

Minutes



CITY COUNCIL MINUTES July 20, 1999

The Yukon City Council met in regular session on July 20, 1999, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

Invocation was given by Reverend George Bigley, Chaplin of the Police and Fire Departments.

Flag salute was given in unison, led by Boy Scout Troop 306 from Trinity Baptist Church.

ROLL CALL: (Present)

Larry Taylor, Mayor

Denny Myers, Vice Mayor

Genie Vinson, Council Member

Steve Friesen, Council Member

John Weller, Council Member

OTHERS PRESENT:

Jim Crosby, City Manager

Mary Huckaba, City Clerk

Mark Osby, City Attorney

Lynn Hynes, Engineer

George Middleton, Building Maintenance

Robert Felts, Police Officer

Ike Shirley, Police Chief

Cheryl Dunn, City Clerk's Office

Louise Hickman, Inspection' Office

Jan Scoff, Park and Recreation Department

Pat Hargis, City Clerk's Office

Tammy Nemecek, City Manager's Office

John Knuppel, Historical Society

VISITORS

Cindy Ridgeway, 128 Olympic Drive, appeared before the Council and advised that she would like the Council to look into presenting a dust control ordinance. Mrs. Ridgeway stated that she was just appalled when she called the Inspection Office and found out that we did not have an ordinance to control dust.

Mrs. Ridgeway stated she is sure that Mr. Peak would be happy to Send a copy of Oklahoma City's to use as a reference point.

Mayor Taylor advised Staff to look into developing a dust control ordinance and present to Council and address it.

PRESENTATIONS-PROCLAMATIONS

Proclamation proclaiming Parks and Recreation Month was presented and read in full by Mayor Taylor.

Proclamation was presented to Jan Scott, Park & Recreation Director. Mrs. Scott stated we have eight parks, a community center, and the Dale Robertson Center and a new gym to open in October, and she would invite everyone to visit one of the facilities. Mrs. Scott also stated that we are ending the summer programs and beginning the new fall programs.

(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 Trustees, that item will be heard in regular order.

The City Manager recommends:

A) Approval of minutes of July 6, 1999

B) Consider claim payable to Dillon Construction Company in the amount of \$66,994 for estimate #9, new gymnasium, to be paid from loan proceeds at the Yukon National Bank

C) Consider claim payable to David J. Brown, AIA, in the amount of \$4,888.88 for architectural/construction management fee for June to be paid from loan proceeds at the Yukon National Bank

D) Consider approval of pay requisitions for capital improvement projects as follows:

1998 CONSTRUCTION FUND:

1) #152, payable to Landmark Structures, Inc. in the amount of \$24,958.87 for estimate #9, one million gallon elevated water tank (98-01-510)

2) #153, payable to David J. Brown, AIA, in the amount of \$1,133.33 for architectural fee for June, animal control facility (98-01-516)

A motion was made by Trustee Friesen, seconded by Trustee Vinson, approving the consent docket, being the minutes of the meeting of July 6, 1999; approval of claim payable to Dillon Construction Company in the amount of \$66,994.00 for estimate #9, new gymnasium, to be paid from loan proceeds at the Yukon National Bank; approval of claim payable to David J. Brown, AIA, in the amount of \$4,888.88 for architectural/construction management fee for June to be paid from loan proceeds at the Yukon National Bank, approving pay requisitions for capital improvement projects; 1998 Construction Fund: #152, payable to Landmark Structures, Inc. In the amount of \$24,958.87 for estimate #9, one million gallon elevated water tank, and #153, payable to David J: Brown, AIA, in the amount of \$1,133.33 for architectural fee for June, Animal Control Facility.

The vote:

AYES: Taylor, Myers, Vinson, Friesen, Weller

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) Approval of minutes of meeting of July 6, 1999

B) Consider approval of salary and material claims

C) Consider granting permission to the Mayor and City Clerk to enter into interlocal cooperative agreement by and between the City of Yukon and the City of Mustang for the use of the City of Yukon's firearms range for fiscal year beginning July 1, 1999 to June 30, 2000

D) Consider approving and awarding of bid for Digital Emergency Message Repeater System for the Police Department to Voice Products, Inc. for Option 2 in the amount of \$29,563.00, to be paid from 9-1-1 account through a lease/purchase over a five year period

E) Consider approving and awarding of bid for computer hardware for the Police Department to Prologic Computers in the amount of \$16,743.69 and awarding of bid for software to Cardinal Tracking, Inc. in the amount of \$57,069.00 to be paid through a lease/purchase financing through Government Capital Corporation in the total amount

financed \$73,812.69 for a three year term beginning July 20, 2000, interest rate 5.98% yearly payment \$27,694.57, total amount financed \$83,083;71, which includes interest

