

# Minutes



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## City Council Minutes March 2, 2004

The Yukon City Council met in regular session on March 2, 2004, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

The invocation was given by Pastor George Gilland, First United Methodist Church

Flag salute was given in unison.

Roll Call: Present: Earline Smaistrle, Mayor  
John Alberts, Vice Mayor  
Bob Bradway, Council Member  
Ward Larson, Council Member  
Absent: Dewayne Maxey, 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  
Tammy Nemecek, Administrative Assistant  
J. R. Reed, Public Works Director  
Ike Shirley, Police Chief  
Jeff Lara, Fire Chief  
Tim Rundel, Personnel/Safety Director  
John Knuppel, Historical Society



### Presentations and Proclamations

“National Municipal Government Week” Proclamation

Mayor Smaistrle read a proclamation proclaiming March 1-5, 2004, as “Municipal Government Week” in the City of Yukon.

Presentation to Employees With 25 Years Service

Mayor Smaistrle presented 25 year service certificates and pins to Bill Bullard, Deputy Police Chief; Jimmy Tallant, Street Department; and Dale Hatcher, Sanitation Superintendent.



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:

- A) The minutes of the regular meeting of February 17, 2004
- B) Payment of claims in the amount of \$7,065.00

A motion to approve the minutes of the regular meeting of February 17, 2004, and the payment of claims in the amount of \$7,065.00, as shown in the YMA Consent Docket, was made by Trustee Larson, with the second being made by Trustee Bradway.

#### **The vote:**

**AYES: Bradway, Smaistrila, Larson, Alberts**

**NAYS: None**

**VOTE: 4-0**

**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 17, 2004
- B) Payment of salary and material claims in the amount of \$211,150.81
- C) Denial of a tort claim from Mike Rodrigues, as recommended by the Oklahoma Municipal Assurance Group
- D) Entering into an agreement with the Yukon Soccer Club, acting by and through the Yukon Parks and Recreation Department, for use of Ranchwood Park from February 14 through May 31, 2004
- E) Entering into an agreement with the Yukon Optimist Sports Club, acting by and through the Yukon Parks and Recreation Department, for use of the City Park and Hillcrest Park baseball fields from March 1 through November 31, 2004
- F) Consider entering into an agreement with the United Softball Association, acting by and through the Yukon Parks and Recreation Department, for use of Sunrise Park softball fields from March 15 through July 9, 2004
- G) Paying a tort claim to Debbie Rice for vehicle damage
- H) Entering into an agreement with the Commission on Accreditation of Law Enforcement Agencies, Inc. for annual continuation fee
- I) Setting the date for the next regular Council meeting for March 16, 2004, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth

Council Member Bradway made a motion to approve the Consent Docket, consisting of approval of the minutes of the regular meeting of February 17, 2004; payment of salary and material claims in the amount of \$211,150.81; denial of a tort claim from Mike Rodrigues, as recommended by the Oklahoma Municipal Assurance Group; entering into an agreement with the Yukon Soccer Club, acting by and through the Yukon Parks and Recreation Department, for use of Ranchwood Park from February 14 through May 31, 2004; entering into an agreement with the Yukon Optimist Sports Club, acting by and through the Yukon Parks and Recreation Department, for use of the City Park and Hillcrest Park baseball fields from March 1 through November 31, 2004; entering into an agreement with the United Softball Association, acting by and through the Yukon Parks and Recreation Department, for use of Sunrise Park softball fields from March 15 through July 9, 2004; paying a tort claim to Debbie Rice for vehicle damage; entering into an agreement with the Commission on Accreditation of Law Enforcement Agencies, Inc. for annual continuation fee, and setting the date for the next regular Council meeting for March 16, 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 Larson.

The vote:

AYES: Larson, Alberts, Bradway, Smaistrila

NAYS: None

VOTE: 4-0

MOTION CARRIED

2. Report of Boards, Commissions and City Officials

3. Consider reimbursement of Building Permit #20015266 in the amount of \$575.00 to Jim Nievar (tabled at the February 17, 2004, meeting)

A motion was on the floor from the February 17, 2004, meeting, 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.

Community Development Director Mitchell Hort stated that after discussing this matter with the City Attorney, they decided only \$500 was eligible to be refunded.

Council Member Larson asked if these fees represented amounts for non-performance of services by the City.

Mr. Hort stated that was correct.

Council Member Larson made a motion to change the refundable amount to \$575 and to reimburse Jim Nievar for Permit #20015266.

Vice Mayor Alberts stated the City had gone out of the way to accommodate Mr. Nievar's requests and he did not avail himself of the time extension. He continued that Mr. Nievar came to the Council and they made special exceptions for him, therefore, he does not feel Mr. Nievar is entitled to a refund. Mr. Alberts asked if this request had been made in a timely manner as prescribed in the ordinance (within 180 days), if we could have honored his request.

Mr. Hort said that he could have handled the matter administratively then, without going to

the Council.

Council Member Bradway asked the number of days from the beginning of the project until the applicant requested a refund.

City Attorney Segler stated it had been nine months.

The Mayor called the item.

Motion died for lack of a second.

A motion was made by Vice Mayor Alberts, seconded by Council Member Bradway, to deny the request of Jim Nievar for reimbursement of Building Permit #20015266 in the amount of \$575.00.

