

# Minutes



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## City Council Minutes September 21, 2004

The Yukon City Council met in regular session on September 21, 2004, at 7:30 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth.

The invocation was given by Personnel Director Tim Rundel.

The flag salute was given in unison.

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

### Others Present:

Jim Crosby, City Manager  
Pat Hargis, City Clerk  
Mike Segler, City Attorney  
Robbie Williams, City Engineer  
Joe Davis, City Engineer  
George Middleton, Building Maintenance Department  
Tammy Kretchmar, Administrative Assistant  
Mitchell Hort, Community Development Director  
J. R. Reed, Public Works Director  
Jeff Lara, Fire Chief

Presentations and Proclamations



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 September 7, 2004

B) Payment to Triad Design Group in the amount of \$1,457.50 for inspection of sanitary sewer repair in McKinney Heights

A motion was made by Trustee Larson, seconded by Vice Chair Bradway, to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of September 7, 2004, and payment to Triad Design Group in the amount of \$1,457.50 for inspection of sanitary sewer repair in McKinney Heights.

**The vote:**

**AYES: Bradway, Maxey, Alberts, Smaistrila, 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) Minutes of the regular meeting of September 7, 2004
- B) Salary and material claims in the amount of \$297,937.08
- C) Denying tort claim #19071-RS from Brandi Bacon, as recommended by the Oklahoma Municipal Assurance Group
- D) Denying tort claim #19069-RS from James Berousek, as recommended by the Oklahoma Municipal Assurance Group
- E) Consider entering into a contract for fiscal years 2005-2009 with Youth and Family Services in an amount not to exceed \$50,000.00
- F) Accepting the resignation of Carol B. Smith from the Central Business District Historical Committee
- G) Setting the date for the next regular Council meeting for October 5, 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 approval of the minutes of the regular meeting of September 7, 2004; salary and material claims in the amount of \$297,937.08; denying tort claim #19071-RS from Brandi Bacon, as recommended by the Oklahoma Municipal Assurance Group; denying tort claim #19069-RS from James Berousek, as recommended by the Oklahoma Municipal Assurance Group; entering into a contract for fiscal years 2005-2009 with Youth and Family Services in an amount not to exceed \$50,000.00; accepting the resignation of Carol B. Smith from the Central Business District Historical Committee; and setting the date for the next regular Council meeting for October 5, 2004, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth. Council Member Maxey seconded the motion for approval.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

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

**3. Consider approving a Franchise Agreement between the City of Yukon and CoxCom, Inc.**

The motion to approve the franchise agreement between the City of Yukon and CoxCom, Inc. was made by Council Member Larson, with Council Member Maxey seconding.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**4. A) Consider approving Ordinance No. 1147, an ordinance providing that the zoning designation of Lot 1, Block 1, Trinity Baptist Church Addition, be changed from "C-2" (Convenience Commercial District) to "C-3" (Restricted Commercial District); and declaring an emergency [Holly & Vandament]**

Vice Mayor Bradway made a motion, seconded by Council Member Larson, to approve Ordinance No. 1147, an ordinance providing that the zoning designation of Lot 1, Block 1, Trinity Baptist Church Addition, be changed from "C-2" (Convenience Commercial District) to "C-3" (Restricted Commercial District); and declaring an emergency.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**B) Consider approving the Emergency Clause of Ordinance No. 1147**

Vice Mayor Bradway moved, with Council Member Larson seconding, the motion to approve the Emergency Clause of Ordinance No. 1147.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**5. A) Consider approving Ordinance No. 1148, an ordinance providing that the zoning designation of a part of the west half (W/2) of the northeast quarter (NE/4) of Section 16, Township Twelve North (T12N), Range Five West (R5W) of the Indian Meridian, Canadian County, Oklahoma, be changed from "A" (Agriculture District) to "R-1" (Single Family Residential District); and declaring an emergency [River Mesa Addition on Wagner Road]**

Ordinance No. 1148, an ordinance providing that the zoning designation of a part of the west half (W/2) of the northeast quarter (NE/4) of Section 16, Township Twelve North (T12N), Range Five West (R5W) of the Indian Meridian, Canadian County, Oklahoma, be

changed from "A" (Agriculture District) to "R-1" (Single Family Residential District), was approved on a motion made by Vice Mayor Bradway and seconded by Council Member Maxey.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**B) Consider approving the Emergency Clause of Ordinance No. 1148**

Vice Mayor Bradway made a motion to approve the Emergency Clause of Ordinance No. 1148. The second to the motion was made by Council Member Smaistrla.

