1. At the time of collection, the county treasurer shall collect a fee of five dollars (\$5.00) for each parcel of property. The fee shall be deposited to the credit of the general fund of the county.

2. At any time prior to the collection as provided in this section, the city may pursue any civil remedy for collection of the amount owing and interest thereon.

3. Upon receiving payment, if any, the city clerk shall forward to the county treasurer a notice of such payment and directing discharge of the lien.

Sec. 46-51. Reserved

Sec. 46-52. Recurring abatement.

If the City Manager or his designee causes property within the city limits to be cleaned of trash and weeds or grass to be cut or mowed in accordance with the procedures provided for in this chapter, any subsequent accumulations of trash or excessive weeds or grass growth on the property occurring within a six-month period may be declared to be a nuisance and may be summarily abated without further prior notice to the property owner. At the time of each summary abatement the city shall notify the property owner of the abatement and the costs thereof. The notice shall state that the property owner may request a hearing within ten days after the date of mailing the notice. The notice and hearing shall be provided for in this chapter. Unless otherwise determined at the hearing the cost of the abatement shall be determined and collected as provided in sections 46-48 through 46-50 & 52

(Code 1975, § 15-27)

Sec. 46-53. Agricultural property.

Except as to trash and debris, the provisions of this chapter shall not apply to any property zoned and used for agricultural purpose.

(Code 1975, § 15-28)

Sec. 46-54. Penalty for violation of section 46-42.

(a) Any owner and any person in possession of any property in the city who shall violate section 46-42 shall be deemed guilty of an offense, and upon conviction thereof shall be punished as provided in section 1-7 of this Code.

(b) Each day's continuous violation shall constitute a separate offense and may be punishable as such.

(Code 1975, § 15-31)

Secs. 46-54--46-65. Reserved.

Chapter 3. NUISANCE VEHICLES

Sec. 46-66. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Junk vehicle means any vehicle, as defined herein, which is wrecked, dismantled, partially dismantled, inoperative, deteriorated, decayed, lacks necessary repairs or maintenance, abandoned, bearing no state license plate or bearing a state license plate that is more than three months out of date, or discarded.

Vehicle means a device in, upon, or by which any person or property is or may be transported, pulled or drawn upon a highway, except devices designed to be moved by human power or used exclusively upon stationary rails or tracks, the term shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, boats and trailers.

Owner means any person, firm, or corporation having a legal or equitable interest in the property, including an officer, guardian, executor, administrator, mortgagee in possession, managing or leasing agent of such person, firm, or corporation.

Private property means any real property which is not public property.

Public property means that property which is dedicated to the public use and over which the federal, state or municipal government or any political subdivision thereof exercises control and dominion.

(Ord. No. 943, 3-19-96; Ord. No. 1160, § 1, 1-3-05)

Sec. 46-67. Prohibited; nuisance declared.

(a) It shall be unlawful and an offense for any person to park, store, leave, or permit the parking, storing or leaving of any motor vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, junked, or partially dismantled condition whether attended or not, upon any public or private property within the city for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, junked or partially dismantled vehicle or parts thereof on private or public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this article.

(b) The provisions of subsection (a) shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a lawful business enterprise, and properly operated in the appropriate zone, pursuant to the zoning ordinance or to any motor vehicle in operable condition specifically adopted or designated for operation on drag strips or raceways or any vehicle retained by the owner for antique collection purposes in a storage place maintained in a lawful place and manner.

(Ord. No. 943, 3-19-96; Ord. No. 1160, § 1, 1-3-05)

Sec. 46-68. Notice to remove.

(a) Whenever it comes to the attention of the City Manager, or his designee, that any nuisance, as defined by this article, exists in the city, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in case there is no such occupant, then upon the owner of the property or his agent, notifying them of the existence of the nuisance and requesting its removal in the time specified in this article.

(b) The notice shall be given at least ten days before the time designated for compliance. It shall constitute sufficient notice, when a copy of the notice is posted in a conspicuous place upon the private property upon which the vehicle is located and duplicate copies are sent by certified mail, return receipt requested to the owner or occupant of the private property at his last known address.

(c) The notice shall contain the request for removal within the time specified in this article, and the notice shall advise that, upon failure to comply with the notice to remove, the city shall prosecute a criminal complaint for failure to abate the nuisance and/or shall undertake such removal with the cost to be levied against the owner or occupant of the property.

(Ord. No. 943, 3-19-96)

Sec. 46-69. Hearing.

(a) The persons to whom the notices are directed pursuant to the provisions of this article, or their duly authorized agent, may file a written request for hearing before the city council within the ten-day period of compliance for the purpose of defending the charges by the city.

