

# Minutes



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## City Council Minutes April 6, 2004

The Yukon City Council met in regular session on April 6, 2004, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

The invocation was given by Tim Rundel, Personnel/Safety Director for the City 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  
Tammy Nemecek, Administrative Assistant  
Jan Scott, Park and Recreation Director  
J. R. Reed, Public Works Director  
Ike Shirley, Police Chief  
Jeff Lara, Fire Chief  
John Knuppel, Historical Society



Presentations and Proclamations  
"Manna Pantry Month"

Mayor Smaistrla read a proclamation declaring April, 2004, as "Manna Pantry Month" in the City of Yukon, Oklahoma.



Visitors  
None

### **Public Hearing to Solicit Citizen Input for the FY 2004-2005 Budget for the City of Yukon**

There were no visitors wishing to speak regarding the public hearing.

(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 March 16, 2004
- B) Payment of claims in the amount of \$38,985.08

A motion was made by Trustee Bradway, seconded by Trustee Larson, to approve the YMA Consent Docket, consisting of the minutes of the regular meeting of March 16, 2004, and the payment of claims in the amount of \$38,985.08.

### **The vote:**

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

**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 March 16, 2004
- B) Payment of salary and material claims in the amount of \$331,868.93
- C) Accepting the repairs to the floor of the Jackie Cooper Gym and placing the warranty into effect
- D) Entering into an agreement with the Yukon Horseshoe Club, acting by and through the Yukon Park and Recreation Department, for use of the horseshoe courts from April 19-October 31, 2004
- E) Denying a tort claim from Paul Gerber, as recommended by the Oklahoma Municipal Assurance Group
- F) Denying a tort claim from Eugene Hulsey, as recommended by the Oklahoma Municipal Assurance Group
- G) Setting the date for the next regular Council meeting for April 20, 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 March 16, 2004; payment of salary and material claims in the amount of \$331,868.93; accepting the repairs to the floor of the Jackie Cooper Gym and placing the warranty into effect; entering into an agreement with the Yukon Horseshoe Club, acting by and through the Yukon Park and Recreation Department, for use of the horseshoe courts

from April 19-October 31, 2004; denying a tort claim from Paul Gerber, as recommended by the Oklahoma Municipal Assurance Group; denying a tort claim from Eugene Hulsey, as recommended by the Oklahoma Municipal Assurance Group; and setting the date for the next regular Council meeting for April 20, 2004, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth. The motion to second was made by Council Member Maxey.

Council Member Bradway asked to discuss Item C. He asked if the repairs that were made to the gym floor were to the satisfaction of the city. City Attorney Mike Segler advised they were and that he had monitored the repair work himself. Mr. Segler added that Mrs. Scott and Mr. Kelough were also satisfied with the work.

Mr. Bradway asked if the warranty would go into effect immediately. The city attorney advised it would and that it was a two year warranty.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**2. Report of Boards, Commissions and City Officials**

**3. Consider approving a Conditional Use Permit for Yukon Cemetery Association, Inc., as recommended by the Planning Commission**

Vice Mayor Alberts moved to approve, with Council Member Bradway seconding, a Conditional Use Permit for the Yukon Cemetery Association, Inc., as recommended by the Planning Commission.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**4. Consider approving Resolution No. 2004-03, a resolution adopting the Oklahoma Department of Transportation's proposed changes in the highway system**

A motion was made by Council Member Maxey to approve Resolution No. 2004-03, a resolution adopting the Oklahoma Department of Transportation's proposed changes in the highway system. Vice Mayor Alberts seconded the motion for approval.

Council Member Larson said he would like to amend the motion. Mr. Larson said the state has agreed to leave Highway 4 as it is, but still commit to the funding that you have recently read about in the news articles. He said this is a "win-win situation" and will be like "having your cake and eating it, too." Mr. Larson said that Highway 4 will be under construction and traffic will have to be diverted to Cornwell for the duration of construction.

Mr. Larson said he would like to amend Resolution 2004-03 by replacing the word "re-route" to "reconstruct" throughout the resolution; in the third paragraph, end the sentence at "2.1

miles,” deleting the remainder of that sentence; and in the 6th paragraph, delete the words “and rerouted.” Mr. Larson said the City will still benefit from the \$3 million to \$5 million that the state will be spending to revamp our roadways.

