

Minutes



City Council Minutes December 19, 2000

The Yukon City Council met in regular session on December 19, 2000, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

Invocation was given by Alan Fox, pastor of Resurrection Lutheran Church.

Flag salute was given in unison.

Roll Call: (Present) Steve Friesen, Mayor
 Genie Vinson, Vice Mayor
 John Weller, Council Member
 Tim Rundel, Council Member
 Ron Jurgensen, Council Member

OTHERS PRESENT:

Jim Crosby, City Manager
Pat Hargis, City Clerk
Mike Segler, City Attorney
Robbie Williams, City Engineer
Dustin McElhaney, Building Maintenance
Jan Scott, Park and Recreation Department
Tammy Nemecek, Administrative Assistant
Ike Shirley, Police Chief
Jeff Lara, Acting Fire Chief
J. R. Reed, Public Works Director
David Cheshier, Community Enhancement Director
Mitch Hort, Planning Director
John Knuppel, Historical Society

Presentations and Proclamations:

Merydith Easter, SAVE student, presented a research paper entitled "Yukon Smoking Ban Proposal" to the Council. Ms. Easter stated this study was undertaken by a group of Yukon students who studied the possible affects of second hand smoke in restaurants, thus bringing forth this request to the City Council asking them to draft an ordinance which would ban smoking in restaurants.

Mayor Friesen thanked Ms. Easter for the excellent presentation. City Attorney Mike Segler was asked to draft an ordinance which would ban smoking in all city restaurants for discussion at the next Council meeting.

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 one 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 the minutes of the regular meeting of December 5, 2000
- B) A tower lease with option ("Lease") by and between the Yukon Municipal Authority, a municipal trust ("Landlord")
and Voice Stream PCS I, LLC, a Delaware limited liability company ("Tenant")

A motion was made by Trustee Weller, seconded by Trustee Rundel, to approve the consent docket as presented.

The vote: AYES: Rundel, Jurgensen, 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 motion that will approve:

- A) Minutes of the regular meeting of December 5, 2000, and special meetings of December 11, 2000 and December 12, 2000
- B) Salary and material claims in the amount of \$199,357.50
- C) Extension of time for abating nuisance at 1003 South Third
- D) The off-site sanitary sewer easement for the Kingsridge Addition, Section 2
- E) Resolution No. 2000-13 authorizing the calling and holding of an election in the City of Yukon, Oklahoma, Canadian County, Oklahoma, for the purpose of electing one Council Member, At Large, for a three year term
- F) Setting date for next regular meeting for January 2, 2001, 7:30 P.M., in the Council Chambers of the Centennial Building, 12 South Fifth

The consent docket was approved as presented on a motion made by Council Member Weller; seconded by Council Member Rundel.

The vote: AYES: Weller, Friesen, Rundel, Jurgensen NAYS: None VOTE: 5-0 MOTION CARRIED

2. Report of Boards, Commissions and City Officials

Jim Crosby, City Manager, stated he had been notified that the City of Yukon is recipient of a \$5

million federal grant for our water system. Some of the work to be completed will be the water lines east of the airport that need upgraded, booster station with Oklahoma City, a one million gallon storage tank, and work on the sewer treatment plant clarifier and muffin monster.

Mr. Crosby stated this is the largest grant that the City of Yukon has ever received, and he would like to thank Representative Lucas for his helping Yukon to get this grant.

Mayor Friesen stated he concurred with Mr. Crosby and it is not often that we receive such big grants. Mr. Friesen stated with the aquifer starting to wear out, as well as 18 miles of lines, this money comes at a great time.

3. Consider approving Resolution No. 2000-11 authorizing adoption of Central Oklahoma Water

Resource Authority Trust Indenture and authorizing participating in the Trust Authority created

thereby and appointing an initial trustee to serve thereon (tabled at 12-5-00 meeting)

Council Member Rundel made a motion to approve Resolution No. 2000-11, authorizing adoption Central Oklahoma Water Resource Authority Trust Indenture and authorizing participating in the Trust Authority created thereby, and approving Vice Mayor Genie Vinson as the initial Trustee to serve thereon. Vice Mayor Vinson seconded the motion.

The vote: AYES: Friesen, Jurgensen, Weller, Vinson, Rundel NAYS: None VOTE: 5-0 MOTION CARRIED

4. Consider approval of R & M Resources' request to mine an additional eighteen (18) acres located on

their property at 4300 North Richland Road (postponed from 11-07-00 meeting)

Genie Vinson made a motion to approve so that the matter could be discussed. Second was made by Council Member Weller.

Mike Mullett, R & M Resources, stated he had a Conditional Use Permit with stipulations that allowed him to operate the sand mine. Mr. Mullett stated that R & M has complied with these stipulations during the last four years and is in compliance with city, state and federal laws at the time. He stated they are asking that the CUP be extended to include eighteen (18) acres. Mr. Mullett said this area is shown in the report that he gave the Council.

Albert Skoch stated he is a farmer to the east of the sand pit, and wants to ensure that a safe buffer zone is there so the berms won't be damaged by the sand mining.

Ken Mach stated he is concerned with Shell Creek, as the back of the creek has been broken a few times and also, there has been flooding with the river. Mr. Mach stated he recently tested 1 water well and received a bad report on the water. Mr. Mach stated he is concerned that the sand pit operation may be the cause of the contamination and is asking that the Council take this into consideration when they vote.

Stanley Burris appeared before the Council and thanked them and former Council members for their foresight. He stated due to their foresight, he has had no problem with his water due to oil wells. Mr. Burris stated if the City works with the people in the area, we can control these items. Mr. Burris said that Dolese has said they may have to start crushing rocks for sand. He also stated he thinks he has heard that Mr. Mach's wife made the remark that their well was

contaminated before R & M was there. Mr. Burris stated that perhaps the City should check the records on this and see. Mr. Burris stated he thinks his water is better now and just asks the Council to work with the people affected by this.

