

**Yukon City Council Minutes
March 17, 2015**

The Yukon City Council met in regular session March 17, 2015 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 Mike Sparks, Church of Christ South Yukon. The flag salute was given in unison.

ROLL CALL: (Present) Ken Smith, Mayor
 Michael McEachern, Vice Mayor
 John Alberts, Council Member
 Richard Russell, Council Member
 Donna Yanda, Council Member

OTHERS PRESENT:

Grayson Bottom, City Manager	Doug Shivers, City Clerk
Mike Segler, City Attorney	Robbie Williams, City Engineer
Tammy DeSpain, Assistant City Manager	Dana Deckard, Admin. Coordinator
Arnold Adams, Public Works Director	Candy Schwarz, Court Clerk
Gary Cooper, Information Technology Dir.	Larry Mitchell, Economic Dev. Director
Mitchell Hort, Development Services Dir.	Bill Stover, Sanitation Director
Jenna Roberson, Public Info. Officer	Amy Phillips, Economic Development
Sara Schieman, Librarian	Mitch Hoskins, Police Department

Presentations and Proclamations

There were no Presentations or Proclamations.

Visitors

John Knuppel, 410 Oak, stated the Yukon Historical Society would like to invite everyone to celebrate Yukon's 124th Birthday on March 28. Yukon was established March 28, 1891. Mr. Knuppel thanked Tammy, Dana, Arnold and the Street Department for the signs. Mr. Knuppel stated the Czechs are getting ready for their 50th Anniversary.

(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 March 3, 2015**
- B) Payment of material claims in the amount of \$30,555.86**

The motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of March 3, 2015; and payment of material claims in the amount of \$30,555.86, was made by Trustee McEachern and seconded by Trustee Russell.

The vote:

AYES: McEachern, Smith, Russell, Yanda, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 2A. Consider authorizing the City Attorney to negotiate a contract with the Yukon Chamber of Commerce for the Sale of 13,770 square feet of property located 150 feet south of Highway 66 with 125 feet of frontage on the East side of Yukon Parkway (156 S Yukon Parkway), including an easement for access to and maintenance of the City sign**

The motion to authorize the City Attorney to negotiate a contract with the Yukon Chamber of Commerce for the Sale of 13,770 square feet of property located 150 feet south of Highway 66 with 125 feet of frontage on the East side of Yukon Parkway (156 S Yukon Parkway), including an easement for access to and maintenance of the City sign, was made by Council Member Alberts and seconded by Council Member Yanda.

Mayor Smith thinks this will be an awesome move for the Chamber of Commerce.

The vote:

AYES: Yanda, Smith, Alberts, McEachern, Russell

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 March 3, 2015**
- B) Payment of material claims in the amount of \$430,544.22**
- C) Designating the items on the attached list from the Technology Department as surplus and authorizing their sale, donation or trade**
- D) Accepting Oklahoma Department of Environmental Quality Permit No. SL000009150146 for the construction of approximately 590 linear feet of eight (8) inch sewer line and appurtenances to serve the City of Yukon Bounce Academy Gymnasium Sewer Line Extension Project, Canadian County, Oklahoma**
- E) Setting the date for the next regular Council meeting for April 7, 2015, 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 March 3, 2015; Payment of material claims in the amount of \$430,544.22; Designating the items on the attached list from the Technology Department as surplus and authorizing their sale, donation or trade; Accepting Oklahoma Department of Environmental Quality Permit No. SL000009150146 for the construction of approximately 590 linear feet of eight (8) inch sewer line and appurtenances to serve the City of Yukon Bounce Academy Gymnasium Sewer Line Extension Project, Canadian County, Oklahoma; Setting the date for the next regular Council meeting for April 7, 2015, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth St., was made by Council Member McEachern and seconded by Council Member Russell.

The vote:

AYES: Alberts, McEachern, Yanda, Russell, Smith

NAYS: None

VOTE: 5-0

MOTION CARRIED

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- 2. Consider authorizing the City Attorney to negotiate a contract with the Yukon Chamber of Commerce for the Sale of 13,770 square feet of property located 150 feet south of Highway 66 with 125 feet of frontage on the East side of Yukon Parkway (156 S Yukon Parkway), including an easement for access to and maintenance of the City sign**

The motion to authorize the City Attorney to negotiate a contract with the Yukon Chamber of Commerce for the Sale of 13,770 square feet of property located 150 feet south of Highway 66 with 125 feet of frontage on the East side of Yukon Parkway (156 S Yukon Parkway), including an easement for access to and maintenance of the City sign, was made by Council Member Yanda and seconded by Council Member Alberts.

