

## **Yukon City Council Minutes October 16, 2012**

The Yukon City Council met in regular session October 16, 2012 at 7:00 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth Street, Yukon, Oklahoma.

The invocation was given by Pastor Ron Rasmussen, Christ's Church of Yukon.  
The flag salute was given in unison.

ROLL CALL: (Present)     John Alberts, Chairman  
                                   Ken Smith, Vice-Chairman  
                                   Michael McEachern, Trustee  
                                   Nick Grba, Trustee  
                                   Rick Opitz, Trustee

### **OTHERS PRESENT:**

Mike Segler, City Attorney	Doug Shivers, City Clerk
Michael Malmfeldt, City Treasurer	Dana Deckard, Administrative Coordinator
John Corn, Chief of Police	Robbie Williams, City Engineer
Arnold Adams, Public Works Director	Gary Cooper, Information Technology Dir.
Josh Gotcher, Information Technology	Mitch Hort, Community Development Director
Bill Stover, Sanitation	Jeff Deckard, Parks Superintendent
John Williams, Bond Counsel	

### **Presentations and Proclamations**

Mayor Alberts read a Proclamation acknowledging "Head Start Month". Emily Pohlmeier, the Head Start teacher, and Bailey and Jessie, parent and student were present. Emily gave details of the Yukon program and locations. Head Start appreciates all the support Yukon has given and invites everyone to visit. Mayor Alberts thanked Emily for all the years of service.

### **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 2, 2012**
- B) Payment of material claims in the amount of \$192,779.59**
- C) The restatement of the Fiscal Year 2011 Independent Auditor's Report**

The motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of October 2, 2012, payment of material claims in the amount of \$192,779.59, and the restatement of the Fiscal Year 2011 Independent Auditor's Report, was made by Trustee Opitz and seconded by Trustee McEachern.

The vote:

**AYES: Smith, Opitz, McEachern, Alberts, Grba**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

- 2A. Consider authorizing the Mayor to sign the Note, Security Agreement and Loan Agreement, to Purchase Emergency Vehicles, Specialty Equipment and other City vehicles, at the current tax exempt rate of 2.55%, in the maximum amount of \$1,500,000.00, for the term of 4 years, with Arvest Bank**

The motion to authorize the Mayor to sign the Note, Security Agreement and Loan Agreement, to Purchase Emergency Vehicles, Specialty Equipment and other City vehicles, at the current tax exempt rate of 2.55%, in the maximum amount of \$1,500,000.00, for the term of 4 years, with Arvest Bank, was made by Trustee Smith and seconded by Trustee Opitz.

Trustee McEachern asked for the definition of Emergency Vehicles. Grayson Bottom stated criteria.

Trustee Grba asked if there was a list of equipment to be purchased? Grayson Bottom said there is a start of a list. As each department compiles their list, it will be brought to council at that time.

Trustee McEachern would also like list of what we are replacing. Mr. Bottom stated we will be replacing a 1970 model vehicle and will provide information of other items.

Trustee Smith stated that we are not approving purchase, but the Lease-Purchase Program. Trustee McEachern understands that we are authorizing the Mayor to sign the note. The actual approval of purchases will be at a later date. Mr. Bottom stated this was correct.

The vote:

**AYES: Alberts, Grba, Opitz, McEachern, Smith**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

- 3A. Consider and approve Resolution No. YMA 2012-05, a resolution authorizing the issuance of the Yukon Municipal Authority 2012 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 2012-05, a resolution authorizing the issuance of the Yukon Municipal Authority 2012 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 Grba and seconded by Trustee Smith.

**The vote:**  
**AYES: Smith, Grba, Alberts, Opitz, McEachern**  
**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 2, 2012**
- B) Payment of material claims in the amount of \$743,939.27**
- C) Designating the items on the attached list from the Technology Department as surplus, and authorizing their sale, donation, or trade**
- D) The restatement of the Fiscal Year 2011 Independent Auditor's Report**
- E) Setting the date for the next regular Council meeting for November 6, 2012, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth St.**

The motion to approve the Consent Docket, consisting of the approval of the minutes of the regular meeting of October 2, 2012; Payment of material claims in the amount of \$743,939.27; Designating the items on the attached list from the Technology Department as surplus, and authorizing their sale, donation, or trade; The restatement of the Fiscal Year 2011 Independent Auditor's Report; Setting the date for the next regular Council meeting for November 6, 2012, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth St.; was made by Council Member Grba and seconded by Council Member McEachern.

**The vote:**  
**AYES: Grba, Alberts, Opitz, Smith, McEachern**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

**2. Reports of Boards, Commissions and City Officials** There was no report.

**3. Consider accepting the New Yukon Fire Station Project and placing the Maintenance Bond into effect, as recommended by Triad Design Group**

The motion to approve the New Yukon Fire Station Project and placing the Maintenance Bond into effect, as recommended by Triad Design Group, was made by Council Member Smith and seconded by Council Member Opitz.