(b) The hearing shall be held as soon as practical after the filing of the request and the person to whom the notices are directed shall be advised of the time and place of such hearing. At such hearing the city and the person to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

(Ord. No. 943, 3-19-96)

Sec. 46-70. Responsibility for removal.

Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled, or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the city or its designee, the owner, or occupant of the private property where same is located, shall be liable for the expenses incurred.

(Ord. No. 943, 3-19-96)

Sec. 46-71. Removal of vehicles from property.

If the violation described in the notice served pursuant to this article has not been remedied within the ten-day period of compliance, or in the event that a notice requesting a hearing is timely filed, a hearing had, and the existence of the violation is affirmed by the city council, the City Manager or his designee shall have the right to take possession of the subject vehicle and remove it from the premises. It shall be unlawful for any person to interfere, hinder, or to refuse to allow such person or persons to enter upon private property for the purpose of removing a vehicle under the provisions of this article.

(Ord. No. 943, 3-19-96; Ord. No. 1160, § 1, 1-3-05)

Sec. 46-72. Notice of removal.

Within 48 hours of the removal of a vehicle pursuant to this article, the City Manager, or his designee, shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle has been impounded and stored for violation of this article. The notice shall give the location where the vehicle is stored, and the proper procedure for redeeming said vehicle, including cost of redemption.

(Ord. No. 943, 3-19-96)

Sec. 46-73. Appraisal.

Upon removing a vehicle under the provisions of this article, the city shall after ten days cause it to be appraised. If the vehicle is appraised at \$75.00 or less, the City Manager, or his designee, shall execute an affidavit so attesting and describing the vehicle, including the license plates, if any, and stating the location and appraised value of the vehicle. After complying with the above, the city may summarily dispose of the vehicle and execute a certificate of sale. If the vehicle is appraised at over \$75.00, notice of public sale shall be given not less than ten days before the date of the proposed sale.

(Ord. No. 943, 3-19-96)

Sec. 46-74. Collection of city's costs of removal.

(a) Upon the failure of the owner or occupant of property from which the vehicle has been removed by the city to pay the unrecovered expense incurred by the city in such removal, including

storage, cost of appraisal, cost of sale and all other expenses related to the removal, the amount of the unrecovered cost may be added to the municipal utility bills of the private property from which the vehicle was removed and recovered in the same manner as such bills.

(b) If the private property is not served by municipal utilities or if collection efforts are not successful, the cost may be certified by the city clerk to the county treasurer of the county in which the property is located who shall add the same to the ad valorem taxes assessed against the property, until paid, and such costs shall be collected in the same manner as ad valorem taxes assessed against the property, and when collected shall be paid to the city.

(Ord. No. 943, 3-19-96)

Sec. 46-75. Penalty.

In addition to the procedures for removal of vehicles, any person who shall violate any of the provisions hereof shall, upon conviction, be deemed guilty of an offense against the city. Each act in violation of any of the provisions hereof shall constitute a separate offense and may be chargeable as such. Each day's continued violation of any of the provisions hereof shall constitute a separate offense and may be chargeable as such and punished as provided in section 1-7 of this Code.

(Ord. No. 943, 3-19-96)

Chapters 47-49 RESERVED

SECTION 2:

An emergency is declared to exist and it is necessary for the public welfare, health and safety that this ordinance take effect immediately upon passage, approval and publication according to law.

PASSED AND APPROVED this _____ day of _____, 2011, with the
Emergency Clause passed separately.

ATTEST:

MAYOR

CITY CLERK
(SEAL)



John Alberts, Mayor & Council Member Ward II
 Nick Grba, Vice Mayor & Council Member Ward I
 Dewayne Maxey, Council Member Ward III
 Bob Bradway, Council Member Ward IV
 Ken Smith, Council Member At Large

From the Office of the
City Manager
Grayson Bottom

MEMORANDUM

TO: Mayor and City Council

FROM: Grayson Bottom

DATE: September 29, 2011

SUBJECT: 2011 Vehicle and Equipment Purchase Program

Please find attached the identified vehicles and equipment needs across City government. In summary, we are proposing to purchase 31 total vehicles (13 pickups, 4 SUVs, 1 fire engine, 1 fire tanker, 1 brush truck, 3 trucks, 1 tractor, 7 police vehicles and attached equipment, plus other miscellaneous equipment).

We propose disposing of 47 vehicles (20 pickups, 4 fire trucks, 19 cars, 3 trucks, and 1 tractor). This will reduce our total fleet by 16 vehicles.

