

Minutes



YUKON CITY COUNCIL MINUTES October 5, 1999

The Yukon City Council met in regular session on October 5, 1999, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

Invocation was given by Tom Tickner, pastor of Chisholm Trail Presbyterian Church.

Flag salute was given in unison.

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

Pat Hargis, City Clerk

Mike Segler, City Attorney

Lynn Hynes, Engineer

Dustin McElhaney, Building Maintenance

David Chesher, Community Enhancement Director

Bill Bullard, Assistant Police Chief

Jan Scott, Park & Recreation Director

Mitch Hort, Chief Inspector

Tammy Nemecek, Administrative Assistant

Russell Still, PSG

Dwyane Whitener, Public Works Director

John Knuppel, Historical Society

VISITORS

Earl Foster, Pets and People, appeared before the Council and presented them a check in the amount of \$52,995, which represented their final payment on the new animal control shelter. Mr. Foster stated that the Junior Pets and People organization had several fundraisers to help raise this money, and Pets and People also received grants and contributions.

Mayor Taylor stated this is a great example of public and private sectors working together for the betterment of our city. He stated he and the Council appreciate Pets and People's efforts.

PRESENTATIONS-PROCLAMATIONS

(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 September 21, 1999

B) Consider authorizing Chairman and Secretary, acting by and through the Yukon Parks Department, to enter into contract with Great Plains Coca-Cola Bottling Company for exclusive sale of their products at all city facilities

C) Consider authorizing Chairman and Secretary to enter into a tower attachment lease agreement with Nextel Communications

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

1998 CONSTRUCTION FUND:

a) #164, payable to Payless Cashways, in the amount of \$38.94 for building supplies for cabinet tops at the new animal control facility

b) #165, payable to Yukon Door & Plywood, in the amount of \$'164.15 for miscellaneous building supplies at the new animal control facility

Mayor Taylor stated that Item B, the Coca-Cola contract, was being pulled and would be postponed indefinitely.

Council Member Vinson made a motion to approve the YMA Consent Docket as presented, with the exception of Item B, which will be pulled and postponed indefinitely. Motion was seconded by Council Member Weller.

The vote:

AYES: Weller, Myers, Taylor, Friesen, Vinson

NAYS: None

VOTE: 5-0

MOTION CARRIED

Motion to indefinitely postpone Item B was made by Vice Mayor Myers, seconded by Council Member Weller.

The vote:

AYES: Myers, Weller, Taylor, Vinson, Friesen

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 the meeting of September 21, 1999

B) Consider approval of salary and material claims

C) Consider approval of recommendation from Spanish Cove Retirement Committee to appoint David K. Goodwin to the Board of Trustees, replacing Blayne Cole

D) Consider approving and accepting bid for lockers and benches for new gymnasium

E) Consider approving and accepting quote for fencing for the Freedom Trail Park and authorizing staff to purchase fencing in an amount not to exceed \$7,690.00

F) Consider approving and authorizing Mayor and City Clerk to enter into an agreement with the Oklahoma City Philharmonic Orchestra for services through December, 2004

G) Consider approving request of Public Works Director to purchase two (2) new Dynamow Mowers, one (1) walk-behind mower, one (1) Toro Rider, and one (1) two-wheel Sulky, from Smith Farm and Garden (a sole source supplier), and authorizing the trade-in of two used Dynamow Mowers; total cost not to exceed \$43,370.00

H) Consider approval of Oklahoma Municipal Retirement Fund application for disability retirement pension for Nancy Stollsteimer

I) Set date for next regular meeting for October 19, 1999, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth

Mayor Taylor stated that Item H needs to be pulled and postponed indefinitely, and made a motion to do so. Vice Mayor Myers seconded the motion.

The vote:

AYES: Myers, Weller, Friesen, Vinson, Taylor

NAYS: None

VOTE: 5-0

MOTION CARRIED

Council Member Weller made a motion to accept and approve the Consent Docket as presented, excluding Item H that will be postponed indefinitely. Motion was seconded by Council Member Friesen.

Mayor Taylor asked John Carter, mechanic for the Fleet Department, if he had checked the mowers that we were proposing to buy and if he felt they would be appropriate for the work they do. Mr. Carter stated these are the same items we now use, only improved.

The vote on the motion:

AYES: Friesen, Taylor, Vinson, Weller, Myers

NAYS: None

VOTE: 5-0

MOTION CARRIED

Mayor Taylor congratulated David Goodwin on his appointment to the Spanish Cove Board and stated he would make a fine member. He added he was glad David was aboard and looked forward to working with him.