**The vote to amend the motion:**

**AYES: Alberts, Larson, Bradway, Maxey, Smaistrla**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

The vote on the amended motion:

**AYES: Smaistrla, Alberts, Maxey, Bradway, Larson**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**5. Consider entering into agreements with the Oklahoma Tax Commission for administration of the Sales Tax Ordinance and Use Tax Ordinance**

Council Member Bradway made a motion, seconded by Council Member Maxey, to approve entering into agreements with the Oklahoma Tax Commission for administration of the Sales Tax Ordinance and Use Tax Ordinance.

City Manager Jim Crosby stated this agreement is necessary so that the new tax increase can be collected.

**The vote:**

**AYES: Larson, Smaistrla, Alberts, Bradway, Maxey**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**6. A) Consider approving Ordinance No. 1142, adding a new Section 18-33 to the Code of Ordinances, Design and Review Criteria for metal buildings, and declaring an emergency**

A motion was made by Council Member Bradway to approve Ordinance No. 1142, adding a new Section 18-33 to the Code of Ordinances, Design and Review Criteria for metal buildings, and declaring an emergency. The second to the motion was made by Council Member Maxey.

Vice Mayor Alberts asked for a synopsis of this change.

City Manager Mike Segler said we currently have no restrictions on metal buildings facing the streets and in other cities this is causing problems. He said this ordinance is to try to prohibit inconsistencies in metal buildings, and it also addresses obstruction of the view of garbage containers and air and heat units. Mr. Segler this is an on-going effort that he and Mr. Hort have been working on to comply with the recommendations from the Municipal Code Corporation. This ordinance pertains to commercial usage only.

**The vote:**

**AYES: Smaistrla, Bradway, Maxey, Larson, Alberts**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**B) Consider a motion approving the Emergency Clause of Ordinance No. 1142**

Council Member Maxey moved to approve the Emergency Clause of Ordinance No. 1142, with Vice Mayor Alberts seconding the motion.

**The vote:**

**AYES: Maxey, Alberts, Bradway, Larson, Smaistrla**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**7. A) Consider approving Ordinance No. 1143, amending Ordinance No. 1132 of the Code of the City of Yukon, Oklahoma, by providing that scrivener's error be corrected in Section 4, "Purpose of Revenues" thereof, and declaring an emergency**

Ordinance No. 1143, amending Ordinance No. 1132 of the Code of the City of Yukon, Oklahoma, by providing that a scrivener's error be corrected in Section 4, "Purpose of Revenues" thereof, and declaring an emergency, was approved after Vice Mayor Alberts made a motion, seconded by Council Member Larson.

**The vote:**

**AYES: Alberts, Smaistrla, Larson, Maxey, Bradway**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**B) Consider a motion approving the Emergency Clause of Ordinance No. 1143**

Council Member Bradway made a motion to approve the Emergency Clause of Ordinance No. 1143, with Council Member Maxey seconding the motion.

**The vote:**

**AYES: Bradway, Maxey, Larson, Alberts, Smaistrla**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**8. Consider approving:**

A) Repairs to the Transfer Station Retaining Wall in an amount not to exceed \$27,493.50

B) Installation of new drainage conduit on Richland Road in an amount not to exceed \$21,719.00

C) Well Field Check Valve replacement at Well Houses No. 1 - No. 14 in an amount not to exceed \$19,712.00

A motion to approve repairs to the Transfer Station Retaining Wall in an amount not to exceed \$27,493.50, installation of new drainage conduit on Richland Road in an amount not to exceed \$21,719.00, and the Well Field Check Valve replacement at Well Houses No. 1 - No. 14 in an amount not to exceed \$19,712.00 was approved on a motion made by Council Member Bradway. Vice Mayor Alberts seconded the approval motion.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**9. Consider approving the lease purchase of two (2) sanitation trucks from J&R Equipment in an amount not to exceed \$205,429, plus interest, through a lease purchase agreement with The Empire Companies**

Vice Mayor Alberts made a motion to approve the lease purchase of two (2) sanitation trucks from J&R Equipment in an amount not to exceed \$205,429, plus interest, through a lease purchase agreement with The Empire Companies. The motion was seconded by Council Member Bradway.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**10. Consider authorizing the purchase of two 2004 Ford F250 extended cab trucks for the Parks and Water and Sewer Departments in an amount not to exceed \$39,000 (to be purchased from state contract bids)**

A motion to approve the purchase of two 2004 Ford F250 extended cab trucks for the Parks and Water and Sewer Departments in an amount not to exceed \$39,000 was made by Council Member Larson, seconded by Council Member Maxey.

