

Minutes



City Council Minutes January 3, 2005

The Yukon City Council met in regular session on January 3, 2005, 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
Dewayne Maxey, Council Member
Ward Larson, Council Member

Others Present:
Jim Crosby, City Manager
Pat Hargis, City Clerk
Mike Segler, City Attorney
Robbie Williams, City Engineer
Tony Lum, Building Maintenance Department
J. R. Reed, Public Works Director

Presentations and Proclamations



Visitors

J. R. Brewer, a Yukon resident with the 45th Infantry Brigade, appeared before the Council and stated he had just returned from serving Afghanistan and while he was there, he often thought of his hometown and his family and friends there who were praying for his safe return. Mr. Brewer said that to thank them, he had this American flag flown in their honor and he wanted to give the flag to the City of Yukon. The certificate accompanying the flag read "Department of Defense Citation Joint Task Force Phoenix, Camp Phoenix, Afghanistan - The Flag of the United States of America. This is to certify that the accompanying American flag was flown by the Officers, NCOs, and Soldiers of Coalition Joint Task Force Phoenix and the 45th Separate Infantry Brigade, 7th Infantry Division over Camp Phoenix in Kabul, Afghanistan, during OPERATION "ENDURING FREEDOM" on July 4th, 2004, in Honor of the City and Citizens of Yukon, OK."

Mayor Alberts accepted the flag and certificate on behalf of the City and Council and thanked Mr. Brewer for serving our country and for remembering of his hometown and

family.



(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 December 21, 2004

A motion was made by Trustee Maxey, seconded by Trustee Larson, to approve the YMA Consent Docket, consisting of approval of the minutes of the regular meeting of December 21, 2004.

The vote:

AYES: Bradway, Maxey, Smaistrla, Larson, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

2A. Consider approving Resolution No. YMA 2005-01, a resolution authorizing the issuance of the Yukon Municipal Authority (the "Authority") Sales Tax and Utility System Revenue Bonds, Series 2005A, and Sales Tax and Utility System Revenue Refunding Bonds, Series 2005B, collectively in an aggregate principal amount not to exceed \$15,130,000 (collectively the "Bonds"); waiving competitive bidding and authorizing the bonds to be sold at a price less than par value by negotiated sale within the limits provided by Title 60 Oklahoma Statutes, Section 176, appointing a trustee; approving the following documents and authorizing the chairman of the Authority (or vice chairman of the Authority in the absence of the chairman) to execute and deliver same, to-wit: bond purchase agreement with Oppenheim, a division of BOSC, Inc.; Series 2005A and 2005B refunding supplemental bond indentures, security agreement, preliminary official statement, official statement, closing order, to include payment of the costs of issuing the bonds, refunding escrow agreement, and any and all other documents necessary to consummate issuance of the bonds, to include certifications as to continuing disclosure by the Authority; ratifying a lease agreement and operation and maintenance contract between the City of Yukon (the "City") and the Authority and agreeing that the term of the lease shall extend so long as any of the bonds remain outstanding and unpaid; ratifying a general bond indenture; designating the bonds as qualified tax exempt obligations with respect to the financial institution's interest deduction provisions contained in the Internal Revenue Code of 1986 (the "Code"); providing that the trust indenture shall be subject to provisions of the general bond indenture as supplemented by the Series 2005A and Series 2005B refunding supplemental bond indentures; providing for bond insurance, but not requiring same; and, authorizing the execution, modification and delivery of necessary documents regarding the bonds and direction of disbursements of proceeds from the sale of the bonds

Trustee Larson moved to approve Resolution No. YMA 2005-01, a resolution authorizing the issuance of the Yukon Municipal Authority (the "Authority") Sales Tax and Utility System Revenue Bonds, Series 2005A, and Sales Tax and Utility System Revenue Refunding Bonds, Series 2005B, collectively in an aggregate principal amount not to exceed \$15,130,000 (collectively the "Bonds"); waiving competitive bidding and authorizing the bonds to be sold at a price less than par value by negotiated sale within the limits provided by Title 60 Oklahoma Statutes, Section 176, appointing a trustee; approving the following documents and authorizing the chairman of the Authority (or vice chairman of the Authority in the absence of the chairman) to execute and deliver same, to-wit: bond purchase agreement with Oppenheim, a division of BOSC, Inc.; Series 2005A and 2005B refunding supplemental bond indentures, security agreement, preliminary official statement, official statement, closing order, to include payment of the costs of issuing the bonds, refunding escrow agreement, and any and all other documents necessary to consummate issuance of the bonds, to include certifications as to continuing disclosure by the Authority; ratifying a lease agreement and operation and maintenance contract between the City of Yukon (the "City") and the Authority and agreeing that the term of the lease shall extend so long as any of the bonds remain outstanding and unpaid; ratifying a general bond indenture; designating the bonds as qualified tax exempt obligations with respect to the financial institution's interest deduction