Last week I provided you with the results of the price quotes to provide the necessary financing at a fixed rate for a seven year term. The credit facility would be a reducing revolver with interest only payments required monthly. We have allowed for a straight line amortization of interest and principal payments at a 5% fixed rate within the previously approved budget.

With delivery times ranging up to 120 days, we need to act on this matter soon. Call me if you have any questions.

CITY OF YUKON

500 West Main Street
 P.O. Box 850500
 Yukon, Oklahoma 73085
 Phone: 405.354.1895
 Fax: 405.350.8926



John Alberts , Mayor & Council Member Ward II
Nick Grba, Vice Mayor & Council Member Ward I
Bob Bradway, Council Member Ward IV
Dewayne Maxey, Council Member Ward III
Ken Smith, Council Member At Large

**From the Office of the
Community Development
Director
Mitchell Hort**

Date: September 28, 2011

To: Grayson Bottom

From: Mitchell Hort

RE: Community Development Vehicles

The following list of vehicles is what we are requesting for the Community Development Department:

New Vehicles

1	- 2011 Ford Explorer 4wd XLT	\$31,493.00
2	- 2011 ½ Ton Ford F150 2wd Pick Up	<u>\$38,197.00</u>
	Estimated Cost	\$69,887.00

The following vehicles would be transferred to the public works department:

- 1 - 2000 ½ Ton Chevy 1500 Pick up
- 1- 2002 ½ Ton Chevy 1500 Pick up

If you have any further questions please feel free to contact me at 405-354-6676



Bob Bradway, Mayor & Council Member Ward IV
Ken Smith, Vice Mayor & Council Member At Large
Nick Grba, Council Member Ward I
John Alberts, Council Member Ward II
Dewayne Maxey, Council Member Ward III

From the Office of the
Fire Chief
Kevin Jones

September 28, 2011

Grayson,

Below are the prices for each apparatus. I have also listed surplus items that may be sold or used for city purposes.

Pierce Saber Engine-\$390,000 including tools and equipment

Pierce Tanker- \$180,000 including tools and equipment

Chief Fire & Safety Brush Pumper- \$95,000 including tools and equipment

2012 Chevrolet Tahoe or Ford Expedition 4x4-\$35,000 including equipment

The total cost is **\$700,000**. This would be \$14,000 less than our original estimate.

Surplus Items

1994 F-350 Brush Pumper

1982 GMC Brush Pumper

1998 Darley Pumper

1986 GMC Tanker

I will have a vendor give us an estimate on the worth of each apparatus.

Thank you,

A handwritten signature in black ink that reads "Kevin Jones". The signature is written in a cursive style with a large, looped "J".

Chief Jones

New Police Vehicle Request:

The police department currently has 13 police vehicles that are 2005 models, and 1 special purpose truck which is a 2005 model. Below is the listing for these vehicles.

Crown Victoria key #8	2FAFP71W35X108211	3-58757	FORD	2005	pool	66907
Crown Victoria key #5	2FAFP71W05X108215	3-58761	FORD	2005	pool	52575
Crown Victoria key #10	2FAFP71W55X108212	3-58758	FORD	2005	pool	61881
Crown Victoria key #11	2FAFP71W65X108218	3-58764	FORD	2005	Reserve Officer	51174
Crown Victoria key #13	2FAFP71W25X108216	3-58762	FORD	2005	Norman	52097
Crown Victoria key #2	2FAFP71W45X108217	3-58763	FORD	2005	Graves	87089
Crown Victoria key #9	2FAFP71W95X108214	3-58760	FORD	2005	Wolfgram	80249
Crown Victoria key #16	2FAFP71W75X108213	3-58759	FORD	2005	pool	85677
Crown Victoria key #17	2FAFP71W45X108220	3-58751	FORD	2005	Pool	84655
Crown Victoria Key #38	2FAFP71W65X108221	3-58752	FORD	2005	pool	88000
Crown Victoria key #36	2FAFP71WX5X108223	3-58754	FORD	2005	G. Knight	69482
Crown Victoria key #37	2FAFP71W85X108222	3-58753	FORD	2005	Johnson	37890
Crown Victoria key #7	2FAFP71W15X108210	3-58756	FORD	2005	Hoskins	67558
GMC Truck key #43	1GTHK23U35F926971	3-58997	GMC	2005	pool	11182

The police department is proposing the purchase of the following vehicles in order to update the fleet of the department and remove from service the vehicles listed above which are 6 years old.

1. 7 police patrol units
2. 1 special use truck 4x4
3. 1 administrative utility 4x4

9 total units at a cost of \$ 441,756.65 which includes the latest Panasonic Mobile laptop computer, Digital Camera System. The vehicles are all Chevrolet vehicles which come standard with a 3 year Bumper to Bumper Warranty and a 5 year, 100,000 mile power train warranty at no additional cost.

