

Minutes



Yukon City Council Minutes November 3, 2009

The Yukon City Council met in regular session on November 3, 2009, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth Street, Yukon, Oklahoma.

The invocation was given by Pastor Brett Selby, Surrey Hills Baptist Church.
The flag salute was given in unison.

ROLL CALL: (Present) Bob Bradway, Mayor
 Earline Smaistrla, Vice Mayor
 John Tipps, Council Member
 Ward Larson, Council Member
(Absent) Dewayne Maxey, Council Member

OTHERS PRESENT:

| | |
|--|---|
| Jim Crosby, City Manager | Doug Shivers, City Clerk |
| Tammy Kretchmar, Assistant to the City Manager | Robbie Williams, City Engineer |
| Gary Cooper, Information Technology Director | Matt Maly, Water Distribution Director |
| Frosty Peak, Emergency Management Director | Gary Wieczorek, Director of Public Safety |

Presentations and Proclamations

The "Winter Weather Preparedness Day" Proclamation was read by Mayor Bradway, and Frosty Peak, Emergency Management Director, received the Proclamation.

The "United States Marine Corps Day" Proclamation was read by Mayor Bradway, and Bob Schwaninger, USMC Veteran, received the Proclamation. Mr. Schwaninger noted that it was an honor to be a veteran.

The "Veterans Day" Proclamation was read by Mayor Bradway, and Ray Penrod, State Commander of the Veterans of Foreign Wars, received the Proclamation. Mr. Penrod thanked the Council and Staff and remarked that Yukon treated its veterans very well.

•••

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 20, 2009

The motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of October 20, 2009, was made by Trustee Smaistrla and seconded by Trustee Tipps.

The vote:

AYES: Smaistrla, Bradway, Larson, Tipps

NAYS: None

VOTE: 4-0

MOTION CARRIED

1B. Consider and approve Resolution No. YMA 2009-02, a resolution authorizing the issuance of the Yukon Municipal Authority 2009 Revenue Note (the "Revenue Note"), in an aggregate principal amount of not to exceed \$2,000,000; waiving competitive bidding and authorizing said Revenue Note to be sold at a price less than par value by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving documents, procedures and payments related to issuance of the Revenue Note; designating the Revenue Note as "qualified tax-exempt obligations" and providing that the Revenue Note shall qualify for the exception for small governmental units, each as contained in the Internal Revenue Code of 1986; providing that the Trust Indenture shall be subject to provisions of the Revenue Note; ratifying a lease agreement and operation and maintenance contract between the City of Yukon and the Yukon Municipal Authority and agreeing that the term of the lease shall extend so long as the Revenue Note remains outstanding and unpaid.

The motion to approve Resolution No. YMA 2009-02, a resolution authorizing the issuance of the Yukon Municipal Authority 2009 Revenue Note (the "Revenue Note"), in an aggregate principal amount of not to exceed \$2,000,000; waiving competitive bidding and authorizing said Revenue Note to be sold at a price less than par value by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving documents, procedures and payments related to issuance of the Revenue Note; designating the Revenue Note as "qualified tax-exempt obligations" and providing that the Revenue Note shall qualify for the exception for small governmental units, each as contained in the

Internal Revenue Code of 1986; providing that the Trust Indenture shall be subject to provisions of the Revenue Note; ratifying a lease agreement and operation and maintenance contract between the City of Yukon and the Yukon Municipal Authority and agreeing that the term of the lease shall extend so long as the Revenue Note remains outstanding and unpaid, was made by Council Member Larson and seconded by Council Member Tipps.

The vote:

AYES: Bradway, Larson, Smaistrla, Tipps

NAYS: None

VOTE: 4-0

MOTION CARRIED

(Adjourn as YMA and Reconvene as Yukon City Council)

1. Consent Docket

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

The City Manager recommends a motion that will approve:

A) The minutes of the regular meeting of October 20, 2009

B) Payment of material claims in the amount of \$390,754.67

C) Denying tort claim No. 27980-MP from Lavonne Hedin, as recommended by the Oklahoma Municipal Assurance Group

D) Payment of tort claim No. 27851-ME from Ann and Tom David, as recommended by the City Manager, in the amount of \$1,620.00

E) Setting the date for the next regular Council meeting for November 17, 2009, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth Street

The motion to approve the Consent Docket, consisting of the approval of the minutes of the regular meeting of October 20, 2009; Payment of material claims in the amount of \$390,754.67; Denying tort claim No. 27980-MP from Lavonne Hedin, as recommended by the Oklahoma Municipal Assurance Group; Payment of tort claim No. 27851-ME from Ann and Tom David, as recommended by the City Manager, in the amount of \$1,620.00; and Setting the date for the next regular Council meeting for November 17, 2009, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth Street, was made by Council Member Tipps and seconded by Council Member Smaistrla.

The vote:

AYES: Bradway, Larson, Tipps, Smaistrla

NAYS: None

VOTE: 4-0

MOTION CARRIED

2. Report of Boards, Commissions and City Officials

No reports.