provisions contained in the Internal Revenue Code of 1986 (the "Code"); providing that the trust indenture shall be subject to provisions of the general bond indenture as supplemented by the Series 2005A and Series 2005B refunding supplemental bond indentures; providing for bond insurance, but not requiring same; and, authorizing the execution, modification and delivery of necessary documents regarding the bonds and direction of disbursements of proceeds from the sale of the bonds. The second to the motion was made by Trustee Maxey.

The vote:

AYES: Alberts, Bradway, Maxey, Larson, Smaistrla

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 December 21, 2004

B) Payment of salary and material claims in the amount of \$264,352.65

C) Setting the date for the next Council meeting for January 18, 2005, 7:30 p.m.,

in the Council Chambers of the Centennial Building, 12 South Fifth

Council Member Maxey made the motion to approve the Consent Docket, consisting of the minutes of the regular meeting of December 21, 2004; payment of salary and material claims in the amount of \$264,352.65; and setting the date for the next Council meeting for January 18, 2005, 7:30 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth. A second to the motion was made by Council Member Smaistrla.

The vote:

AYES: Larson, Bradway, Smaistrla, Alberts, Maxey

NAYS: None

VOTE: 5-0

MOTION CARRIED

2. Report of Boards, Commissions and City Officials

3. Consider awarding the bid for two (2) sanitation trucks to Total Truck and Trailer in the total amount of \$209,560.00

Vice Mayor Bradway moved to award the bid for two (2) sanitation trucks to Total Truck and Trailer in the total amount of \$209,560.00. Council Member Larson seconded the motion for approval.

The vote:

AYES: Smaistrla, Bradway, Larson, Alberts, Maxey

NAYS: None

VOTE: 5-0

MOTION CARRIED

4. Consider approving a preliminary plat for Rose Petal Addition, as recommended by the Planning Commission, subject to noted changes requested by the Planning Commission

Vice Mayor Bradway made a motion, seconded by Council Member Maxey, to approve a preliminary plat for Rose Petal Addition, as recommended by the Planning Commission, subject to noted changes requested by the Planning Commission.

The vote:

AYES: Larson, Smaistrla, Alberts, Maxey, Bradway

NAYS: None

VOTE: 5-0

MOTION CARRIED

5. Consider approving a final plat of River Mesa, Phase 1, as recommended by the Planning Commission

Vice Mayor Bradway made the motion to approve a final plat of River Mesa, Phase I, as recommended by the Planning Commission. Council Member Smaistrla seconded his motion.

Vice Mayor Bradway asked the City Engineer if this addition would be causing additional drainage problems in this area. The City Engineer, Robbie Williams, stated it would not be causing additional problems as the drainage will be going north to Wagner Road where it will go into the detention pond and drain west into the existing bar ditch.

Vice Mayor Bradway asked the size of the detention pond. Mr. Williams said he did not have that information with him, but it would be a very large detention pond and assured Vice Mayor Bradway that there would not be additional water on the roadway.

The City Manager added that there would be a slower release of the water than we now have and that this pond and addition were compliance with the city ordinances.

The vote:

AYES: Alberts, Smaistrla, Bradway, Maxey, Larson

NAYS: None

VOTE: 5-0

MOTION CARRIED

6. A) Consider approving Ordinance No. 1160, an ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma, by amending Sections 46-66, 46-67(b) and 46-71, providing for the definition of "nuisance vehicle" to include vehicles which may transport persons or property or may be drawn, and include boats and trailers in the definition thereof; and declaring an emergency

Vice Mayor Bradway made a motion, seconded by Council Member Smaistrla, to approve Ordinance No. 1160, an ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma, by amending Sections 46-66, 46-67(b) and 46-71, providing for the definition of "nuisance vehicle" to include vehicles which may transport persons or property or may be drawn, and include boats and trailers in the definition thereof; and

declaring an emergency. The second to the motion was made by Council Member Smaistrla.

Mayor Alberts asked the City Attorney if the words “or pulled” could be added after the word “drawn,” as he felt this would be clearer to the public. Mike Segler, city attorney, said it could be and he would change the wording.