F) Consider granting permission to the Mayor and City Clerk to enter into agreement by and between the City of Yukon and the Citizens Advisory Board (CART) for the fiscal year beginning July 1, 1999, through June 30, 2000, in the amount of \$1,200 to be paid monthly

G) Consider granting permission to the Mayor and City Clerk to enter into agreement by and between the City of Yukon and Compassionate Hands, Inc. for the fiscal year beginning July 1, 1999 through June 30, 2000, in the amount of \$3,600 to be paid monthly

H) Consider granting permission to the Mayor and City Clerk to enter into agreement by and between the City of Yukon and the Canadian County 4-H for the fiscal year beginning July 1, 1999 through June 30, 2000, in the amount of \$1,200, to be paid monthly

I) Consider granting permission to the Mayor and City Clerk to enter into agreement by and between the City of Yukon and Youth and Family Services, Inc. For the fiscal year beginning July 1, 1999 through June 30, 2000 in the amount of \$4,000 to be paid quarterly

J) Set date for the next regular meeting for August 17, 1999, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth.

Vice Mayor Myers stated he would like to pull Item E and Item C to be heard in regular order.

A motion was made by Council Member Vinson, seconded by council Member Weller, approving the consent docket, being the minutes of the meeting of July 6, 1999; approving the salary and material claims in the amount of \$605,886.17; approving and awarding of bid for digital emergency message repeater system for the Police Department to Voice Products, Inc. for Option 2 in the amount of \$29,563 to be paid from the 9-1-1 account through a lease/purchase over a five year period; granting permission to the Mayor and City Clerk to enter into agreement by and between the City of Yukon and the Citizens Advisory Board (CART) for the fiscal year beginning July 1, 1999 through June 30, 2000 in the amount of \$1,200 to be paid monthly; granting permission to the Mayor and City Clerk to enter into agreement by and between the City of Yukon and Compassionate Hands, Inc. For the fiscal year beginning July 1, 1999 through June 30, 2000 in the amount of \$3,600 to be paid monthly, granting permission to the Mayor and City Clerk to enter into agreement by and

between the City of Yukon and the Canadian County 4-H for the fiscal year beginning July 1, 1999 through June 30, 2000, in the amount of \$1,200 to be paid monthly; granting permission to the Mayor and City Clerk to enter into agreement by and between the City of Yukon and the Youth and Family Services, Inc. for the fiscal year beginning July 1, 1999 through June 30, 2000 in the amount of \$4,000, to be paid quarterly, and set date for the next regular meeting for August 3, 1999, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth.

The vote:

AYES: Weller, Taylor, Friesen, Myers, Vinson

NAYS: None

VOTE: 5-0

MOTION CARRIED

ITEM C:

CONSIDER GRANTING PERMISSION TO THE MAYOR AND CITY CLERK TO ENTER INTO INTERLOCAL COOPERATIVE AGREEMENT BY AND BETWEEN THE CITY OF YUKON AND THE CITY OF MUSTANG FOR THE USE OF THE CITY OF YUKON'S FIREARMS RANGE FOR FISCAL YEAR BEGINNING JULY 1, 1999 TO JUNE 30, 2000

Vice Mayor Myers asked if the City of Mustang agrees to indemnify and hold the City of Yukon harmless from any claims at the firing range.

Acting City Attorney Mark Osby stated the agreement says that the City of Mustang agrees to indemnify and hold Yukon harmless from and does hereby release the City of Yukon from any claim, cause of action that may arise from Mustang's use of the range. Mr. Osby stated that Mustang shall be responsible for any hospital, doctor or other medical expenses arising from its own negligence associated with the use of the range. Mr. Osby stated he felt the language in the agreement is satisfactory.

A motion was made by Vice Mayor Myers, seconded by Council Member Friesen, approving and granting permission to the Mayor and City Clerk to enter into agreement by and between the City of Yukon and the City of Mustang for the use of the City of Yukon's firing range.

