

Minutes



City Council Minutes October 4, 2005

The Yukon City Council met in regular session on October 4, 2005, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

The invocation was given by Tom Arnold, Pastor of Good News Church.

The flag salute was given in unison.

Roll Call:

Present: Bob Bradway, Mayor
Earline Smaistrla, 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
Tammy Kretchmar, Administrative Assistant
Mitchell Hort, Community Development Director
Jeff Deckard, Public Works Department
Ike Shirley, Police Chief
Tim Rundel, Personnel & Safety Director
Jeff Lara, Fire Chief
John Knuppel, Historical Committee

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Presentations and Proclamations

Proclamation - "Fire Prevention Week"

Mayor Bradway read a proclamation proclaiming the week of October 9-15, 2005, as "Fire Prevention Week" in the City of Yukon. The proclamation was presented to Chief Jeff Lara and the fire fighters that were present.

Mayor Bradway said that he was proud of the fire department and for them to keep up the good work.

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Visitors

Daniel and Kerri Nelson appeared before the Council to discuss a tort claim they had filed with the City that the insurance carrier has denied because the damage was done by an inmate who was working for the City. Mr. Nelson said that he would like to appeal their recommendation for denial of this claim. Mr. Nelson said according to what he read, it appears that when an inmate causes damage, no one is responsible for the action.

Mayor Bradway stated that was correct.

Mike Segler, City Attorney, said that the tort claim has been recommended for denial, but the Council could pay for the damages if they so choose, or the claimant can file a lawsuit after the claim is denied.

Mr. Nelson said the total amount to repair the broken window was \$203.

Council Member Larson asked if paying for this claim would set a precedence.

The City Attorney said it would certainly place the city in a precarious position.

Council Member Larson stated he felt badly that we were not reimbursing them for the damages when it was our choice to use inmates to save the City money. Mr. Larson stated this is a "catch 22" situation.

Mrs. Nelson asked what protects "us as citizens" if something bigger should happen, such as someone being injured or killed. She asked who is there to protect the citizens then.

Council Member Alberts suggested that we pull this item from the agenda and ask the insurance carrier to reconsider.

Council Member Maxey asked if this item wasn't on tonight's agenda.

The City Manager said it was on the Consent Docket for denial and should be discussed at the time we hear the docket.



(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 September 20, 2005
- B) Payment of claims in the amount of \$12,406.12

Trustee Larson made a motion, seconded by Trustee Maxey, to approve the YMA Consent Docket, consisting of approval of the minutes of the regular meeting of September 20, 2005, and payment of claims in the amount of \$12,406.12.

The vote:

AYES: Maxey, Bradway, Alberts, Larson, Smaistrila

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 September 20, 2005
- B) Payment of salary and material claims in the amount of \$271,246.56
- C) Denying tort claim #20974-MP from Kerri Nelson, as recommended by the Oklahoma Municipal

Assurance Group, per Oklahoma §155.1, 22

D) Ratification of an agreement for services with Youth and Family Services, Inc. (extension of contract)

E) Entering into an agreement with the Yukon BMX Association, acting by and through the Yukon Parks and Recreation Department, for use of the Taylor Park bike track from September 15, 2005, through January 1, 2006

F) Placing a stop sign at the intersection of Lancelot and Gwinivere on Gwinivere (southbound), as recommended by the Traffic Commission

G) Lowering the speed limit on Frisco Road from Route 66 to NW 10th Street to 35 MPH, as recommended by the Traffic Commission

H) Setting the date for the next regular Council meeting for October 18, 2005, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth

Council Member Maxey made a motion, seconded by Council Member Larson, to approve the consent docket.

Council Member Alberts asked for Item C to be removed and discussed separately.

