

# Minutes



## City Council Minutes August 2, 2005

The Yukon City Council met in regular session on August 2, 2005, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

The invocation was given by John Miller, pastor at Christ's Church.

The flag salute was given in unison.

Roll Call: Present: Bob Bradway, Mayor  
Earline Smaistrila, Vice Mayor  
Dewayne Maxey, Council Member  
Ward Larson, Council Member  
John Alberts, Council Member

Others Present:  
Jim Crosby, City Manager  
Pat Hargis, City Clerk  
Mike Segler, City Attorney  
Robbie Williams, City Engineer  
Tony Lum, Building Maintenance Department  
Mitchell Hort, Community Development Director  
Tammy Kretchmar, Administrative Assistant  
J. R. Reed, Public Works Director  
Ike Shirley, Police Chief  
Jeff Lara, Fire Chief  
John Knuppel, Historical Committee

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Presentations and Proclamations  
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Visitors  
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(Recess as Yukon City Council and Reconvene as Yukon Municipal Authority)

### 1A. YMA Consent Docket

This item is placed on the agenda so the Yukon Municipal Authority, by unanimous consent, can designate those routine items they wish to be approved by one motion.  
If one item does not meet with the approval of all Authority Members, that item will be heard in regular order.

The City Manager recommends a motion to approve:

- A) The minutes of the regular meeting of July 19, 2005
- B) Payment of claims in the amount of \$76,032.59

Trustee Maxey made a motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of July 19, 2005, and payment of claims in the amount of \$76,032.59. Trustee Larson seconded the motion for approval.

**The vote:**

**AYES: Bradway, Smaistrila, Maxey, Larson, Alberts**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

(Recess as YMA and Reconvene as Yukon City Council)

## 1. Consent Docket

This item is placed on the agenda so the City Council, by unanimous consent, can designate those routine items they wish to be approved by one motion. If one item does not meet with the approval of all Council Members, that item will be heard in regular order.

The City Manager recommends a motion that will approve:

- A) The minutes of the regular meeting of July 19, 2005 and the special meeting of July 25, 2005
- B) Payment of salary and material claims in the amount of \$586,076.40
- C) Entering into an agreement with the Yukon Girls' Basketball Association, acting by and through the Yukon Park and Recreation Department, for use of the Jackie Cooper Gymnasium from August 27, 2005 through November 12, 2005
- D) Entering into an Interlocal Cooperation Agreement with the City of Mustang for use of the City of Yukon's fire arms range
- E) Authorizing the Mayor to enter into a renewal of a Lease Agreement with the Independent School District No. 27 of Canadian County for the use of real property owned by the City of Yukon (ag barn)
- F) Setting the date for the next regular Council meeting for August 16, 2005, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth

Vice Mayor Smaistrila made a motion, seconded by Council Member Larson, to approve the Consent Docket, consisting of the approval of the minutes of the regular meeting of July 19, 2005 and the special meeting of July 25, 2005; payment of salary and material claims in the amount of \$586,076.40; entering into an agreement with the Yukon Girls' Basketball Association, acting by and through the Yukon Park and Recreation Department, for use of the Jackie Cooper Gymnasium from August 27, 2005 through November 12, 2005; entering into an Interlocal Cooperation Agreement with the City of Mustang for use of the City of Yukon's fire arms range; authorizing the Mayor to enter into a renewal of a Lease Agreement with the Independent School District No. 27 of Canadian County for the use of real property owned by the City of Yukon (ag barn); and setting the date for the next regular Council meeting for August 16, 2005, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth.

**The vote:**  
**AYES: Larson, Maxey, Smaistrila, Alberts, Bradway**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

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

### 3. Consider approving a Storm Sewer Repair at Lancaster and Richmond in an amount not to exceed \$7,367.50

A motion was made by Council Member Maxey and seconded by Vice Mayor Smaistrila to approve a storm sewer repair at Lancaster and Richmond in an amount not to exceed \$7,367.50.