2. REPORT OF BOARDS, COMMISSIONS AND CITY OFFICIALS

3. CONSIDER APPROVAL OF RESOLUTION NO. 99-t04, ALLOWING THE ASSIGNMENT OF MULTIMEDIA CABLEVISION'S FRANCHISE TO BE TRANSFERRED TO COXCOM, INC.

A motion was made by Vice Mayor Myers, seconded by Council Member Friesen, to postpone this item indefinitely.

The vote:

AYES: Vinson, Weller, Taylor, Friesen, Myers

NAYS: None

VOTE: 5-0

MOTION CARRIED

4. CONSIDER APPROVING FINAL PLAT OF SUNRISE HILLS ADDITION, SECTION 6, SUBJECT TO THE TECHNICAL COMMENTS OF STAFF, ESPECIALLY COMMENT #4, AS RECOMMENDED BY THE PLANNING COMMISSION

Mayor Taylor asked what Comment #4 referred to. Engineer stated this was regarding sidewalks at the development.

The representative of Design Engineering stated that the Planning Commission discussed that the sidewalks could not be waived, that the Board of Adjustment would have to make this change, and at this time, they are planning to appeal to the Board for this variance.

Mayor Taylor asked why they were arguing about the sidewalks.

The representative stated that expensive landscaping has been done in this area, and it would pose a great hardship on the homeowners who had gone to this expense if a sidewalk now had to be put in. He added the ADA regulations would also be hard to comply with, and there was nowhere for these sidewalks to go, as they essentially dead-end on both ends.

Mayor Taylor stated the Library is at the end of this street, and Oklahoma City is developing in this area, so there will be lots of kids going to the library. He stated he sees lots of kids going to the library daily and feels that eventually we will have to have sidewalks in this area. Mayor Taylor stated that sidewalks will be a great improvement.

Vice Mayor Myers stated he agreed with the Mayor, and felt that sidewalks are imperative in this subdivision. He stated the Planning Commission is recommending the installation of sidewalks, also, and questioned why sidewalks were not installed before.

City Manager advised they cannot get a building permit without these improvements, but if the Board of Adjustment approves their request, it will stay as it is -- without sidewalks -- as there is no appeal to the decision of the Board of Adjustment.

Vice Mayor Myers stated he has heard too many arguments and excuses about sidewalks, and he feels it is critical that we hold to our ordinance requesting the installation of them.

A motion was made to approve the final plat of Sunrise Hills Addition, Section 5, subject to the technical comments of staff, especially comment #4, as recommended by the Planning Commission. Vice Mayor Myers stated that "we need to tell each of our representatives on the Board of Adjustment that we agree with the Planning Commission."

Motion was made by Vice Mayor Myers, seconded by Council Member Weller.

The vote:

AYES: Myers, Weller, Taylor, Friesen, Vinson

NAYS: None

VOTE: 5.0

MOTION CARRIED

5. CONSIDER APPROVING FINAL PLAT OF SUNRISE HILLS ADDITION, SECTION 7, SUBJECT TO THE TECHNICAL COMMENTS OF STAFF, WITH EMPHASIS OF ITEM #3, AS RECOMMENDED BY THE PLANNING COMMISSION

Mayor Taylor asked what Item 3 referred to. Mitch Hort, Planning Director, stated this referred to pedestrian sidewalks at the school.

Council Member Friesen made a motion to approve the final plat of Sunrise Hills Addition, Section 7, subject to the technical comments of Staff, with emphasis of Item #3, as recommended by the Planning Commission. Motion was seconded by Vice Mayor Myers.

The vote:

AYES: Vinson, Weller, Myers, Taylor, Friesen

NAYS: None

VOTE: 5-0

MOTION CARRIED

6. CONSIDER APPROVAL OF AN APPLICATION BY ST. JOHN'S NEPOMUK CATHOLIC CHURCH TO REZONE FROM A (AGRICULTURE) TO C-1 (OFFICE DISTRICT) FOR PART OF THE E/2 OF THE NE/4 OF SECTION 19, T12N, R5W OF THE INDIAN MERIDIAN, YUKON, CANADIAN COUNTY, OKLAHOMA, AS RECOMMENDED BY THE PLANNING COMMISSION

Planning Director Mitch Hort stated the Church is wanting to rezone to C-1 due to lot coverage for the new building, and this is the only reason for the request.

Mayor Taylor asked if Staff was satisfied with this proposed change. Mr. Hort stated they were.