Irene McAllister stated she lives to the east of the sand pit and when their water was tested in 1998, it came back with coliform bacteria. Mrs. McAllister stated the sand pit is located where the old feed lots used to be and this could be causing a problem. She stated she would ask the Council to have Mr. Mullett stay with the original ten (10) acres and to ensure he mines where he says he will.

Ken Mach approached the Council and stated he would like to clarify something. He stated he is not talking about his new well; it's a 30 year old well in his yard he is speaking of, not the one in his field. He stated he has never had a test showing coliform until this last test and he just wants to set the record straight. He stated his sister lives closer to the sand pit and tested positive before his well did. Mr. Mach asked if the river bank breaks down, how do you close it back without hurting the water.

Mayor Friesen stated the City had an outside firm come in to evaluate this.

Jim Crosby, City Manager, stated that a hydrologist investigated the situation, and that our City Engineer, Robbie Williams, took Dr. Jim Harp to view the area. Mr. Crosby read excerpts of a letter from Dr. Harp stating "...it is my opinion that the operations of R & M Resources are not detrimentally affecting any wells on the east half of Section 13." Further, he stated "Groundwater will not run uphill; therefore any contamination in the Mock (sic) Wells is not caused by any operations at R & M Resources." "No speculation is made as to any contamination of the Moc (sic) Wells. Certainly, no effects from R & M Resources can possibly be the cause of any contamination east of Shell Creek itself."

Mr. Crosby stated these letters and memos are part of the agenda backup for this item.

Ken Mach stated their wells are 150' deep and they live on a hill, but he does not understand this statement because the water is not on a hill. Mr. Mach also noted that the only time that Mr. Mullett repairs anything at the sand pit is when he gets ready to come to the City Council for something. Mr. Mach stated he has picked up trash, etc. from the mining operation several times.

Mr. Crosby stated there is a 45 degree difference in elevation, but ground water would migrate toward the river, like surface water would. He stated that he has "a lot of respect for Dr. Harp's opinion."

John Knutson stated he lives north of R & M and the area was indeed a feedlot and a lot of johnson grass before R & M came. He said that R & M cleaned a blighted eyesore. Mr. Knutson stated that all of the employees of R & M that he has met are professionals and he really doesn't see any truck traffic. He stated the west side of the sand pit considers R & M a good, quiet neighbor and an asset to our community.

Addressing Mitch Hort, Community Development Director, Council Member Weller asked how often R & M is inspected.

Mr. Hort stated prior to his coming to work for the City, they were not inspected regularly. However, he said they are in the process of establishing a way to inspect them and other CUP holders regularly so that safety can be ensured.

Mr. Weller asked if tests can be performed to determine sources of bacteria.

Vice Mayor Vinson stated she had advised Mr. Mach and Mrs. McAllister that if they would contact the Water Resources Board, they would check into this problem without a cost to the property owners.

Council Member Weller said that if indeed Mr. Mullett's operation is causing a problem, perhaps they could do something to stop the problem.

Vice Mayor Vinson stated she would like to amend her motion to approve Mr. Mullett's request with the stipulations contained in the current CUP, plus adding the stipulation that R & M's operation inspected monthly.

Mr. Mullett asked if his geologist and hydrologist could make a presentation. He stated they had offered to take a sample from Mr. Mach and have it analyzed, but Mr. Mach declined. Mr. Mullett said they would still be glad to do so.

Council Member Weller stated the Council cannot request that R & M do this, but it would be helpful for them if they wished to take advantage of this offer, and perhaps it could determine the source of contamination.

John Weller amended his second to the motion to reflect the amended motion of Vice Mayor Vinson.

The vote: AYES: Vinson, Friesen, Jurgensen, Rundel, Weller 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 to abate same

LOCATION	OWNER	VIOLATION
1312 Kingston Drive	Cagle	Trash, Grass, Weeds/Nuisance Vehicles

Mayor Friesen stated he had been presented with a letter asking that his item be tabled until January 2, 2001. A motion was made by Council Member Weller, seconded by Vice Mayor Vinson to table the hearing for 1312 Kingston Drive until the January 2, 2001 meeting.

The vote: AYES: Jurgensen, Rundel, Weller, Vinson, Friesen NAYS: None VOTE: 5-0 MOTION CARRIED

6. New Business

7. Open Discussion

Council Member Jurgensen wished everyone a happy holiday.

Council Member Weller stated he would encourage everyone to go see our park display, as it is really nice. He also offered his thanks to Ms. Easter and her group for an excellent presentation and wished everyone happy holidays.

Council Member Rundel offered his congratulations to our lobbyist for the \$5.5 million grant that

we have received. Mr. Rundel stated that at the recent ACOG meeting, it was discussed that phone companies that have recently been started sometimes do not register with the 911 Association, thus when you call for emergency assistance, you may not be in the file, so be sure ask before you change phone carriers, as this could be a very dangerous, life-threatening situation. Mr. Rundel wished everyone a Merry Christmas and urged them to drive safely.

Vice Mayor Vinson thanked the City employees for keeping the roads clear, and wished everyone a Merry Christmas and happy holiday.

Mayor Friesen state he would like to commend Ms. Easter for the amount of work she put into the report. He also stated that the Coning Manufacturing Company going in at Reno and Sara will be excellent for us. Although it is not in our city limits, it will put money into our economy, he said. Mayor Friesen said this will be a very big impact on our community.

Mayor Friesen stated he hopes "you are blessed during the holiday season."

8. Adjournment

Steve Friesen, Mayor

Pat Hargis, City Clerk