Council Member Bradway stated this is a very good price for two vehicles. He asked how many trucks these departments will have when these two are added. Jerry Reed, Public Works Director, said there will be four, as two trucks will be retired.

The City Manager said these trucks normally list at \$25,000 - \$28,000, but through state purchasing we were able to get two for \$39,000, which is a great savings.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**11. Consider authorizing the purchase of a backhoe from C. L. Boyd (through state contract pricing) in an amount not to exceed \$68,388.12**

The authorization to purchase a backhoe from C. L. Boyd (through state contract pricing) in

an amount not to exceed \$68,388.12 was granted on a motion made by Council Member Bradway and seconded by Vice Mayor Alberts.

Council Member Bradway asked the public works director if this vehicle would have a cab and what brand it is.

Jerry Reed advised it would have a cab and it was a John Deere, 90 HP turbo diesel.

Mr. Bradway asked how big it was.

Mr. Reed stated it would cut about 12-13' deep, but had to be small enough to fit onto a person's yard.

Mr. Bradway asked if we have a flatbed that it will fit on.

Mr. Reed advised we do.

**The vote:**

**AYES: Bradway, Maxey, Alberts, Larson, Smaistrla**

**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**

<b>LOCATION</b>	<b>OWNER</b>	<b>VIOLATION</b>
306 Poplar	Wiseman/Vermillion	Trash, Grass, Weeds
939 Clear Creek	Sympson/Tucker	Trash, Grass, Weeds

Community Development Director Mitchell Hort presented pictures of the property at 306 Poplar to the Council for their review. He advised the situation at 939 Clear Creek had been abated.

Council Member Larson made a motion, seconded by Vice Mayor Alberts, to declare the property at 306 Poplar as detrimental to the health, safety, benefit and welfare of the public and community and, if necessary, directed the City Manager to take appropriate action to abate same.

**The vote:**

**AYES: Larson, Smaistrla, Maxey, Bradway, Alberts**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**13. New Business**

**14. Council Discussion**

◆ Council Member Bradway asked how the roadway construction was going. Robbie

Williams, City Engineer, advised the contractor will deliver the drainage conduit tomorrow and road construction will begin after the conduit is completed.

Council Member Bradway also thanked Jerry Reed and Jerry Clevenger for their help in planting flowerbeds in the Ranchwood entrance.

◆ Council Member Larson reminded everyone to shop Yukon.

◆ Vice Mayor Alberts stated he was glad to see the people out tonight to let the Council know of their concerns regarding the proposed re-routing of Highway 4. He said he was glad this was worked out satisfactorily and he appreciated the calls and visits he received regarding this.

Mr. Alberts said there will be a work day to clean up the parks, drainage areas, etc. and he hopes there will be a big turnout.

◆ Mayor Smaistrla said the Yukon Art League has given a bronze long horn steer to the City that has been placed at the entrance of Chisholm Trail Park and that it is a beautiful gift to the City. She thanked the Art League for their generosity.

Ms. Smaistrla asked the City Manager about the progress on the new gazebo and restrooms at the Chisholm Trail Park.

Mr. Crosby advised we will be recommending the Council reject the recently received bids for the restrooms because the bids were too high and that he be granted permission to re-advertise for bids. Therefore, the restrooms will not be ready in time for the 4th of July. However, everything else is going well.

15. Consider recessing as Yukon City Council and convening into Executive Session to discuss Union contracts

Council Member Larson made a motion, seconded by Council Member Maxey, to recess as Yukon City Council and convene into Executive Session to discuss Union contracts.

**The vote:**

**AYES: Smaistrla, Alberts, Maxey, Bradway, Larson**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**16. Consider adjourning from Executive Session and reconvening as Yukon City Council**

A motion was made by Council Member Maxey to adjourn from Executive Session and reconvene as Yukon City Council. Council Member Bradway seconded the motion.

Mayor Smaistrla advised no action was taken during Executive Session.

**The vote on the motion was:**

**AYES: Maxey, Larson, Smaistrla, Alberts, Bradway**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**17. Adjournment**

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Earline Smaistrla, Mayor

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Pat Hargis, City Clerk.