Council Member Maxey and Council Member Larson amended their motion and second to approve the Consent Docket, consisting of Items A, B, and D-H, which were: approval of the minutes of the regular meeting of September 20, 2005; payment of salary and material claims in the amount of \$271,246.56; ratification of an agreement for services with Youth and Family Services, Inc. (extension of contract); entering into an agreement with the Yukon BMX Association, acting by and through the Yukon Parks and Recreation Department, for use of the Taylor Park bike track from September 15, 2005, through January 1, 2006; placing a stop sign at the intersection of Lancelot and Gwinivere on Gwinivere (southbound), as recommended by the Traffic Commission; lowering the speed limit on Frisco Road from Route 66 to NW 10th Street to 35 MPH, as recommended by the Traffic Commission, and setting the date for the next regular Council meeting for October 18, 2005, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth.

The vote:

AYES: Bradway, Maxey, Alberts, Smaistrila, Larson

NAYS: None

VOTE: 5-0

MOTION CARRIED

ITEM C: Council Member Alberts asked the City Manager his recommendation on this item.

The City Manager stated he would suggest that we postpone this item indefinitely and talk with the insurance company, then get back with the Nelsons.

Council Member Alberts stated he would like for the Nelsons to be notified when this is on the agenda again.

Council Member Alberts made a motion, seconded by Council Member Maxey, to indefinitely postpone action on the tort claim submitted by Kerri Nelson.

The vote:

AYES: Smaistrila, Bradway, Alberts, Larson, Maxey

NAYS: None

VOTE: 5-0

MOTION CARRIED

2. Report of Boards, Commissions and City Officials

3. Consider accepting the Yukon Parkway West Phase V waterline and sanitary sewer extension and place maintenance bonds into effect

Council Member Maxey made a motion to accept the Yukon Parkway West Phase V waterline and sanitary sewer extension and to place the maintenance bonds into effect. The second to the motion was made by Vice Mayor Smaistrila.

The vote:

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

4. Consider acceptance of the Mid First Bank sanitary sewer line extension and placing the maintenance bonds into effect

Council Member Larson moved to approve the acceptance of the Mid First Bank sanitary sewer line extension and placing the maintenance bonds into effect; motion was seconded by Council Member Alberts.

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

5. Consider accepting the Assignment of Contract for Engineering Services for street widening on Mustang Road, I-40 to Vandament

Vice Mayor Smaistrila made a motion, which was seconded by Council Member Maxey, to accept the Assignment of Contract for Engineering Services for the street widening on Mustang Road, I-40 to Vandament.

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

6. Consider awarding the bid for a Voice Logging System to Travis Voice Products in an amount not to exceed \$18,525.00

Council Member Maxey made a motion to award the bid for a Voice Logging System to Travis Voice Products in an amount not to exceed \$18,525.00. Council Member Larson seconded the motion for approval.

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

7. Consider approving the specifications for Light Pole Replacement at the City Park ballfield and Sunrise Park ballfield and authorizing the Purchasing Agent to advertise for bids

Vice Mayor Smaistrila moved to approve the specifications for Light Pole Replacement at the City Park ballfield and Sunrise Park ballfield and authorizing the Purchasing Agent to advertise for bids. The second to the motion was made by Council Member Maxey.

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

8. Consider approving Resolution No. 2005-13, a resolution revising the 2005-06 General Fund Budget

Council Member Maxey made a motion, seconded by Council Member Larson, to approve Resolution No. 2005-13, a resolution revising the 2005-06 General Fund Budget.

The City Manager advised this revision was necessary to add the budget for the newly-acquired Robertson Activity Center (formerly Salvation Army Senior Center).

The vote:

AYES: Smaistrila, Maxey, Larson, Alberts, Bradway

NAYS: None

VOTE: 5-0

MOTION CARRIED

9. Consider entering into a Declaration of Intent with the Aqua Group, Inc. regarding ground water rights

Council Member Larson asked Mr. Crosby to explain what this is.

Jim Crosby, City Manager, stated we had met with the Aqua Group in a study session and the Council has approved a Letter of Understanding for water test wells to be explored in eastern Oklahoma counties. Mr. Crosby said this is only a good faith understanding.

Mr. Larson asked if there was a cost associated with this.

Mr. Crosby said there was not.