Council Member McEachern asked, if this was final payment? Grayson Bottom stated the amount to be paid is the 5% reserve.

Council Member Smith is proud and thankful citizens stood behind the construction of the new Fire Station.

**The vote:**  
**AYES: Opitz, Grba, Smith, McEachern, Alberts**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

4. **Consider approving an expenditure of funds in the amount of \$39,200.00, for conversion of eight (8) Whelen Storm Warning Sirens to solar power, from the Capital Improvement Fund, as recommended by the Emergency Management Director**

The motion to approve an expenditure of funds in the amount of \$39,200.00, for conversion of eight (8) Whelen Storm Warning Sirens to solar power, from the Capital Improvement Fund, as recommended by the Emergency Management Director, was made by Council Member McEachern and seconded by Council Member Smith.

**The vote:**

**AYES: Grba, Alberts, Opitz, McEachern, Smith**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

5. **Consider and approve Ordinance No. 1282, an Ordinance amending Ordinance No.657, Appendix A of the Code of the City of Yukon, Oklahoma, by providing that the zoning designation for a part of block "B", Yukon Hills addition, second section, to Yukon, Canadian County, Oklahoma, (Bass Ave. and Cornwell Dr.) be changed from "C-4" (planned shopping center district) to "C-3" (restricted commercial district); and declaring an emergency**

The motion to approve Ordinance No. 1282, an Ordinance amending Ordinance No.657, Appendix A of the Code of the City of Yukon, Oklahoma, by providing that the zoning designation for a part of block "B", Yukon Hills addition, second section, to Yukon, Canadian County, Oklahoma, (Bass Ave. and Cornwell Dr.) be changed from "C-4" (planned shopping center district) to "C-3" (restricted commercial district); and declaring an emergency, as recommended by the Public Works Director, was made by Council Member Opitz and seconded by Council Member McEachern.

Council Member Grba wanted to know the difference between C-4 and C-3. Mitch Hort stated C4 is meant for Shopping Centers and C-3 allows proposed use and smaller lots.

Council Member Smith asked if it will be a pad site with the remainder of the lot being a C-4. Mr. Hort stated yes. Council Member Smith said he was concerned about frontage lessening the likelihood of development behind the pad site. Mr. Hort said to think of it like Target, Freddy's, Chick-Fil-A, etc.

Council Member McEachern wanted to know how far back the access will go. Mr. Hort stated it will stop at the back of the existing property. Mr. Hort also stated a barricade will be set, so there will be no access to the back of property and undeveloped portion.

Council Member McEachern wanted to know the intention of the development. Ethan Slavens of JHH Reality stated the property is under contract and it is a financial institution.

Council Member Smith is concerned about putting the cart before the horse, meaning placing a pad site before other development. Mr. Slavens said it is not an uncommon practice. He gave an example of Edmond development. He also Buy 4 Less is already the anchor of the entire development.

Mayor Alberts wanted to know how many acres are there? Mr. Slavens stated about 18. Mayor Alberts wanted to know if the developer thinks this is a good use of the property? Mr. Slavens said yes and he is not concerned with it impacting future development.

**The vote:**

**AYES: Alberts, McEachern, Opitz, Grba**

**NAYS: Smith**

**VOTE: 4-1**

**MOTION CARRIED**

**5B. Consider and approve the Emergency Clause of Ordinance No. 1282.**

The motion to approve the Emergency Clause of Ordinance No. 1282, was made by Council Member Grba and seconded by Council Member McEachern.

**The vote:**

**AYES: McEachern, Grba, Opitz, Alberts**

**NAYS: Smith**

**VOTE: 4-1**

**MOTION CARRIED**

6. Consider and approve Resolution No. 2012-10, a resolution approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its 2012 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. 2012-10, a resolution approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its 2012 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 Grba and seconded by Council Member McEachern.

Council Member Grba wanted to know, if that was one sentence. Mike Segler stated yes.

**The vote:**

**AYES: Alberts, McEachern, Smith, Grba, Opitz**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

7. Consider and approve Ordinance No. 1281, 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 2012 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

Consider and approve Ordinance No. 1281, 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 2012 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 Smith and seconded by Council Member McEachern.

Ordinance No. 1281 was read in its entirety, by Mike Segler, to meet legal requirements.

The vote:

**AYES: Alberts, Grba, Opitz, McEachern, Smith**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**7B. Consider and approve the Emergency Clause of Ordinance No. 1281**

The motion to approve the Emergency Clause of Ordinance No. 1281, was made by Council Member Smith and seconded by Council Member McEachern.