The vote:

AYES: Vinson, Weller, Taylor, Friesen, Myers

NAYS: None

VOTE: 5-0

MOTION CARRIED

ITEM E. CONSIDER APPROVING AND AWARDING OF BID FOR COMPUTER HARDWARE FOR THE POLICE DEPARTMENT TO PROLOGIC COMPUTERS IN THE AMOUNT OF \$16,743.69 AND AWARDING BID FOR SOFTWARE TO CARDINAL TRACKING, INC, IN THE AMOUNT OF \$7,069.00 TO BE PAID THROUGH A LEASE/PURCHASE FINANCING THROUGH GOVERNMENT CAPITAL CORPORATION IN THE TOTAL AMOUNT FINANCED \$73,812.69 FOR A THREE YEAR TERM BEGINNING JULY 20, 2000, INTEREST RATE .988%, YEARLY PAYMENT \$27,694.57 TOTAL AMOUNT FINANCED \$83,083.71, WHICH INCLUDES INTEREST

Vice Mayor Myers stated he had no problem with the financing or the software bid and he

felt that these were good bids. Vice Mayor Myers stated his problem was with the hardware bid and we are supposed to award the lowest and best bid. Vice Mayor Myers stated that Prologic and Gateway are reasonably close and he felt the problem in general is we are not getting the best but the lowest bid if we go with the Prologic bid.

Vice Mayor Myers stated there are changes in the industry being made all of the time and we had asked for Pentium II and now the Pentium III is entering the market place. Vice Mayor Myers stated that they are working to get their bids into the state contracts now and he felt we should wait and see what is on the state contract before we award the bid for the hardware.

Vice Mayor Myers stated that he did not know since the way this agenda item is stated, if we could delay the hardware portion and go ahead and approve the software and the remainder of the item pertaining to financing.

Police Chief stated he had no problem with accepting the software bids and holding off on the hardware bid until the state contract comes out.

Police Chief stated that it will be September or October before the software is here.

City Manager stated that he did not feel we had enough time to have it on the next agenda, but that you should postpone until the August 17th meeting.

Mayor Taylor asked the purchasing agent if we had a new state contract list.

Cheryl Dunn advised she has been told that the next contract will not be out until October.

A motion was made by Vice Mayor Myers to approve and award the software bid to Cardinal Tracking, Inc. in the amount of \$57,069 and to also approve the financing through a lease/purchase financing through Government Capital Corporation for a three year term beginning July 20, 2000, interest rate 5.988%, and postpone the hardware bids until the August 17th meeting.

The vote:

AYES: Myers, Vinson, Weller, Taylor

NAYS: Friesen

VOTE: 4-1

MOTION CARRIED

2. REPORT OF BOARDS, COMMISSIONS, AND CITY OFFICIALS

Lynn Hynes, engineer, advised that tomorrow the disinfecting process will begin on the water tower and we will fill the tower to 5% of its volume and wait 24 hours and test the water and fill the tower some more and test it, and after the testing is approved as far as regulations from the Health Department, the tower will be on line. Mr. Hynes stated that the future looks very bright and if we had no major problems, the tower will be on line by the first of next week.

3. CONSIDER REQUEST OF CITIZENS LIVING ON OLYMPIC TO BE HEARD REGARDING ALBERTSON'S STORE

Cindy Ridgeway, 128 West Olympic Drive, appeared before the Council to discuss her

frustration over the light spillage from the Albertson's parking lot and store. Mrs. Ridgeway stated her house is lit up like the 4th of July and the lights are so bright in her bedroom, that she has had to sleep on the couch. Mrs. Ridgeway stated that she contacted the Mayor and City Manager at their homes after dark because of the light spillage and after-hours construction, Mrs. Ridgeway stated both of these violate the development agreement Albertson's signed with the city in 1996. Mrs. Ridgeway advised Council that she had filed complaints with the Mayor and City Manager and she appreciated their efforts, but the problems had continued to occur between June 24th and July 19th and on July 1st, she had filed a complaint with the Police Department because of the after hours construction and light spillage.

Mrs. Ridgeway advised that she had contacted the city officials during this period of time to point out the violations to the agreement, despite being assured the problem would cease. Mrs. Ridgeway stated this is ridiculous and she has a new part-time job - policing Albertson's. Mrs. Ridgeway asked why there have been no fines, as Albertson's has been in violation of the covenant since June 24th. Mrs. Ridgeway asked if Albertson's be allowed to open while they are in violation and when will the City begin issuing hefty fines so she can give up her part time job.

Mayor Taylor advised that light shields have been ordered for the lights, including those that spill into Mrs. Ridgeway's home. Mayor Taylor stated these are in the process of being painted and will be installed and next Monday night, the City, Albertson's, and the contractor's manager will test the lights and check the readings. Mayor Taylor stated until then, they hope the lights will remain off.

