

Minutes



City Council Minutes February 17, 2004

The Yukon City Council met in regular session on February 17, 2004, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

The invocation was given by Pastor Ken Marsten, First Christian Church of Yukon.

Flag salute was given in unison.

Roll Call: Present: Earline Smaistrla, Mayor
John Alberts, Vice Mayor
Dewayne Maxey, Council Member
Bob Bradway, Council Member
Ward Larson, Council Member

Others Present:
Jim Crosby, City Manager
Pat Hargis, City Clerk
Mike Segler, City Attorney
Robbie Williams, City Engineer, Triad Design Group
Tony Lum, Building Maintenance Department
Mitchell Hort, Community Development Director
Tim Rundel, Personnel/Safety Director
J. R. Reed, Public Works Director
Jeff Lara, Fire Chief
John Knuppel, Historical Society

Presentations and Proclamations
None



Visitors
None

(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:

- A) The minutes of the regular meeting of February 3, 2004
- B) Payment of claims in the amount of \$49,785.22

A motion to approve the minutes of the regular meeting of February 3, 2004, and payment of claims in the amount of \$49,785.22 was made by Trustee Larson and seconded by Trustee Maxey.

The vote:

AYES: Alberts, Larson, Smaistrila, Bradway, Maxey

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 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) The minutes of the regular meeting of February 3, 2004
- B) Payment of salary and material claims in the amount of \$160,320.71
- C) Appointing John Knuppel as the At-Large representative to the Traffic and Transportation Committee
- D) Setting the date for the next regular Council meeting for March 2, 2004, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth

Council Member Larson moved to approve the Consent Docket, consisting of the minutes of the regular meeting of February 3, 2004; payment of salary and material claims in the amount of \$160,320.71; appointing John Knuppel as the At-Large representative to the Traffic and Transportation Committee; and setting the date for the next regular Council meeting for March 2, 2004, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth. The second to the motion was made by Council Member Bradway.

The vote:

AYES: Maxey, Alberts, Bradway, Smaistrila, Larson

NAYS: None

VOTE: 5-0

MOTION CARRIED

2. Report of Boards, Commissions and City Officials

There were no reports.

3. Consider reimbursement of Building Permit #20015266 in the amount of \$575.00 to Jim Nievar

A motion was made by Council Member Maxey, seconded by Council Member Larson, to approve the reimbursement of Building Permit #20015266 in the amount of \$575.00 to Jim

Nievar.

Council Member Larson stated he was unfamiliar with this process and asked if people are normally entitled to this reimbursement.

Mitch Hort, Community Development Director, stated typically a builder has six months in which to begin work and if they don't do it within the time limit, the permit dies and they forfeit the money. Mr. Hort advised it has been ten months since Mr. Nievar applied and only a small percentage of work has been done.

City Manager Jim Crosby said that Mr. Nievar feels he was hindered by the City and couldn't complete his project because of unique restrictions placed on him. Mr. Crosby advised that in his forty years experience, has never refunded a permit.

Council Member Bradway asked what "unique" restrictions he was referring to.

Mr. Crosby said that the wording was Mr. Nievar's, but that Mr. Nievar was referring to the City's limitation of the way the trucks were to come onto his property; complaints from the neighbors, and the hours of operation.

Council Member Bradway said these things were done for the City, not to Mr. Nievar and how he went about his business. Mr. Bradway said he felt we had given Mr. Nievar ample time and he did not perform, therefore, he did not believe Mr. Nievar was entitled to a refund.

Mitch Hort said that the \$575 being requested represents the sewer and water tap fees.

Mr. Bradway asked what the common practice is.

Mr. Hort advised that if a request is made within the six months period, we refund the money; however, if it is after six months, we do not.

Council Member Bradway asked if all that this money represents is the meters, etc. that are not installed and permit fees for work that the city has not done.

Mr. Hort stated that was correct.

Council Member Larson stated unless there is an ordinance prohibiting such, we need to refund the money for work not done.