A motion was made by Council Member Weller, seconded by Council Member Vinson, to approve the application by St. John's Nepomuk Catholic Church to rezone from a (Agriculture) to C-1 (Office District) for part of the E12 of the NE/4 of Section 19, T12N, R5W, of the Indian Meridian, Yukon, Canadian County, Oklahoma, as recommended by the Planning Commission

The vote:

AYES: Friesen, Myers, Weller, Taylor, Vinson

NAYS: None

VOTE: 5-0

MOTION CARRIED

7. CONSIDER APPROVAL OF A PRELIMINARY AND FINAL PLAT FOR ST. JOHN'S CATHOLIC CHURCH, SUBJECT TO THE TECHNICAL COMMENTS OF STAFF, AS RECOMMENDED BY THE PLANNING COMMISSION

The Planning and Zoning Director explained that the "technical comments" were placement of sidewalks in front, which they agreed to do, and that they grant a utility easement, which they also agreed to.

Item was approved on a motion made by Vice Mayor Myers, seconded by Council Member Weller.

The vote:

AYES: Taylor, Weller, Vinson, Myers, Friesen

NAYS: None

VOTE: 5-0

MOTION CARRIED

8. CONSIDER APPROVING BID FOR 1999-2000 DRAINAGE AND STREET REPAIR PROJECT' IN AN AMOUNT NOT TO EXCEED \$974,389.00

Mayor Taylor remarked that a different construction company has been awarded this project.

City Manager stated that Rudy Construction Company did not get this bid, but that McConnell Construction did and they, too, are a good company, and he would recommend approval of this project to the low bidder, McConnell Construction Company.

Motion was made by Vice Mayor Myers, seconded by Council Member Weller, to approve the bid for the 1999-2000 drainage and street repair project in an amount not to exceed \$974,389 to McConnell Construction Company.

The vote:

AYES: Vinson, Taylor, Friesen, Myers, Weller

NAYS: None

VOTE: 5-0

MOTION CARRIED

9. CONSIDER APPROVAL OF FIRST READING BY TITLE OF ORDINANCE NO. 1035, AN ORDINANCE WHICH PROVIDES AMENDMENT TO THE CODE OF ORDINANCES OF THE CITY OF YUKON, OKLAHOMA, BY AMENDING SECTION 34-51 OF THE CODE OF ORDINANCES

City Attorney stated that this ordinance was drawn to clarify the City of Yukon can collect costs associated with incarceration of prisoners back to the prisoner. He stated it would be similar to the administrative costs we charge on abatement of nuisances. City Attorney advised that if the County jails the prisoner, we still have to pay them, and this will help recoup some of our costs if the ordinance is approved. City Attorney read ordinance title:

ORDINANCE NO. 1035

AN ORDINANCE WHICH PROVIDES AMENDMENT TO THE CODE OF ORDINANCES OF THE CITY OF YUKON, OKLAHOMA, BY AMENDING SECTION 34-51 OF THE CODE OF ORDINANCES, TO PROVIDE THAT THE MUNICIPAL ATTORNEY SHALL ASK THE COURT TO REQUIRE ANY PERSON CONFINED IN A CITY OR COUNTY JAIL, FOR ANY

OFFENSE, TO PAY THE JAIL FACILITY THE COSTS OF INCARCERATION, BOTH BEFORE AND AFTER CONVICTION, AND DECLARING AN EMERGENCY

Council Member Friesen made a motion to approve the first reading by title of Ordinance No. 1035. Council Member Vinson seconded the motion.

The vote:

AYES: Weller, Taylor, Myers, Vinson, Friesen

NAYS: NOne

VOTE: 5-0

MOTION CARRIED

10. CONSIDER APPROVAL OF FIRST READING BY TITLE OF ORDINANCE NO. 1036, AN ORDINANCE WHICH PROVIDES AMENDMENT TO THE CODE OF ORDINANCES OF THE CITY OF YUKON, OKLAHOMA, BY AMENDING CHAPTER 46, ARTICLE II OF THE CODE OF ORDINANCES

City Attorney advised that if this ordinance is approved, it will expand to the general public the chance to go before the municipal judge to make nuisance complaints. He explained that sometimes when someone complains, our officers and inspectors do not agree that a nuisance exists; that it is a judgment call. This gives citizens more power to declare a nuisance

The title of Ordinance No. 1036 was read by the City Attorney:

ORDINANCE NO. 1036

AN ORDINANCE WHICH PRIVESD PROVIDES AMENDMENT TO THE CODE OF ORDINANCES OF THE CITY OF YUKON, OKLAHOMA, BY AMENDING CHAPTER 46, ARTICLE II OF THE CODE OF ORDINANCES BY ADDING NEW SUBSECTIONS PROVIDING FOR DEFINITION OF PERSON RESPONSIBLE; THAT NO LAPSE OF TIME CAN LEGALIZE A PUBLIC NUISANCE; REMEDIES AGAINST A PUBLIC NUISANCE; REMEDIES AGAINST A PRIVATE NUISANCE AND DECLARING AN EMERGENCY.