City Manager advised the wires were disconnected to the lights until all shields and lights' are in place and are tested. City Manager also stated that a letter had been sent to Albertson's corporate officials informing them of all the items that must be corrected before occupancy is allowed and the Yukon police have been told to issue tickets to construction crews and contractors that violate the agreement regarding after hours construction.

City Manager stated that he had an additional suggestion with regard to the two-story homes and he would like to visit with Mrs. Ridgeway and her neighbors and discuss this after the meeting.

Danny Ward, 124 Olympic Drive, stated this has been a tremendous inconvenience that Albertson's has caused due to the dirt, trash and noise. Mr. Ward stated it is like living in a ballpark. Mr. Ward stated Albertson's are not good neighbors and it is not worth it. Mr. Ward stated if he could, he would leave. Mr. Ward stated his kids' room, after closing the blinds and with the lights off, you can still read a book.

Ward Larson presented some photos he took last Monday night of the light spillage from Albertson's into his back yard. Mr. Larson stated he can read a newspaper in his bedroom with the lights off and that's just from the lights on the building. Mr. Larson also expressed concern about the water outlets in the masonry wall between the homeowners and Albertson's, which allows the flow of excess water into the yard.

City Manager stated these holes will be mortared up.

Mr. Larson advised a another concern is not being able to abut the masonry fence of Albertson's and how can they maintain the wood fence and why can't the neighbors connect up to the wall.

Council Member Friesen stated he asked this question when the agreement was being discussed and he wondered at the time what purpose this would serve and why you didn't want to take your fence down and tie on to their fence.

City Manager stated that several property owners have already taken their fence down and abut Albertson's masonry wall. City Manager stated that Albertson's has no objection to you tying on to the fence, but they will not give you legal permission to do so.

Mike Herron, 104 West Olympic, stated in the original agreement, the masonry buffer fence was to be extended all the way to Cornwell. Mr. Herron stated the masonry fence does not go all the way and we have a flimsy fence that was not properly installed and is about ready to fall down. Mr. Herron stated there are three residents that don't get the same benefit as the others and we are having to put up with the same noise, dirt and trash. Mr. Herron stated this is not a privacy fence and they told him they had no objection to him making it a privacy fence at his expense. Mr. Herron stated when he asked the City Manager about this, he was told Albertson's didn't own the property. Mr. Herron advised he has a letter from the bank which states that Albertson's owns the property all the way to Cornwell behind the three citizens' houses.

City Manager advised that Mr. Herron didn't come into see him, a John Mercer brought in a letter from Mr. Herron which stated that he would like to fill in the blanks on his fence because he thought you could see in his back yard and also trash blows in. City Manager stated he advised Mr. Herron he could make his fence solid if he wished, but at his expense, and that the development agreement followed the land they platted and the plat of record filed in the county did not include the property behind the bank. City Manager stated that from a legal standpoint, you cannot hold them to the agreement.

City Manager stated he was told that Albertson's has leased the drive, but he will check and see if this is in the record.

Mr. Herron stated also, deliveries are not to be made off Cornwell, but they are coming in off Cornwell. Mr. Herron stated they just want them to treat the neighbors right and treat them the same as the rest of the citizens on Olympic.

Joyce Leonhart, 108 West Olympic, appeared before the Council and advised that the wood fence was not properly installed and the fence sways and she can look through the slats and see the entire Albertson's parking lot. Mrs. Leonhart stated she does not feel comfortable in her backyard and last week, after 10 p.m., trucks were roaring up and down and asphalt was being paved and she doesn't feel they should have to put up with the noise, weeds, trash and dirt. Mrs. Leonhart stated this used to be a well-kept neighborhood. Mrs. Leonhart stated the bank told them that Albertson's recently purchased the property in question after leasing the right-of-way from the bank.

City Manager advised if they promised to extend the fence, we will hold them to it. City Manager stated we will research the fence on what was promised.

Ward Larson stated that the trucks have been entering the work site off Cornwell and this is in violation of the agreement, as they are supposed to enter the site from 10th Street only.

Newman stated they told you before they moved in this wasn't going to work. Mrs. Newman stated she didn't know what the solutions are.

Mrs. Oglesby stated they built the fence by the lay of the land and didn't build the property up before they constructed the fence and in some areas, you can "see people's shoe strings as they go into the store.'

Ward Larson stated allowing the neighbors to abut the fence, he felt, would take care of the weeds growing up and the rodents and snakes.

Mayor Taylor thanked the neighbors for bringing their concerns to the Council and stated we appreciate you bringing this to our attention, but he feels the problems are with the construction company, not with Albertson's.