**The vote:**  
**AYES: Alberts, Larson, Bradway, Smaistrila, Maxey**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

### 4. Consider approving the repair of a 16" waterline between Wells No. 10 and 11 in an amount not to exceed \$21,339.00

Council Member Larson moved to approve the repair of a 16" waterline between Wells No. 10 and 11 in an amount not to exceed \$21,339.00. The motion was seconded by Council Member Maxey.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**5. A) Consider approving Ordinance No. 1175, an ordinance amending Appendix A, Section 301, to define terms relating to sexually oriented businesses; amending Section 406.10 to provide parking requirements for sexually oriented businesses; amending Section 603.1 and Section 603.2 to create a C-6 Commercial District for special uses and defining and reclassifying certain uses as C-6 special uses; amending Section 603.3 to establish lot, yard and height regulations for the C-6 District; adding a new Section 603.6 providing restrictions on sexually oriented businesses; amending Section 803.2 to establish Conditional Use Permit filing fee for sexually oriented businesses; providing for severability; and declaring an emergency**

Ordinance No. 1175, an ordinance amending Appendix A, Section 301, to define terms relating to sexually oriented businesses; amending Section 406.10 to provide parking requirements for sexually oriented businesses; amending Section 603.1 and Section 603.2 to create a C-6 Commercial District for special uses and defining and re-classifying certain uses as C-6 special uses; amending Section 603.3 to establish lot, yard and height regulations for the C-6 District; adding a new Section 603.6 providing restrictions on sexually oriented businesses; amending Section 803.2 to establish Conditional Use Permit filing fee for sexually oriented businesses; providing for severability; and declaring an emergency, was moved for approval on a motion made by Council Member Larson and seconded by Council Member Maxey.

Mayor Bradway asked the City Manager to explain this ordinance

Mr. Crosby stated that we currently do not have zoning to address this type of business. He said that in C-4 and C-5 zoning, there are many uses permitted and a business of this type would have to be slotted into an existing zoning if there was not a zoning requirement for that type of business at the time the person applied for a business permit. Mr. Crosby said having the zoning in place would allow the city to better control the location of adult businesses. The City Manager advised that the more commercial development we get, the more zoning we will need to create.

Mayor Bradway asked that if creating this zoning would not be "build it and they will come" situation.

Mr. Crosby said we would not want these types of businesses in C-4 or C-5 zoning and by creating a C-6 zoning, we can better regulate where they can be located. Mr. Crosby said that we have had inquiries in the past regarding this type of business, so we are not inviting them in, but making sure that when they come in, it will be in an area better suited for the nature of the business.

Council Member Larson said that we would be vulnerable without the new zoning.

Mr. Crosby said that by having the C-6 zoning, it doesn't mean we won't have this type of business in town, but we can control where they are located.

Council Member Alberts asked if the proposed ordinance would prohibit a business of this type coming into Yukon due to the limitations imposed.

Mike Segler, City Attorney, said it would not, that there is land where a business of this nature could be established.

Council Member Alberts asked if the \$5,000 fee was prohibitive. Mr. Segler said it is high, but not prohibitive. Mr. Alberts said he did not want to set the city up for litigation by making it so. Mr. Segler said he did not feel it should be prohibitive.

**The roll call vote was:**

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

**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

B) Consider approving the Emergency Clause of Ordinance No. 1175

A motion to approve the emergency clause of Ordinance No. 1175 was made by Council Member Maxey and seconded by Council Member Larson.

**The vote:**  
**AYES: Larson, Smaistrla, Alberts, Bradway, Maxey**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

**6. Consider approving a rezoning application by W.E.P. Land Holdings, LLC to rezone from C-5 (Automotive and Commercial Recreation District) to C-3 (Restricted Commercial District) for part of the SW/4 of Section 29, T12N, R5W, as recommended by the Planning Commission (east of Lowe's)**

Council Member Larson made the motion, with Council Member Maxey seconding the motion, to approve a rezoning application by W.E.P. Land Holdings, LLC to rezone from C-5 (Automotive and Commercial Recreation District) to C-3 (Restricted Commercial District) for part of the SW/4 of Section 29, T12N, R5W, as recommended by the Planning Commission (east of Lowe's).

**The vote:**  
**AYES: Alberts, Smaistrla, Maxey, Bradway, Larson**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

**7. Consider approving a preliminary plat for West End Pointe Addition, Phase II, as recommended by the Planning Commission (east of Lowe's)**

A motion was made by Vice Mayor Smaistrla to approve the preliminary plat for West End Pointe Addition, Phase II, as recommended by the Planning Commission (east of Lowe's). Council Member Maxey seconded the motion.