A motion to approve first reading by title of Ordinance No. 1036 was made by Council Member Vinson, seconded by Council Member Weller.

The vote:

AYES: Taylor, Friesen, Vinson, Weller

NAYS: Myers

VOTE: 4-1

MOTION CARRIED

Vice Mayor Myers stated he felt this could lead to a rash of complaints and could tie up our court with petty complaints. He also stated this could turn neighbors against one another.

11. 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
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705 Villa	Potter	Trash, Grass, Weeds
710 Elm	1 st Christian Church	Trash, Grass, Weeds
760 S. Ranchwood	Loeffnelholtz	Trash, Grass, Weeds
201 Oak	WDB, Inc.	Trash, Grass, Weeds
.61 acres behind City Bites	Cypert	Trash, Grass, Weeds
North side of Mustang & Cameo	Lay	Trash, Grass, Weeds

Mayor Taylor stated Dan Fine, Code Inspector, has stated that all locations have been abated, with the exception of the north side of Mustang and Cameo. Mr. Fine advised that the owner is working on this property and he has extended the clean up time to them until Monday, October 11th.

A motion was made by Council Member Friesen, seconded by Council Member Vinson, to declare the property on the north side of Mustang Road and Cameo as detrimental to the health, benefit, and welfare of the public and community and direct staff to take appropriate action if the situation is not abated by Monday, October 11, 1999.

The vote:

AYES: Myers, Weller, Vinson, Friesen, Taylor

NAYS: None

VOTE: 5-0

MOTION CARRIED

12. NEW BUSINESS

13. OPEN DISCUSSION

Council Member Friesen congratulated Pets and People for raising so much money. He stated the new animal shelter is greatly needed and if you are not involved with this program, to get involved and become "foster parents" to these animals.

Vice Mayor Myers stated that Pets and People did a great job and he appreciated them.

Council Member Weller stated he also appreciates the efforts of Pets and People and commends them for their support of this new shelter. He advised the public that new animals come into the shelter daily, so you should go check them out.

Council Member Vinson stated that Nancy Stollsteimer, long-time Park Department employee, is in the hospital and not doing well and we all need to remember her.

Council Member Vinson also congratulated Pets and People and David Goodwin. Council Member Vinson reported that there are street lights out on Main Street.

Mayor Taylor congratulated the City Staff for their work on Czech Day. He stated everything was well-organized and the crowd control was really smooth. He stated they all did a great job. He also stated the Yukon Czech organization needed to be congratulated for putting on such a fine festival year after year.

Mayor Taylor stated that he was putting all parents on notice that the City of Yukon will join all the other metro cities in declaring the official Trick or Treat night for Saturday, October

30th from 6 to 9 p.m.

Mayor Taylor reminded the citizens that we will be celebrating a new festival in Yukon in a couple of weeks - the Celtic Festival. He stated this should be an exciting weekend, as they expect a very large crowd, along with a parade with the Clydesdales and a solo piping (bag pipe) contest. The piping contest has contestants from all over the world competing, so it will be a new, exciting time for Yukon.

14. CONSIDER MOTION TO CONVENE INTO EXECUTIVE SESSION TO DISCUSS POTENTIAL LITIGATION

Vice Mayor Myers made a motion to convene into executive session to discuss potential litigation. Second was made by Council Member Weller.

The vote:

AYES: Vinson, Weller, Friesen, Taylor, Myers

NAYS: None

VOTE: 5-0

MOTION CARRIED

15. CONSIDER MOTION TO ADJOURN FROM EXECUTIVE SESSION AND RE-CONVENE AS YUKON CITY COUNCIL

A motion was made by Council Member Friesen, seconded by Council Member Weller, to adjourn from the executive session and re-convene as Yukon City Council.

The vote:

AYES: Myers, Vinson, Taylor, Weller, Friesen

NAYS: None

VOTE: 5-0

MOTION CARRIED

Mayor Taylor stated to let the minutes reflect that no action was taken in executive session.

16. ADJOURNMENT

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

The vote:

AYES: Friesen, Weller, Taylor, Myers, Vinson

NAYS: None.

VOTE: 5-0

MOTION CARRIED

Larry Taylor, Mayor

Pat Hargis, City Clerk