The vote:

AYES: Russell, Alberts, Smith, Yanda, McEachern

NAYS: None

VOTE: 5-0

MOTION CARRIED

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- 3. Consider authorizing an expenditure of funds in an amount not to exceed \$57,973.00, for a Hydro Excavator from Vermeer, to be paid from the Water/Wastewater Capital Improvement Fund, as recommended by the Public Works Director**

The motion to authorize an expenditure of funds in an amount not to exceed \$57,973.00, for a Hydro Excavator from Vermeer, to be paid from the Water/Wastewater Capital Improvement Fund, as recommended by the Public Works Director, was made by Council Member Russell and seconded by Council Member McEachern.

The vote:

AYES: Smith, Russell, Alberts, McEachern, Yanda

NAYS: None

VOTE: 5-0

MOTION CARRIED

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- 4. Consider authorizing an expenditure of funds in an amount not to exceed \$43,101.15, for repair of 380 square yards of road at the intersection of Cornwell and Dianna, to be paid from the Streets Capital Improvement Fund, as recommended by the Public Works Director**

The motion to authorize an expenditure of funds in an amount not to exceed \$43,101.15, for repair of 380 square yards of road at the intersection of Cornwell and Dianna, to be paid from the Streets Capital Improvement Fund, as recommended by the Public Works Director, was made by Council Member McEachern and seconded by Council Member Alberts.

The vote:

AYES: McEachern, Russell, Yanda, Alberts, Smith

NAYS: None

VOTE: 5-0

MOTION CARRIED

5. **Consider approving Ordinance No. 1311, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by amending Section 1-7 to provide for Court Cost in the amount of thirty dollars (\$30.00) and a fine not to exceed the amount of two hundred dollars (\$200.00) for a Traffic Offense unless otherwise allowed by State Law; and Declaring an Emergency**

The motion to approve Ordinance No. 1311, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by amending Section 1-7 to provide for Court Cost in the amount of thirty dollars (\$30.00) and a fine not to exceed the amount of two hundred dollars (\$200.00) for a Traffic Offense unless otherwise allowed by State Law; and Declaring an Emergency, was made by Council Member Yanda and seconded by Council Member Alberts.

The vote:

AYES: Yanda, Alberts, McEachern, Smith, Russell

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 5a. **Consider approving the Emergency Clause of Ordinance No. 1311**

The motion to approve the Emergency Clause of Ordinance No. 1311, was made by Council Member Russell and seconded by Council Member McEachern.

The vote:

AYES: Smith, McEachern, Russell, Yanda, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

6. **Consider approving Ordinance No. 1312, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by amending certain Sections by adding new definitions, clarifying and providing for procedures for Municipal Court, and providing applicable fines and punishment for violations of the Code of Ordinances; and Declaring an Emergency**

The motion to approve Ordinance No. 1312, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by amending certain Sections by adding new definitions, clarifying and providing for procedures for Municipal Court, and providing applicable fines and punishment for violations of the Code of Ordinances; and Declaring an Emergency, was made by Council Member McEachern and seconded by Council Member Russell.

The vote:

AYES: Russell, Smith, Alberts, Yanda, McEachern

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 6a. **Consider approving the Emergency Clause of Ordinance No. 1312**

The motion to approve the Emergency Clause of Ordinance No. 1312, was made by Council Member Alberts and seconded by Council Member Yanda.

The vote:

AYES: Alberts, Yanda, Russell, McEachern, Smith

NAYS: None

VOTE: 5-0

MOTION CARRIED

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- 7. Consider approving Ordinance No. 1313, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon Oklahoma by amending certain sections to provide for clarification of violations and assessment of fines; and Declaring an Emergency**

The motion to approve Ordinance No. 1313, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon Oklahoma by amending certain sections to provide for clarification of violations and assessment of fines; and Declaring an Emergency, was made by Council Member McEachern and seconded by Council Member Russell.