3. Consider approval of a Revocable Permit issued to Red Rock Commercial Center Lot 3, located at 1300 W. Vandament Ave., suites 2201 – 2401, for landscaping and a service drive to be located on the public utility easement Council Member Tipps moved for, with Council Member Larson seconding, approval of a Revocable Permit issued to Red Rock Commercial Center Lot 3, located at 1300 W. Vandament Ave., suites 2201 – 2401, for landscaping and a service drive to be located on the public utility Easement.

The vote:

AYES: Bradway, Larson, Smaistrla, Tipps

NAYS: None

VOTE: 4-0

MOTION CARRIED

4. Consider approval of a Memorandum of Agreement / Site Agreement between the City of Yukon and Cox TMI Wireless, LLC, for the lease of approximately 100 square feet at the water tower located at 12601 NW 10th Street, for the purpose of constructing antenna support structure and base station equipment, for the term of five (5) years

Council Member Maxey moved for, with Council Member Smaistrla seconding, approval of a Memorandum of Agreement / Site Agreement between the City of Yukon and Cox TMI Wireless, LLC, for the lease of approximately 100 square feet at the water tower located at 12601 NW 10th Street, for the purpose of constructing antenna support structure and base station equipment, for the term of five (5) years.

The vote:

AYES: Smaistrla, Tipps, Bradway, Larson

NAYS: None

VOTE: 4-0

MOTION CARRIED

5. Consider accepting the Pedestrian Facilities for Kathryn Kroutil Wright Chisholm Trail Park and Freedom Trail Park Project and placing the maintenance bonds into effect

Council Member Smaistrla moved for, with Council Member Larson seconding, accepting the Pedestrian Facilities for Kathryn Kroutil Wright Chisholm Trail Park and Freedom Trail Park Project and placing the maintenance bonds into effect.

The vote:

AYES: Tipps, Bradway, Larson, Smaistrla

NAYS: None

VOTE: 4-0

MOTION CARRIED**6. Consider approving Change Order No. 1, in the amount of \$19,443.37, and Amendment No. 1, in the amount of \$16,159.13, to the City of Yukon Community Development Block Grant (CDBG) Year 7 Roadway and Sanitary Sewer Line Replacement Project**

Council Member Smaistrla moved for, with Council Member Tipps seconding, approving Change Order No. 1, in the amount of \$19,443.37, and Amendment No. 1, in the amount of \$16,159.13, to the City of Yukon Community Development Block Grant (CDBG) Year 7 Roadway and Sanitary Sewer Line Replacement Project.

The vote:**AYES: Larson, Bradway, Smaistrla, Tipps,****NAYS: None****VOTE: 4-0****MOTION CARRIED****7. Consider accepting the City of Yukon Community Development Block Grant (CDBG) Year 7 Roadway and Sanitary Sewer Line Replacement Project and placing the maintenance bonds into effect**

Council Member Tipps moved for, with Council Member Smaistrla seconding, accepting the City of Yukon Community Development Block Grant (CDBG) Year 7 Roadway and Sanitary Sewer Line Replacement Project and placing the maintenance bonds into effect.

The vote:**AYES: Bradway, Smaistrla, Tipps, Larson****NAYS: None****VOTE: 4-0****MOTION CARRIED****8. Consider approving Resolution No. 2009-10, a resolution approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its 2009 Revenue Note (the "Revenue Note"), in an aggregate principal amount of not to exceed \$2,000,000; waiving competitive bidding and authorizing said Revenue Note to be sold at a price less than par value by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving a sales tax agreement providing security for the Revenue Note; designating the Revenue Note as "qualified tax-exempt obligations" under the Internal Revenue Code of 1986 (the "Code"); making determinations necessary for the exception for small governmental units under the code; providing that the Trust Indenture shall be subject to provisions of the Revenue Note; ratification of lease agreement and operation and maintenance contract between the City and the Authority and agreeing that the term of the lease shall extend to long as the Revenue Note remains unpaid; and, authorization of documents and procedures related to issuance of the Revenue Note.**

Council Member Larson moved for, with Council Member Smaistrla seconding, approving Resolution No. 2009-10, a resolution approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its 2009 Revenue Note (the "Revenue Note"), in an aggregate principal amount of not to exceed \$2,000,000; waiving competitive bidding and authorizing said Revenue Note to be sold at a price less than par value by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving a sales tax agreement providing security for the Revenue Note; designating the Revenue Note as "qualified tax-exempt obligations" under the Internal Revenue Code of 1986 (the "Code"); making determinations necessary for the exception for small governmental units under the code; providing that the Trust Indenture shall be subject to provisions of the Revenue Note; ratification of lease agreement and operation and maintenance contract between the City and the Authority and agreeing that the term of the lease shall extend to long as the Revenue Note remains unpaid; and, authorization of documents and procedures related to issuance of the Revenue Note.