The vehicles listed that are currently in the fleet are no longer covered by warranty and are not equipped with the various electronics that been installed in the 2010 models and do not have the same graphic design as the recently added units in the fleet . The purchase of these additional police vehicles will allow for the city to place in service a fleet that has the latest technology and like graphic design allowing for a uniform appearance when in view of the public.

This purchase would allow for 2008 models to be taken off the line and placed into the reserve fleet and relieve them from having daily mile added to them, in the event a vehicle is needed, these units would be available to the department for patrol use.

The 2005 special duty truck is a large bed, ¾ ton truck, super crew cab and 4x4, it could be transferred to public works and would make an excellent work truck and tow vehicle and would be equipped with a VHF radio and light bar for their use.

In addition to the patrol use and increased presence in the community this purchase would allow for the department to remove a large number of vehicles that are not marked and do not project the professional image of the department, it would eliminate three all black sedans and two gray sedans from the fleet.

Public Works Master Lease Purchase

Vehicle / Equipment	Quantity	Department	Unit Cost	Total Cost
1/2 Ton Truck	2	2 W/S	17,959	35,918
3/4 Ton Crew Cab Pickup	2	1 Park Maint	24,619	49,238
3/4 Ton Ext 4X4 Pickup	3	1 W/S 1 Park Maint 1 Street	24,788	74,364
1 Ton Service Bed Truck	3	2 W/S 1 Prop Maint	33,000	99,000
1 SUV Assist PWD	1	1 PW Adm (Pickup Relocated to Parks)	34,672	34,672
1.25 ton PU Flat Bed 4X4	1	Street	43,000	43,000
2.5 Ton Dump Truck 16' Bed	1	Street	45,000	45,000
5 Ton Dump Truck	1	Street	57,000	57,000
Mini Trackhoe w Trailer	1	W/S	41,115	41,115
5065 Utility Tractor	1	Street	37,324	37,324
Curbing Machine	1	Park Maint	5,200	5,200

Total Master Lease 2011

521,831

Equipment Being being Surplused

1987 Chevy 1 Ton	1-87-8571
1994 Chevy S-10	2-94-3951
1994 Chevy S-10	02-94-7683
1986 Chevy S-10	02-86-5061
1994 Chevy S-10	02-94-3522
1979 GMC 1/2 Ton	03-79-3381
1988 Chevy 4X4	03-88-9927
1996 Ford F-350	03-96-1811
1977 Chevy 1/2 Ton	19-77-0712
1978 Chevy 1/2	19-78-3696
1984 Chevy 1/2	19-84-9964
1994 Chevy 3/4 Ton	12-94-3456
1996 Ford Crown Victoria	02-96-8992
1997 Ford Crown Victoria	02-97-4385
1997 Ford Crown Victoria	12-97-4388
2001 Ford Crown Victoria	12-02-4949
1995 International Truck	01-95-9106
1985 Dodge 1 Ton	19-85-1828
1982 Ford F-350	03-82-8397
1982 Chevy 1/2 ton	19-82-6972
1982 Chevy 1/2 ton	19-82-9645
1987 Chevy Suburban	16-87-6606
1997 Chevy 3/4 ton	02-97-5802
1997 International Dump	19-97-8085
1984 Chevy 1 Ton	02-84-9949
1985 Dodge 1 Ton	12-85-6304
1999 Chrysler Minivan	10-99-1476
1994 6640 Tractor	19-94-9980



John Alberts, Mayor & Council Member Ward II
Nick Grba, Vice Mayor & Council Member Ward I
Dewayne Maxey, Council Member Ward III
Bob Bradway, Council Member Ward IV
Ken Smith, council Member At Large

**From the Office of the
Acting Chief of Police
John D. Corn**

To: Grayson Bottom, City Manager

Re: New Vehicle Purchase

Date: 09-28-11

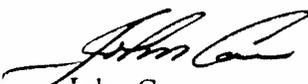
Sir,

I have checked the pricing and equipment cost for the proposed police vehicle purchase for the police department. The cost quoted to the city has not changed for the vehicles or the equipment as originally stated during budget preparation.

Below is the listing of the cost for the 9 vehicles that were proposed and the equipment for the vehicles.

1. Police Patrol Units (7)	\$190,512.00
2. Command SUV (1)	\$39,008.00
3. Light Duty Truck (1)	\$27,387.00
4. Emergency Equipment (9)	\$184,849.65
Total Cost	\$441,756.65

I have also attached a justification and vehicle rotation proposal for the current fleet vehicles that need to be traded in or sold.