The vote:

**AYES: Smith, Alberts, Grba, Opitz, McEachern**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

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

**A. Sales Tax Report**

**B. Emergency Bridge Repairs**

Mr. Bottom talked about August Sales Tax Report. The tax has increased by 8.26% in August and year to date 7.8%. He is very pleased.

Most of our budget was built on a 4 to 4 ½% sales tax increase. Trend reveals that the one month we were down was probably due to late reporting. He is anticipating exceeding projections through the year.

Use Tax has had large increases each month, as of year to date at 44.13%. Last year the Use Tax was up 69.14%, excluding \$290,000.00 that was put in reserve due to tax letter.

We have begun emergency repair on the bridge. Three 36" concrete pipes are being used to accomplish the repair. It will cost \$15,000.00 less than the concrete structure.

Also, the street striping project starts next Wednesday and will be done during the evenings.

Council Member McEachern would like to know when bridge will be completed? Arnold Adams stated end of next week. As of right now, the traffic is being diverted to a temporary road.

**9. New Business None at this time.**

**10. Council Discussion**

Council Member Grba said to talk to Council Member Opitz for a healthy snack.

Council Member McEachern received an email from a citizen about a big trash day. Grayson Bottom said we haven't had a big trash day due to the equipment change- out. We are hoping to do big trash day on a quarterly basis. Many people have asked about it. Also, Council Member McEachern would like to thank the Head Start program for their work and Council Member Opitz for the peanuts.

Council Member Smith was part of the retirement ceremony for Pat Bradley for 31 years of dedicated service to the Library. She is a wonderful person. He is also proud of the way the City manages our funds. He believes big trash day is important to our new sanitation services. Council Member Smith also presented information from a citizen about feral cats. There were many facts cited from various reports. The main concern is, the investing of City money, to manage or monitor feral cats. He stated it would not necessarily be the best interest of the City.

Council Member Opitz thanked Bill Stover and Arnold Adams for clean-up efforts in the City. He also encouraged everyone to shop Yukon.

Mayor Alberts wanted to know about lights in front of Wal-Mart being synchronized. Grayson Bottom stated the study is complete and there are repairs underway. There was a communication problem between some lights, and they are requesting quotes for parts. The increased traffic is proving to be a major issue. As we move forward, the signal lights will be turned horizontal. You can see them displayed like this in downtown Oklahoma City. Mayor Alberts wanted to know, if there was a time frame. Mr. Bottom stated prior to Christmas shopping. Mayor Alberts wanted to know how the street sweeper is doing? Mr. Bottom stated it is still running four days a week with no problems. Mayor Alberts wanted to know about the distribution of the trash cans. Mr. Bottom stated they are being distributed. Citizens have been asking about Halloween? It will be on Wednesday, October 31. Please watch out for the little trick or treaters. The Mayor is happy to see everyone running and exercising. Central Elementary will be doing a running fund raiser this year on November 3. The Fire Department and Police Department are getting groups together for Chill Your Cheeks. He is encouraging the City to be involved.

Council Member McEachern said to please read feral cat ordinance when presented.

**11. Consider a motion to recess as Yukon City Council and convene into Executive Session, to discuss pending litigation, as provided for in 25 OS 2003, Section 307 (B) (4)**

The motion to recess as Yukon City Council and convene into Executive Session, to discuss pending litigation, as provided for in 25 OS 2003, Section 307 (B) (4), was made by Council Member Grba and seconded by Council Member McEachern.

Mayor Alberts invited City Manager, Grayson Bottom, to attend.

**The vote:**  
**AYES: McEachern, Smith, Grba, Opitz, Alberts**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

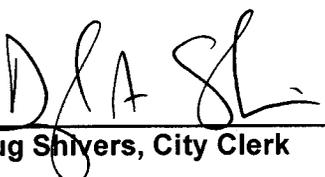
**12. Consider a motion to adjourn from Executive Session and reconvene as Yukon City Council**

The motion to adjourn from Executive Session and reconvene as Yukon City Council, was made by Council Member Smith and seconded by Council Member Opitz.

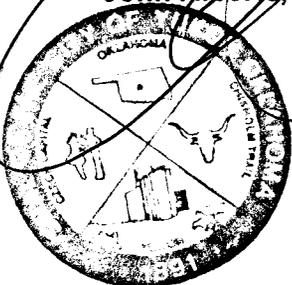
**The vote:**  
**AYES: Opitz, McEachern, Grba, Alberts, Smith**  
**NAYS: None**  
**VOTE: 5-0**  
**MOTION CARRIED**

Mayor Alberts stated while the City Council was in Executive Session, only the items on the agenda were discussed. No action was taken and no votes were cast.

**13. Adjournment**

  
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 Doug Shivers, City Clerk

  
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 John Alberts, Mayor



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