Vice Mayor Alberts asked if there was anything that gives the city the authority to refund.

Mike Segler, city attorney, stated there is no ordinance regarding this, only policy.

Mr. Alberts asked if this has been done at other times. Mr. Hort stated there has not been a situation just like this, but there is one open permit where no work was done within the specified period of time and we did keep the fees.

Vice Mayor Alberts stated it is his concern that we worked with this gentleman to try to enable him to get his work done within the time frame we prescribed, and he did not do it. Then the question becomes, if he had done it work, would it have been done within the six month period. Mr. Alberts asked what is preventing him from doing this work at a later time.

Council Member Maxey stated the property now belongs to Habitat for Humanity.

Council Member Larson asked if our actions would be setting a precedent.

Mr. Hort advised his department had sent a letter to Mr. Nievar reminding him that the work needed to be started within the six months or his fees would be relinquished.

Council Member Larson said he felt it would be unfair for the City to keep money for services not delivered.

The City Manager advised we can't deliver these services until houses are built and he has not started any houses.

Vice Mayor Alberts moved to table this item until the City Attorney can do research to determine if we have the authority to hold these fees. A second to the motion was made by Council Member Bradway.

The vote:

AYES: Bradway, Larson, Alberts, Smaistrle, Maxey

NAYS: None

VOTE: 5-0

MOTION CARRIED

4. Consider approving permanent easement for Kingsridge/Kingsway Lift Station and Pressure Line

The motion to approve the permanent easement for the Kingsridge/Kingsway lift station and pressure line was made by Council Member Bradway; seconded by Vice Mayor Alberts.

The vote:

AYES: Bradway, Maxey, Larson, Alberts, Smaistrle

NAYS: None

VOTE: 5-0

MOTION CARRIED

5. Consider approving a preliminary plat for Stone Mill Addition as recommended by the Planning Commission

The motion to approve a preliminary plat for the Stone Mill Addition, as recommended by the Planning Commission, was made by Council Member Maxey, with Council Member Larson seconding the motion for approval.

The vote:

AYES: Larson, Smaistrle, Alberts, Maxey, Bradway

NAYS: None

VOTE: 5-0

MOTION CARRIED

6. Consider approving a final plat for Stone Mill Addition, Phase I, as recommended by the Planning Commission

Council Member Maxey made a motion, seconded by Council Member Larson, to approve a final plat for Stone Mill Addition, Phase I, as recommended by the Planning Commission.

The vote:

AYES: Smaistrla, Bradway, Alberts, Maxey, Larson

NAYS: None

VOTE: 5-0

MOTION CARRIED

7. Consider approving repair to the Holly Avenue Waterline in the amount of \$9,194.40

A motion was made by Council Member Larson to approve the repair to the Holly Avenue waterline in the amount of \$9,914.40. The second to the motion was made by Council Member Bradway.

The vote:

AYES: Alberts, Bradway, Larson, Maxey, Smaistrla

NAYS: None

VOTE: 5-0

MOTION CARRIED

8. Consider approving contract with Brewer Construction Company for emergency repair of the sanitary sewer line in the vicinity of 6th and Poplar in an amount not to exceed \$20,871.75

Council Member Larson moved to approve a contract with Brewer Construction Company for emergency repair of the sanitary sewer line in the vicinity of 6th and Poplar in an amount not to exceed \$20,871.75. The second to the motion was made by Council Member Maxey.

The vote:

AYES: Bradway, Larson, Smaistrla, Maxey, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

9. Consider releasing the water rights lease with Arnold Moore (as recorded in Book #4423, Page #1170, Oklahoma County), contingent upon receiving permanent easement along north side of property from the record owner

A motion was made by Council Member Maxey, seconded by Council Member Larson, to release the water rights lease with Arnold Moore (as recorded in Book #4423, Page #1170, Oklahoma County), contingent upon receiving permanent easement along north side of property from the record owner.

Vice Mayor Alberts asked why we were not doing to develop a well here.