The vote:

AYES: Alberts, Smaistrle, Bradway

NAYS: Larson

VOTE: 3-1

MOTION CARRIED

4. Consider approving the bid for the 2004 Asphalt Street Repair Project, accepting the bonds, and awarding the contract to Rudy Construction Company, as lowest and best bid, in an amount not to exceed \$1,010,071.05

A motion to approve the bid for the 2004 Asphalt Street Repair Project, accepting the bonds, and awarding the contract to Rudy Construction Company, as lowest and best bid, in an amount not to exceed \$1,010,071.05, was made by Council Member Bradway, with Vice Mayor Alberts seconding.

The vote:

AYES: Smaistrle, Alberts, Bradway, Larson

NAYS: None

VOTE: 4-0

MOTION CARRIED

5. Consider vacating a plat of Yukon Industrial Park, an addition to the City of Yukon, Oklahoma, recorded in Book 3, Page 83, of the records of the Canadian County Clerk, and accepting a permanent easement for a sewer line from the record owners

Vice Mayor Alberts moved, seconded by Council Member Bradway, to vacate a plat of Yukon Industrial Park, an addition to the City of Yukon, Oklahoma, recorded in Book 3, Page 83, of the records of the Canadian County Clerk, and accepting a permanent easement for a sewer line from the record owners.

The vote:

AYES: Alberts, Larson, Bradway, Smaistrle

NAYS: None

VOTE: 4-0

MOTION CARRIED

6. Consider approving a rezoning request from Jim Niles to rezone from A to R-1 PUD

and C-5 for a triangular tract in the NE/4 of Section 28, T12N, R5W, Yukon, Canadian County, Oklahoma, as recommended by the Planning Commission

A motion to approve a rezoning request from Jim Niles to rezone from A to R-1 PUD and C-5 for a triangular tract in the NE/4 of Section 28, T12N, R5W, Yukon, Canadian County, Oklahoma, as recommended by the Planning Commission was made by Vice Mayor Alberts. Council Member Bradway seconded the motion.

The vote:

AYES: Bradway, Alberts, Smaistrle, Larson

NAYS: None

VOTE: 4-0

MOTION CARRIED

7. Consider approving a preliminary plat for Legacy Lakes

A motion was made by Council Member Bradway, seconded by Vice Mayor Alberts, to approve a preliminary plat for Legacy Lakes.

The vote:

AYES: Smaistrle, Bradway, Larson, Alberts

NAYS: None

VOTE: 4-0

MOTION CARRIED

8. Consider approving an emergency repair of sanitary sewer between 5th and 6th Streets near Holly Avenue in an amount not to exceed \$6,797.23

Vice Mayor Alberts made a motion to approve an emergency repair of sanitary sewer between 5th and 6th Streets near Holly Avenue in an amount not to exceed \$6,797.23. The motion was seconded by Council Member Bradway.

The vote:

AYES: Larson, Smaistrle, Alberts, Bradway

NAYS: None

VOTE: 4-0

MOTION CARRIED

9. Consider approving the specifications for the 2004 Chisholm Trail Park improvements and authorizing the City Engineer to solicit for bids

Vice Mayor Alberts made a motion, which was seconded by Council Member Larson, to approve the specifications for the 2004 Chisholm Trail Park improvements and authorizing the City Engineer to solicit for bids.

Vice Mayor Alberts asked the City Manager to explain this proposal.

Mr. Crosby stated that through grants and donations, a new picnic pavilion and gazebo will be built on the north end of the Chisholm Trail Park, and if there is money available after the construction of these items, restrooms will also be added at this location. Should we be able to build the restrooms, the item will be on the Council agenda for approval.

The vote on the motion for approval:  
AYES: Bradway, Alberts, Larson, Smaistrla  
NAYS: None  
VOTE: 4-0  
MOTION CARRIED

10. Approve and hold a 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

ADDRESS	OWNER	VIOLATION
1019 Elm	Burris	Nuisance Vehicles
307 West Bass	Keck	Nuisance Vehicles
307 West Bass	Keck	Trash, Grass, Weeds
1014 Elm	Vaughn	Nuisance Vehicles
1014 Elm	Vaughn	Trash, Grass, Weeds
349 Cherokee	Roberts/Strange	Trash, Grass, Weeds

Mitchell Hort, Community Development Director, stated the address that remains to be considered is 1019 Elm, Burris, for nuisance vehicles. Pictures of the property were distributed to the City Council.

A motion was made by Vice Mayor Alberts, with Council Member Bradway seconding, to declare the property at 1019 Elm 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, Bradway, Alberts, Larson  
NAYS: None  
VOTE: 4-0  
MOTION CARRIED

11. New Business

12. Council Discussion

- Council Member Larson said he was grateful to the citizens who turned out for the last election and was happy for the beneficiaries of the tax - the city employees. Mr. Larson stated he felt this tax would be a great asset to the City of Yukon, and not just the employees. He offered his thanks to those who voted in favor of this proposal.
- Council Member Bradway said on March 17th we will close on the General Obligation Bonds and will receive the money to begin the road and street capital improvement projects. He stated he understands Richland Road is ready for construction to begin.
- Mayor Smaistrla thanked those in attendance.

13. Adjournment

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Earline Smaistrla, Mayor

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Patricia G. Hargis, City Clerk

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