Mr. Segler, City Attorney, said there was no cost at this point, and that the Declaration of Intent helps the Aqua Group know we are serious about wanting water.

The vote:

AYES: Alberts, Larson, Bradway, Smaistrila, Maxey

NAYS: None

VOTE: 5-0

MOTION CARRIED

10. 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
200 Klondike	Freeman	Trash, Grass, Weeds
202 Klondike	McWilliams	Trash, Grass, Weeds
812 Maple	Rieke/Rieke	Trash, Grass, Weeds
3201 S. Mustang Rd.	Re/Max Advantage	Trash, Grass, Weeds
2416 Bryce Canyon	O'Day	Trash, Grass, Weeds
1039 Cedar	Dickerson	Trash, Grass, Weeds
1019 Royal	Bowhay	Nuisance Vehicle
1013 Kingsridge	Cypert	Trash, Grass, Weeds
1020 Majestic	Crabtree Homes	Trash, Grass, Weeds
945 Regal	Crabtree Homes	Trash, Grass, Weeds
3 Spruce	Bogle	Trash, Grass, Weeds
117 Chestnut	Freeman/Freeman	Trash, Grass, Weeds
503 West Beam	Allen	Trash, Grass, Weeds
Lots 19-25, Block 6, Smoking Oaks	Church	Trash, Grass, Weeds

Community Development Director Mitchell Hort stated that only 200 Klondike and 502 West Beam remain to be addressed. Mr. Hort said all his information for 3201 South Mustang Road is incorrect because it should be North Mustang Road, so they will have to start over with proceedings for this address.

After reviewing the pictures of the properties at 200 Klondike and 502 West Beam, a motion was made by Council Member Alberts, seconded by Council Member Maxey, to declare these two properties 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: Bradway, Larson, Maxey, Smaistrla, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

11. New Business

12. Council Discussion

- Council Member Alberts asked for an update on the hurricane evacuees.

The City Manager advised there are about 20 people living at the old Cottonwood Manor. Mr. Crosby said this facility is not fully up to code, but they do have a temporary, 30 day occupancy permit for a portion of the building. Mr. Crosby said the remaining work should be completed by the end of this week.

Mr. Alberts asked what happens if the facility isn't ready in 30 days.

Mr. Crosby advised the major concern is that they lack the gas lines, which are being installed, and that should not cause a problem with the time limit.

Mr. Alberts thanked Mr. Andrews' class for being in attendance.

- Council Member Larson stated the Czech Festival was a wonderful event and it was good seeing so many nice kids on the street while he was watching the parade.
- Vice Mayor Smaistrla said she wanted to thank the citizens for participating in and attending the Czech Festival. Ms. Smaistrla said to keep in mind that we are going to be celebrating Oklahoma's 100th birthday in two years and if anyone has any ideas for the celebration, to please call her.
- Mayor Bradway congratulated the Czechs for a job well done and for 40 years of hosting this event.

Genie Vinson, Yukon Recycles volunteer, reminded everyone that the "big trash day" is set for October 8th and there will not be a fee for disposing of large items at the landfill that day.

13. Consider a motion to recess as Yukon City Council and convene into Executive Session to discuss a personnel issue regarding a Police Officer and the possibility of the Officer's dismissal

Council Member Maxey made a motion, seconded by Council Member Larson, to recess as Yukon City Council and convene into Executive Session to discuss a personnel issue regarding a Police Officer and the possibility of the Officer's dismissal.

The vote:

AYES: Alberts, Smaistrla, Bradway, Maxey, Larson

NAYS: None

VOTE: 5-0

MOTION CARRIED

14. Consider a motion to adjourn from Executive Session and reconvene as Yukon City Council

Council Member Alberts made a motion to adjourn from Executive Session and reconvene as Yukon City Council. The second was made by Council Member Maxey.

The vote:

AYES: Larson, Bradway, Smaistrla, Alberts, Maxey

NAYS: None

VOTE: 5-0

MOTION CARRIED

15. Adjournment

Bob Bradway, Mayor

Patricia G. Hargis, City Clerk

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