The vote:

AYES: Russell, Alberts, Smith, Yanda, McEachern

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 7a. Consider approving the Emergency Clause of Ordinance No. 1313**

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The motion to approve the Emergency Clause of Ordinance No. 1313, was made by Council Member Russell and seconded by Council Member Yanda.

The vote:

AYES: Yanda, McEachern, Russell, Smith, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 8. Consider approving Ordinance No. 1314, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by removing and/or amending certain sections to provide for clarification of violations and assessment of fines; and Declaring an Emergency**

The motion to approve Ordinance No. 1314, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by removing and/or amending certain sections to provide for clarification of violations and assessment of fines; and Declaring an Emergency, was made by Council Member McEachern and seconded by Council Member Russell.

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The vote:

AYES: McEachern, Smith, Yanda, Alberts, Russell

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 8a. Consider approving the Emergency Clause of Ordinance No. 1314**

The motion to approve the Emergency Clause of Ordinance No. 1314, was made by Council Member McEachern and seconded by Council Member Yanda.

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

9. **Consider approving Ordinance No. 1315, an Ordinance adopting the SmartCode; establishing the SmartCode (SC) District regulations for land use; SmartCode regulations to be mandatory within the Urban Gateway overlay Supplemental District unless specifically exempted or unless contiguous developable land area, by ownership, does not meet minimum size requirements for community scale plans; SmartCode regulations to be optional for all remaining development areas within the City of Yukon; repealing conflicting ordinances and resolutions; providing for severability and Declaring an Emergency**

The motion to approve Ordinance No. 1315, an Ordinance adopting the SmartCode; establishing the SmartCode (SC) District regulations for land use; SmartCode regulations to be mandatory within the Urban Gateway overlay Supplemental District unless specifically exempted or unless contiguous developable land area, by ownership, does not meet minimum size requirements for community scale plans; SmartCode regulations to be optional for all remaining development areas within the City of Yukon; repealing conflicting ordinances and resolutions; providing for severability and Declaring an Emergency, was made by Council Member Alberts and seconded by Council Member McEachern.

Council Member Alberts requested an explanation of the SmartCode, as to inform the community. Sam Day, Butzer Gardner Architects, stated they surveyed the community last summer. The results showed the community favored a Mixed Use (higher density/walkable neighborhood) development. Current zoning does not allow for this. SmartCode will. It emphasizes regulating the exterior and placement of buildings. It gives more flexibility for use of buildings and controls intensity. Council Member Alberts asked if it would be received well by Developers. Mr. Day stated it encourages the right kind of developers and discourages the kind we don't want. It offers many opportunities for builders. Council Member Alberts asked what the short term versus long term benefits were. Mr. Day stated it reduces infrastructure cost due to density and less auto traffic. He noted the overall experience counts for shoppers. Mayor Smith stated there is City input. Council Member McEachern asked where it was currently being used. Mr. Day stated it started at Seaside, Florida in the 1980's. There are many usages in Texas and one in Tulsa in the Pearl District. It is similar to the type of zoning in downtown areas. Mayor Smith stated we have been provided with information and would be happy to share. Council Member McEachern stated it would be wise to look at.

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

- 9a. **Consider approving the Emergency Clause of Ordinance No. 1315**

The motion to approve the Emergency Clause of Ordinance No. 1315, was made by Council Member Alberts and seconded by Council Member Yanda.

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

10. **Consider approving Ordinance No. 1316, an Ordinance providing amendment to the Code of Ordinances of the City of Yukon, Oklahoma by amending Appendix A – Zoning Ordinance, Sections 201.1, 401.3, 404.1, 406.1 to provide for consistency with the City of Yukon SmartCode; and enacting new Section 607 and new Section 608, providing for the creation of a new Urban Gateway overlay Supplemental District and providing for new zoning designations corresponding with the City of Yukon SmartCode transects; establishing boundaries for the Urban Gateway overlay supplemental District; providing for severability and Declaring an Emergency**

The motion to approve Ordinance No. 1316, an Ordinance providing amendment to the Code of Ordinances of the City of Yukon, Oklahoma by amending Appendix A – Zoning Ordinance, Sections 201.1, 401.3, 404.1, 406.1 to provide for consistency with the City of Yukon SmartCode; and enacting new Section 607 and new Section 608, providing for the creation of a new Urban Gateway overlay Supplemental District and providing for new zoning designations corresponding with the City of Yukon SmartCode transects; establishing boundaries for the Urban Gateway overlay supplemental District; providing for severability and Declaring an Emergency, was made by Council Member McEachern and seconded by Council Member Alberts.