John Corn

City of Yukon
 Master Lease Purchase Program
 Proposed 2011-2012 Budget

Fire Department

	Unit	Year	Description	Condition	Estimated Cost to Replace
1	Engine 3	1998	Darley	Poor	\$ 375,000.00
2	Tanker 1	1986	GMC 70 Series	Poor	\$ 220,000.00
3	Brush Pumper 2	1994	Ford	Poor	\$ 85,000.00
4	101 - Command Vehicle	1999	Ford Expedition	Fair	\$ 34,000.00
Total Cost					\$ 714,000.00

City of Yukon
Master Lease Purchase Program
Proposed 2011-2012 Budget

Police Department		
Unit(s)		Estimated Cost
1	7 - Police Patrol Units	\$ 190,512.00
2	1 - Special Duty Truck 4 x 4	\$ 27,387.00
3	1 - Administrative Utility 4 x 4	\$ 39,008.00
4	Police Emergency Equipment	\$ 184,849.65
Total Budget		\$ 441,756.65

City of Yukon
 Master Lease Purchase Program
 Proposed 2011-2012 Budget

Water & Sewer

Unit(s)	Description	Estimated Cost
1 2 - Pickups	1/2 ton trucks	\$ 34,000.00
2 1 - 3/4 ton pickup	3/4 ton 4 x 4 pickup	\$ 23,000.00
3 2 - Serviced Bed Truck	1 ton service bed trucks	\$ 64,000.00
4 1 - Mini Trackhoe	Mini Trackhoe w/ Trailer	\$ 45,000.00
Total Budget		\$ 166,000.00

City of Yukon
Master Lease Purchase Program
Proposed 2011-2012 Budget

Park Maintenance		
Unit(s)	Description	Estimated Cost
1	1 - 3/4 Ton Pickup 3/4 ton Crew Cab Pickup	\$ 21,200.00
2	1 - 3/4 Ton Pickup 3/4 ton 4 x 4 Pickup	\$ 23,000.00
3	1 - Curbing Machine	\$ 5,200.00
Total Budget		\$ 49,400.00

**City of Yukon
Master Lease Purchase Program
Proposed 2011-2012 Budget**

Streets		
Unit(s)	Description	Estimated Cost
1	1 - 5 Ton Dump Truck Dump truck with sown plow and sander	\$ 57,000.00
2	1 - 2.5 Ton Dump Truck Dump Truck with Sown Plow and sander 16' Bed	\$ 45,000.00
3	1 - 1.25 ton Pickup 1.25 ton Pickup with Flat Bed 4 x 4	\$ 45,000.00
4	1 - 3/4 ton Pickup 3/4 ton 4 x 4 pickup	\$ 23,000.00
5	1 - Tractor 40 Hp Utility Tractor	\$ 30,000.00
Total Budget		\$ 200,000.00

City of Yukon
Master Lease Purchase Program
Proposed 2011-2012 Budget

Public Works Administration		
Unit(s)	Description	Estimated Cost
1	1 - SUV SUV for Public Works Assist. Dir.	\$ 31,000.00
Total Budget		\$ 31,000.00

City of Yukon
Master Lease Purchase Program
Proposed 2011-2012 Budget

Property Maintenance		
Unit(s)	Description	Estimated Cost
1	1 - Service Truck	\$ 32,000.00
	Total Budget	\$ 32,000.00

**City of Yukon
Master Lease Purchase Program
Proposed 2011-2012 Budget**

	Unit(s)	Parks & Recreation Description	Estimated Cost
1	1 - Pickup	3/4 ton pickup 4 x 4	\$ 23,000.00
Total Budget			\$ 23,000.00

City of Yukon
Master Lease Purchase Program
Proposed 2011-2012 Budget

Community Development		
Unit(s)	Description	Estimated Cost
1	2 - Explorers 2WD SUV	\$ 57,990.00
1	1 - Pickup 1/2 ton Ford F150	\$ 17,319.00
Total Budget		\$ 75,309.00

**City of Yukon
Master Lease Purchase Program
Proposed 2011-2012 Budget**

Department Totals		
No.	Department	Estimated Cost
503	Park Maintenance	\$ 49,400.00
505	Fire	\$ 714,000.00
507	Community Development	\$ 75,309.00
510	Parks & Events	\$ 23,000.00
511	Police	\$ 441,756.65
512	Property Maintenance	\$ 32,000.00
519	Street	\$ 200,000.00
	Public Works Admin	\$ 31,000.00
70	Water & Sewer	\$ 166,000.00
	Total Budget	\$ 1,732,465.65