**The vote:**  
**AYES: Maxey, Larson, Smaistrla, Bradway, Alberts**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

(Item 7 - see below)

**8. Consider setting abatement costs as shown and authorizing liens to be placed on the properties with the Canadian County Clerk**

- a) 1511 Dianna Drive, Lot 191, McKinney Heights, Nancy Kelly - \$139.90
- b) 1103 South Third, Lot 13, Block 2, Chase Subdivision, Block 10-13, Yukon - \$95.85

Council Member Maxey made a motion to approve setting the abatement costs for 1511 Dianna Drive, Lot 191, McKinney Heights, Nancy Kelly at \$139.90 and at 1103 South Third, Lot 13, Block 2, Chase Subdivision, Block 10-13, Yukon, at \$95.85 and authorized the City Clerk to place liens on the property with the Canadian County Clerk. The second to the motion was made by Council Member Larson.

**The vote:**  
**AYES: Bradway, Maxey, Alberts, Smaistrla, Larson**  
**NAYS: None**

**VOTE: 5-0**  
**MOTION CARRIED**

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The City Manager said that the Council might want to reconsider action on Item 7. He said there was a memo from him that says Staff recommends approval of this item with the following changes: "1) That the proposed temporary cul-de-sac ultimately be constructed all the way to NW 10th at the same width as West End Pointe Drive; 2) That a bond or letter of credit be in place that would require the developer to extend the street to NW 10th within three years after completion of the plat; and 3) that the proposed Shedeck Parkway be named West End Pointe Drive and that (the) portion of West End Pointe Drive that presently goes south be named Shedeck Parkway."

Vice Mayor Smaistrla withdrew her original motion for approval and amended it to "approve the preliminary plat for West End Pointe Addition, Phase II, as recommended by the Planning Commission (east of Lowe's), subject to conditions as outlined by the City Manager's memo." Council Member Maxey withdrew the original second to the item and seconded the new motion.

**The vote:**  
**AYES: Maxey, Larson, Smaistrla, Bradway, Alberts**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

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9. Consider a public hearing to determine whether the following properties should be declared detrimental to the health, safety, benefit and welfare of the public and community and, if necessary, direct the City Manager to take appropriate action to abate same

LOCATION	OWNER	VIOLATION
313 Cherokee	McKinney	Trash, Grass, Weeds
313 Cherokee	McKinney	Nuisance Vehicle
205 Redbud	Gilikin/Williams	Nuisance Vehicle
1070 Cumberland Mansion	Torz/Wachovia Bank	Trash, Grass, Weeds
1001 South Third	Stahlman	Trash, Grass, Weeds
506 South First	Jones	Trash, Brass, Weeds
1009 Birch	Mason	Trash, Grass, Weeds
437 South 7 <sup>th</sup>	Bouteller	Trash, Grass, Weeds
442 South 7 <sup>th</sup>	Martin	Trash, Grass, Weeds
311 Vicki	Jenkins	Trash, Grass, Weeds
632 Woodlawn	Campbell	Trash, Grass, Weeds
632 Woodlawn	Campbell	Nuisance Vehicle

Community Development Director Mitchell Hort advised the remaining properties to be considered were 313 Cherokee, 1070 Cumberland Mansion, 1001 South Third, 506 South First, and 632 Woodlawn. Mr. Hort said that Inspector Dan Fine recommends deferring action on 1070 Cumberland Mansion until the August 16, 2005, meeting as the property is in the process of being sold at sheriff's sale and the lien holder has stated they would be taking care of the problems there.

A motion was made by Council Member Maxey, seconded by Council Member Larson, to declare the properties at 313 Cherokee, 1001 South Third, 506 South First, and 632 Woodlawn as detrimental to the health, safety, benefit and welfare of the public and community and, if necessary, directed the City Manager to take appropriate action to abate same.

**The vote:**  
**AYES: Larson, Alberts, Bradway, Maxey, Smaistrla**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

## 10. New Business

## 11. Council Discussion

- Council Member Larson advised the Council have been given a tour earlier tonight of projects that are underway and it was good to tour these and see how things are going and he appreciated it.
- Vice Mayor Smaistrila stated they saw a “before” and “after” on the widening of Vandament and it was really a nice improvement.
- Mayor Bradway stated the projects are really great.

## 12. Adjournment

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Bob Bradway, Mayor

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Patricia G. Hargis, City Clerk