Mr. Crosby explained that these blanket rights were leased back in the 1970s and the land is now being sold to Hobby Lobby, and if we release the rights, Hobby Lobby will give us land for a new line to go across their property. Mr. Crosby said that this land is too close to another well for us to use.

The vote:

AYES: Maxey, Alberts, Bradway, Larson, Smaistrla

NAYS: None

VOTE: 5-0

MOTION CARRIED

10. Consider approving bid specifications for one (1) 2004 Model Truck Chassis and Rear-Loading Sanitation Packer with 12KLB Reeving Winch and one (1) 2004 Model Truck Chassis and Rear Loading Sanitation Packer

Bid specifications for one (1) 2004 Model Truck Chassis and Rear-Loading Sanitation Packer with 12KLB Reeving Winch and one (1) 2004 Model Truck Chassis and Rear Loading Sanitation Packer were approved on a motion made by Council Member Maxey and seconded by Council Member Bradway.

The vote:

AYES: Larson, Alberts, Maxey, Smaistrla, Bradway

NAYS: None

VOTE: 5-0

MOTION CARRIED

11. Consider entering into an engineering agreement with Triad Design Group, Inc. for preliminary plans, final plans, specifications, estimates, and periodic engineering observation for the construction of General Obligation Bond capital improvements within the City of Yukon

A motion was made by Council Member Bradway to enter into an engineering agreement with Triad Design Group, Inc. for preliminary plans, final plans, specifications, estimates, and periodic engineering observation for the construction of General Obligation Bond capital improvements within the City of Yukon. A second to the motion was made by Council Member Larson.

The vote:

AYES: Smaistrla, Maxey, Bradway, Alberts, Larson

NAYS: None

VOTE: 5-0

MOTION CARRIED

12. Consider public hearing to determine whether the following properties should be declared detrimental to the health, safety, benefit and welfare of the public and community and, if necessary, direct the City Manager to take appropriate action to abate same

LOCATION	OWNER	VIOLATION
219 Choctaw **	Seely	Nuisance Vehicles
332 Chickasaw **	Walter	Nuisance Vehicles
705 South 2 nd	Selement/Johnston	Nuisance Vehicle
705 South 2 nd	Selement/Johnston	Trash, Grass, Weeds
1001 South Third	Stahlman	Nuisance Vehicles
517 Crown	Winter/Durbin	Nuisance Vehicles

517 Crown	Winter/Durbin	Trash, Grass, Weeds
110 Vine	Selvidge	Trash, Grass, Weeds
110 Vine	Selvidge	Nuisance Vehicles
205 Choctaw	Ely	Nuisance Vehicle
1406 Allen	Williams	Trash, Grass, Weeds
1406 Allen	Williams	Nuisance Vehicle
106 Janice	Burcham	Nuisance Vehicles

** tabled from 2-3-04 meeting

Pictures of the properties to be considered, 1001 South Third and 219 Choctaw, were presented to the Council by Community Development Director Mitchell Hort. After review by the Council, a motion was made by Council Member Larson and seconded by Council Member Maxey to declare the properties as detrimental to the health, safety, benefit and welfare of the public and community and, if necessary, direct the City Manager to take appropriate action to abate same.

The vote:

AYES: Smaistrla, Alberts, Maxey, Bradway, Larson

NAYS: None

VOTE: 5-0

MOTION CARRIED

13. New Business

14. Council Discussion

- ◆ Council Member Maxey stated he will miss the next meeting, as he will be on vacation.
- ◆ Council Member Bradway advised we are just waiting for good weather to begin our road projects.
- ◆ Council Member Larson stated on February 24th we will be voting on the sales tax issue and he hoped everyone would vote on this important issue.
- ◆ Vice Mayor Alberts said there will be a fish out this weekend and it should be a fun time for everyone.
- ◆ Mayor Smaistrla thanked those in the audience for attending.

15. Adjournment

There being no further business, the meeting was adjourned.

Earline Smaistrla, Mayor

Patricia G. Hargis, City Clerk