**The vote on the motion was:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**6. A) Consider approving Ordinance No. 1149, an ordinance providing that the zoning designation of a part of the SE 1/4 of Section 28, T12N, R5WIM, Canadian County, Oklahoma, be changed from "C-5" (Automotive and Commercial Recreational District) and "R-1" (Single Family Residential District) to "C-3" (Restricted Commercial District); and declaring an emergency [Resurrection Lutheran Church on 10th St]**

Council Member Larson made a motion, seconded by Council Member Maxey, to approve Ordinance No. 1149, an ordinance providing that the zoning designation of a part of the SE 1/4 of Section 28, T12N, R5WIM, Canadian County, Oklahoma, be changed from "C-5" (Automotive and Commercial Recreational District) and "R-1" (Single Family Residential District) to "C-3" (Restricted Commercial District).

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**B) Consider approving the Emergency Clause of Ordinance No. 1149**

The motion to approve the Emergency Clause of Ordinance No. 1149 was made by Council Member Larson with Council Member Smaistrla seconding.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**7. A) Consider approving Ordinance No. 1150, an ordinance providing that the zoning designation of a tract of land lying in the east half (E/2) of Section Twenty-Eight (28), Township Twelve (12) North, Range Five (5) West of the Indian Meridian be changed from "R-1" (Single Family Residential) and "C-5" (Automotive and Commercial Recreational District) to "C-3" (Restricted Commercial District); and declaring an emergency [Yukon Church on 10th St]**

Council Member Smaistrla made a motion to approve Ordinance No. 1150, an ordinance providing that the zoning designation of a tract of land lying in the east half (E/2) of Section Twenty-Eight (28), Township Twelve (12) North, Range Five (5) West of the Indian Meridian be changed from "R-1" (Single Family Residential) and "C-5" (Automotive and Commercial Recreational District) to "C-3" (Restricted Commercial District). Council Member Maxey seconded the motion for approval.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**B) Consider approving the Emergency Clause of Ordinance No. 1150**

Council Member Maxey moved to approve the Emergency Clause of Ordinance No. 1150. Second to the motion was made by Council Member Larson.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**8. A) Consider approving Ordinance No. 1151, an ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma, by amending Section 110-102 of the Code of Ordinances, providing for amendment of the schedule of fines by amending Section 110-103 of the Code of Ordinances, providing for amendment of the effect of payment, and declaring an emergency**

Vice Mayor Bradway made a motion, with Council Member Larson seconding, to approve Ordinance No. 1151, an ordinance which provides amendment to the Code of Ordinances of

the City of Yukon, Oklahoma, by amending Section 110-102 of the Code of Ordinances, providing for amendment of the schedule of fines by amending Section 110-103 of the Code of Ordinances and providing for amendment of the effect of payment.

Vice Mayor Bradway stated that we address a fine for inoperable vehicles in the front yard, but he would like to see this wording changed to include boats, trailers, mobile homes, or any inoperable vehicle.

Mayor Alberts asked the City Attorney if he is going to write a separate ordinance relating to this request. The City Attorney stated he would.

**The roll call vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**B) Consider approving the Emergency Clause of Ordinance No. 1151**

Council Member Larson moved, with Council Member Maxey seconding, the motion to approve the Emergency Clause of Ordinance No. 1151.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**9. Consider approving Resolution No. 2004-12, a resolution of the Mayor and Council of the City of Yukon, approving the commitment of capital improvement funds for the purpose of providing matching funds for a 2005-2006 Transportation Enhancement Program Grant by the Oklahoma Department of Transportation should such grant be awarded to the City of Yukon for the construction of a Safety Town Training Center to be located near the inter-section of Main Street and Mustang Road; and authorizing the Mayor and City Clerk to execute any and all documents necessary to accomplish the provisions of this resolution**

Council Member Maxey moved to approve Resolution No. 2004-12, a resolution of the Mayor and Council of the City of Yukon, approving the commitment of capital improvement funds for the purpose of providing matching funds for a 2005-2006 Transportation Enhancement Program Grant by the Oklahoma Department of Transportation should such grant be awarded to the City of Yukon for the construction of a Safety Town Training Center to be located near the intersection of Main Street and Mustang Road; and authorizing the Mayor and City Clerk to execute any and all documents necessary to accomplish the provisions of this resolution. The second to the motion was made by Council Member Smaistrla.

Vice Mayor Bradway asked for clarification of the term "safety town."

City Manager Jim Crosby advised this is an outreach of the Police Department where safety classes for motorcycles, bicycles, etc. are conducted. Mr. Crosby said that this program starts teaching safety at a very early age. He added that this program is one the City would like to see carried out should we receive the funding.

Vice Mayor Bradway asked if implementing this program would enhance our chances of getting other highway grant monies.