The vote:**AYES: Smaistrla, Larson, Bradway, Tipps****NAYS: None****VOTE: 4-0****MOTION CARRIED****9. Consider approving Ordinance No. 1246, 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 2009 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.**

Council Member Larson moved for, with Council Member Tipps seconding, approving Ordinance No. 1246, 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 2009 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 vote:**AYES: Tipps, Bradway, Smaistrla, Larson****NAYS: None****VOTE: 4-0****MOTION CARRIED****9a. Consider approving the Emergency Clause of Ordinance No. 1246**

Council Member Larson moved for, with Council Member Tipps seconding, approving the Emergency Clause of Ordinance No. 1246.

The vote:**AYES: Larson, Smaistrla, Tipps, Bradway****NAYS: None****VOTE: 4-0****MOTION CARRIED****10. Consider approving Ordinance No. 1247, an ordinance of the city of Yukon, Oklahoma, providing for the changing of name of**

Mustang Road to Yukon Parkway from the south boundary of N.W. 10th Street north to Wilshire Boulevard all within the limits of the city of Yukon, contingent upon the city of Oklahoma City adopting an ordinance which changes the name of Mustang Road to Yukon Parkway from Interstate 40 to the south and Vandament Avenue to the north, and declaring an Emergency.

Council Member Larson moved for, with Council Member Tipps seconding, approving Ordinance No. 1247, an ordinance of the city of Yukon, Oklahoma, providing for the changing of name of Mustang Road to Yukon Parkway from the south boundary of N.W. 10th Street north to Wilshire Boulevard all within the limits of the city of Yukon, contingent upon the city of Oklahoma City adopting an ordinance which changes the name of Mustang Road to Yukon Parkway from Interstate 40 to the south and Vandament Avenue to the north, and declaring an Emergency.

The vote:

AYES: Bradway, Tipps, Larson, Smaistrla

NAYS: None

VOTE: 4-0

MOTION CARRIED

10a. Consider approving the Emergency Clause of Ordinance No. 1247

Council Member Larson moved for, with Council Member Tipps seconding, approving the Emergency Clause of Ordinance No. 1247.

The vote:

AYES: Smaistrla, Larson, Bradway, Tipps,

NAYS: None

VOTE: 4-0

MOTION CARRIED

11. Consider setting abatement costs for the properties listed and filing lien with the County Clerk and County Treasurer for same

| LOCATION | OWNER | ABATEMENT COST |
|--|---|----------------|
| 1029 Linn Lane Lot 35, Block 4 Skyview Addition | Ronald & Misty Case | \$257.67 |
| 503 Vickie Drive Lot 22, Block 3 Ranchwood Heights Addition | Londa Henderson/Myrtle Marie Henderson | \$376.51 |
| Ranchwood Blvd. & Hwy 66 | Mehdi T. Paknahad | \$326.01 |
| 515 Mark Lot 11, Block 18, Ranchwood Hills 4 th Addition | Ralph & J. Thomas | \$235.47 |
| 211 E. Cherry Lot 9, Block 12, Yukon Hills Addition | Heidi R. Honefield | \$267.74 |

Council Member Tipps moved for, with Council Member Smaistrla seconding, setting abatement costs for the properties listed and filing lien with the County Clerk and County Treasurer for same.

The vote:

AYES: Tipps, Larson, Smaistrla, Bradway

NAYS: None

VOTE: 4-0

MOTION CARRIED

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

| LOCATION | OWNER | VIOLATION |
|--|-------------------------|---------------------|
| 435 S. 8 th Street | Guthrie/Suttles | Trash Grass, Weeds |
| Property N. of Catholic Church and W. of Catholic School | Heights LLC | Trash, Grass, Weeds |
| Sara Road & HWY 66 | Yukon Grace Pentecostal | Trash, Grass, Weeds |

City Manager Jim Crosby advised that the only remaining property to be abated is the property owned by Heights LLC. He stated that one of the property owners, Ms. Paula Kelly, is working to have the property mowed. City staff is working with her to see that the property is mowed by November 3, but if not would move forward to abate. Mayor Bradway asked Mr. Crosby if two weeks would be acceptable, and Mr. Crosby said it would.

Mayor Bradway asked for a motion postponing any action on the property N. of the Catholic Church and W. of the Catholic School for 2 weeks. Council Member Larson moved as such, with Council Member Smaistrla seconding. Council Member Larson noted that this property was not Church property.

The vote:

AYES: Larson, Bradway, Smaistrla, Tipps

NAYS: None

VOTE: 4-0

MOTION CARRIED

8. New Business

There was no New Business.

9. Council Discussion

Council Member Larson had no comments.

Council Member Tipps mentioned that there is property along 10th Street in the City of Oklahoma City which is in need of abatement. Mayor Bradway suggested that any notification of such property to Oklahoma City occur after the vote to rename Mustang Road takes place.

Council Member Smaistrila had no comments.

Mayor Bradway had no comments.

11. Adjournment

Bob Bradway, Mayor

Douglas A. Shivers, City Clerk