Mayor Taylor stated some of the problems should never have happened and we are addressing the problems and he is sure there will be others after the store opens.

4. CONSIDER ADOPTING RESOLUTION NO. 99-8 ESTABLISHING THE NINE-ONE-ONE EMERGENCY TELEPHONE FEE RATE FOR CALENDAR YEAR 2000

A motion was made by Vice Mayor Myers, seconded by Council Member Friesen, adopting Resolution No. 99-8, establishing the 9-1-1 emergency telephone fee rate for calendar year 2000.

The vote:

AYES: Friesen, Weller, Vinson, Myers, Taylor

NAYS: None

VOTE: 5-0

MOTION CARRIED

5. CONSIDER 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

LOCATION	OWNER	VIOLATION
601 S. Ranchwood	Brooklyn Company	Trash, Grass, Weeds
206 E. Beam	Sherrell	Trash, Grass, Weeds
701 Elm	First Christian Church	Trash, Grass, Weeds
725 Cooper	Shadaram	Trash, Grass, Weeds
613 Okieridge	Carr	Trash, Grass, Weeds
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Lots 19-25, Block Smoking Oaks	Church	Trash, Grass, Weeds
.61 acres behind City Bites; behind Homeland & Taco Bell	John Henry Co.	Trash, Grass, Weeds
Lot north of Walmart	Gotez, Inc.	Trash, Grass, Weeds
Lots 4, 5, 6, 9, 10, Block 1, Wesport Commerce Park	Gotez, Inc.	Trash, Grass, Weeds
Tract D, Von Elm East Section 2	Church of Christ	Trash, Grass, Weeds

Tract A#2, NE Von Elm, Section 2	Church of Christ	Trash, Grass, Weeds
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Mayor Taylor stated that we had a memo from the Code Enforcement Officer that stated all of the properties had been taken care of except 601 South Ranchwood, 206 East Beam, 613 Okieridge, 612 Okieridge, behind Homeland and Taco Bell, Tract D Von Elm East, Section 2, and Tract A#2NE Von Elm East Section 2. Mayor Taylor stated that some of these had asked for an extension until Monday and he would make a recommendation that we declare all of the ones listed in the memo as detrimental to the health, benefit and welfare and give them until Monday to take care of them and if they have not been, the city can abate them.

A motion was made by Mayor Taylor, seconded by Council Member Weller, to declare 601 S. Ranchwood, 206 E. Beam, 613 Okieridge, 612 Okieridge, behind Homeland and Taco Bell, Tract D, Von Elm East, Section 2, and Tract A#2 NE, Von Elm East, Section 2, as detrimental to the health, benefit, and welfare of the public and community and to check on Monday, July 26th to see if they are in compliance and if they are not, for the City to abate them.

The vote:

AYES: Friesen, Vinson, Myers, Weller, Taylor

NAYS: None

VOTE: 5-0

MOTION CARRIED

Mr. Gadberry, 202 E. Beam, appeared before the Council and advised that every summer he has to go to the Inspection Office and wait and wait on getting the property behind Homeland mowed. Mr. Gadberry stated that just recently he did mow two strips about 15' away from his house and really, he didn't mow, he just knocked the weeds down. Mr. Gadberry stated every year it is the end of July before we can get this mowed.

Mayor Taylor advised that once we have declared this item as detrimental, then it does not take as long to get it mowed the next time because you do not have to go through the posting, etc.

6. NEW BUSINESS

7. OPEN DISCUSSION

A) Vice Mayor Myers advised that the trash cop is on the job and the program is in progress.

B) Council Member' Friesen stated that we have looked at the ordinance on grass and we have as strong of ordinance as we can without going against state law. Council Member Friesen asked Ward Larson about the lawsuit against the city that has been threatened.

Mr. Larson stated he can only speak for himself, but this is not an issue.

C) Mayor Taylor stated that the AAU Championship tournament will be in Yukon this weekend and we ask that everyone support this endeavor. Mayor Taylor stated that the Chief of Police reported on the trucks on Cornwell and we are going to address the signage. Mayor Taylor stated he is excited about the water tower and they will be bringing a copy of the logo for him to approve and "Yukon" will be painted on the water tower.

8. ADJOURNMENT

There being no further business, a motion was made by Council Member Vinson, seconded by Council Member Weller, to adjourn the meeting.

The vote:

AYES: Friesen, Weller, Vinson, Taylor, Myers

NAYS: None

VOTE: 5-0

MOTION CARRIED.

Larry Taylor, Mayor

Mary Lee Huckaba, City Clerk