Mr. Crosby said it would.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**10. Consider approving Resolution No. 2004-13, a resolution of the Mayor and Council of the City of Yukon approving the commitment of capital improvement funds for the purpose of providing matching funds for a 2005-2006 Transportation Enhancement Program Grant by the Oklahoma Department of Transportation should such grant be awarded to the City of Yukon for the construction of bicycle and pedestrian facilities within Kathryn Kroutil Wright Chisholm Trail Park and Freedom Trail Park and a for the construction of a sidewalk along Holly Avenue; and authorizing the Mayor and City Clerk to execute any and all documents necessary to accomplish the provisions of this resolution**

Vice Mayor Bradway moved, with the second being made by Council Member Larson, to approve Resolution No. 2004-13, a resolution of the Mayor and Council of the City of Yukon approving the commitment of capital improvement funds for the purpose of providing matching funds for a 2005-2006 Transportation Enhancement Program Grant by the Oklahoma Department of Transportation should such grant be awarded to the City of Yukon for the construction of bicycle and pedestrian facilities within Kathryn Kroutil Wright Chisholm Trail Park and Freedom Trail Park and for the construction of a sidewalk along Holly Avenue; and authorizing the Mayor and City Clerk to execute any and all documents necessary to accomplish the provisions of this resolution.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**11. Consider approving Resolution No. 2004-14, a resolution of the Mayor and Council of the City of Yukon approving the commitment of capital improve-ment funds for the purpose of providing matching funds for a 2005-2006 Transportation Enhancement Program Grant by the Oklahoma Department of Transportation should such grant be awarded to the City of Yukon for the construction of new sidewalks along the north and south sides of Main Street between 4th Street and 6th Street; and authorizing the Mayor and City Clerk to execute any and all documents necessary to accomplish the provisions of this resolution**

A motion was made by Council Member Smaistrla to approve Resolution No. 2004-14, a resolution of the Mayor and Council of the City of Yukon approving the commitment of capital improvement funds for the purpose of providing matching funds for a 2005-2006 Transportation Enhancement Program Grant by the Oklahoma Department of Transportation should such grant be awarded to the City of Yukon for the construction of new sidewalks

along the north and south sides of Main Street between 4th Street and 6th Street; and authorizing the Mayor and City Clerk to execute any and all documents necessary to accomplish the provisions of this resolution. The second to the motion was made by Council Member Larson.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**12. Consider 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**

<b>LOCATION</b>	<b>OWNER</b>	<b>VIOLATION</b>
212 Birch	Anderson	Nuisance Vehicles
214 Birch	Anderson	Trash, Grass, Weeds
130 Birch	Jones	Nuisance Vehicles
600 East Main	Yukon Round Up Club	Trash, Grass, Weeds
3201 North Mustang Rd.	Re/Max Advantage	Trash, Grass, Weeds
983 Castlebury Mansion	Allen	Trash, Grass, Weeds

Mitch Hort, Community Development Director, advised that only three addresses remain to be considered tonight. Those were 212 Birch, 214 Birch, and 983 Castlebury Mansion. After viewing the pictures presented by Mr. Hort, Council Member Maxey made a motion to declare the properties at 212 Birch, 214 Birch, and 983 Castlebury Mansion 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. Vice Mayor Bradway seconded the motion.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**13. New Business**

**14. Council Discussion**

■Vice Mayor Bradway advised there are still problems with the property at 311 Vickie and that the City Attorney, working with the Community Development Director, is preparing an ordinance to address the "habitual" nuisances.

Mr. Bradway said that he has been told that the workers at the transfer station continue to find ways to deny usage of or charge for usage of the transfer station facility. He advised he was told there are different reasons why the citizens are being told they can't use it, but the workers are not consistent.

Mr. Crosby said there are some citizens who try to abuse the system, but usually the problem is due to new employees at the transfer station not knowing what is usual for determine what constitutes a "free" dump. Mr. Crosby said he hopes the written guidelines will be developed soon and will be posted at the transfer station.

■ Council Member Larson reminded the audience that Czech Day will be Saturday, October 2nd, and encouraged everyone to make plans to be a part of this event.

■ Mayor Alberts asked Mike Segler, City Attorney, to explain what types of nuisance charges can be made.

Mr. Segler said there are three: general nuisance, trees/grass/trash, and nuisance vehicles.

There was discussion between the City Attorney and the Mayor regarding how to handle the habitual nuisance properties and how it can be handled more expeditiously.

City Manager Crosby said the City needs to be more diligent in checking the known repeat offenders to ensure they stay within compliance of our codes.

Ann Zacker, 309 Vickie, said it would be logical to rewrite the nuisance ordinance to include any vehicle, not just cars or trucks. Ms. Zacker said any inoperable vehicle has the same affect on the neighborhood.

**15. Consider recessing as Yukon City Council and convening into Executive Session to discuss potential litigation**

Council Member Larson moved, with Vice Mayor Bradway seconding, the motion to recess as Yukon City Council and convening into Executive Session to discuss potential litigation.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

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

Council Member Maxey made a motion to adjourn from Executive Session and reconvene as Yukon City Council. Council Member Smaistrla seconded the motion.

Mayor Alberts advised no action was taken during executive session.

**The vote:**

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

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**17. Adjournment**

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John Alberts, Mayor

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Pat Hargis, City Clerk