Council Member McEachern wanted clarification on areas covered by SmartCode. Mr. Mitchell stated there are two ordinances. One applies to the Community and one sets boundaries. SmartCode is mandatory in the TIF District and optional elsewhere. There has already been some interest in using it outside the TIF District. Council Member McEachern asked if there will be any conflict with using them both. Mr. Mitchell stated he does not believe so. We have been working on this for the last 5 months. He believes it will be a benefit.

The vote:

AYES: McEachern, Yanda, Smith, Russell, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 10a. **Consider approving the Emergency Clause of Ordinance No. 1316**

The motion to approve the Emergency Clause of Ordinance No. 1316, was made by Council Member Russell and seconded by Council Member Yanda.

The vote:

AYES: Yanda, Alberts, McEachern, Russell, Smith

NAYS: None

VOTE: 5-0

MOTION CARRIED

11. **Consider approving the Scrivener Error correction, to the recordation information numbers on the Utility Easement that serves Frisco Ridge Phase II, as recommended by the Development Services Director**

The motion to approve the Scrivener Error correction, to the recordation information numbers on the Utility Easement that serves Frisco Ridge Phase II, as recommended by the Development Services Director, was made by Council Member McEachern and seconded by Council Member Russell.

The vote:

AYES: Russell, McEachern, Smith, Yanda, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

12. City Manager's Report – Information items only

- A. Sales Tax Report**
- B. Events Report**
- C. Sanitation Notice**

Mr. Bottom complimented the Council for passing SmartCode. It's the first significant SmartCode placed in Oklahoma. It governs the last piece of commercially developable property within our community. Yukon will reap benefits for years.

Mr. Bottom stated Sales Tax is up 12.39% for month and 4.38% for year. Good news. On time reporting last month, would have made us a \$2 million month.

Fish Out and Pancake Breakfast were very successful. March 26 is Taste of Yukon. Get there early, it is a great event. 20-plus local restaurants will be there. Tickets are \$10 in advance, \$12 at the door and \$5 for Children 10 and under.

Spring Clean-up will be until March 28. Place your bags at the curb; they must weigh less than 50lbs each. April 18 is Big Junk and Recycle Event at 501 Ash. Save the date. Mr. Bottom has been in discussion with the Sanitation Director for the piece of equipment for curbside Big Trash pickup. Hopefully, it will be a lead into curbside recycling.

13. New Business - None**14. Council Discussion**

Council Member McEachern thanked Larry Mitchell and Butzer Gardner. He also thanked Candy for her work on ordinances. He wishes all a Happy Saint Patrick's Day!

Council Member Russell had nothing at this time.

Council Member Yanda was disappointed with the recent voter turnout. She encourages everyone to get involved.

Council Member Alberts concurs with Council Member Yanda. Council Member Alberts received compliments for Ranchwood Soccer Field improvements and was asked to pass them on to the Council. There is lots of good citizen involvement. He thanked Mr. Mitchell for SmartCode. He appreciates the hard work. Please share information, so community can see the vision. Long-time benefits will outlast anyone in this room. Great to hear tax is up, shop local.

Mayor Smith stated Happy Saint Patrick's Day. April 18 is "Welcome Home Veterans" celebration. Mayor Smith is hoping for a good contract for Chamber of Commerce sale of land.

15. Consider a motion to recess as the Yukon City Council and convene into Executive Session, to discuss a pending investigation, litigation, or proceeding with the City Attorney, as provided for in 25 OS 2003, Section 307 (B) (4)

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

Mayor Smith invited Mr. Bottom to Executive Session.

The vote:
AYES: Smith, Alberts, Russell, Yanda, McEachern
NAYS: None
VOTE: 5-0
MOTION CARRIED

16. 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 McEachern and seconded by Council Member Russell.

The vote:
AYES: Alberts, McEachern, Yanda, Smith, Russell
NAYS: None
VOTE: 5-0
MOTION CARRIED

Mayor Smith then read the minutes of the Executive Session, stating, "While in Executive Session, only the items on the agenda were discussed, no action was taken and no votes were cast."

17. Adjournment


Ken Smith, Mayor


Doug Shivers, City Clerk