Mayor Alberts moved to amend the motion to add “or pulled” after the word “drawn.” The second to the motion was made by Vice Mayor Bradway.

The vote on the amendment:

AYES: Alberts, Larson, Bradway, Smaistrla, Maxey

NAYS: None

VOTE: 5-0

MOTION CARRIED

The vote on the approval of Ordinance No. 1160 as amended:

AYES: Maxey, Smaistrla, Bradway, Larson, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

B) Consider approving the Emergency Clause of Ordinance No. 1160

Council Member Maxey moved, with Council Member Smaistrla seconding, the approval of the Emergency Clause of Ordinance No. 1160.

The vote:

AYES: Bradway, Alberts, Larson, Maxey, Smaistrla

NAYS: None

VOTE: 5-0

MOTION CARRIED

7. A) Consider approving Ordinance No. 1161, an ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma, by amending Section 114-3(b), providing for minimum fine for conviction of violating Section 114-3(a) - Prohibited Activities; and declaring an emergency

A motion was made by Council Member Larson to approve Ordinance No. 1161, an ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma, by amending Section 114-3(b), providing for minimum fine for conviction of violating Section 114-3(a) - Prohibited Activities; and declaring an emergency. A second to the motion was made by Vice Mayor Bradway.

The vote:

AYES: Smaistrla, Larson, Alberts, Bradway, Maxey

NAYS: None

VOTE: 5-0

MOTION CARRIED

B) Consider approving the Emergency Clause of Ordinance No. 1161

Council Member Smaistrla moved, with Council Member Maxey seconding, to approve the Emergency Clause of Ordinance No. 1161.

The vote:

AYES: Larson, Maxey, ALberts, Smaistrla, Bradway

NAYS: None

VOTE: 5-0

MOTION CARRIED

8. A) Consider approving Ordinance No. 1162, an ordinance amending Ordinance No. 657, Appendix A, of the Code of Ordinances of the City of Yukon, Oklahoma, by providing that the zoning designation for part of the SW/4, Section 16, T12N, R5W be changed from "R-3" (Multi-Family Residential District) to "R-1" (Single Family Residential District) and from "R-2" (Combined Residential District) to "R-1" (Single Family Residential District); and declaring an emergency [Rosewood Addition]

Council Member Larson made a motion to approve Ordinance No. 1162, an ordinance amending Ordinance No. 657, Appendix A, of the Code of Ordinances of the City of Yukon, Oklahoma, by providing that the zoning designation for part of the SW/4, Section 16, T12N, R5W be changed from "R-3" (Multi-Family Residential District) to "R-1" (Single Family Residential District) and from "R-2" (Combined Residential District) to "R-1" (Single Family Residential District); and declaring an emergency [Rosewood Addition]. Council Member Maxey made the second to the motion.

The roll call vote:

AYES: Alberts, Bradway, Maxey, Smaistrla, Larson

NAYS: None

VOTE: 5-0

MOTION CARRIED

B) Consider approving the Emergency Clause of Ordinance No. 1162

The Emergency Clause of Ordinance No. 1162 was approved on a motion made by Council Member Smaistrla and seconded by Council Member Maxey.

The vote:

AYES: Maxey, Larson, Bradway, Smaistrla, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

9. Consider approving Resolution No. 2005-01, a resolution approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its Yukon Municipal Authority Sales Tax and Utility System Revenue Bonds, Series 2005A, in the aggregate principal amount not to exceed \$3,080,000 (the "2005A Bonds"); and, Yukon Municipal Authority Sales Tax and Utility System Revenue Refunding Bonds, Series 2005B, in the aggregate principal amount not to exceed \$12,050,000 (the "2005B Refunding Bonds"); (with the 2005A Bonds and the 2005B Refunding Bonds collectively called the "Bonds"); waiving competitive bidding and authorizing the bonds to be sold at a price less than par value by negotiated sale within the limits provided by Title 60 Oklahoma Statutes, Section 176,

pursuant to a bond purchase agreement with Oppenheim, a division of BOSC, Inc.; approving a security agreement between the City and the Authority; ratification of a lease agreement and operation and maintenance contract between the City and the Authority and agreeing that the term of the lease shall extend so long as any of the bonds remain unpaid; designating the bonds as qualified tax-exempt obligations under the Internal Revenue Code of 1986 (the "Code"); providing that the trust indenture shall be subject to provisions of the bond indenture; and, providing for the execution and delivery of necessary documents, certifications and modifications

Vice Mayor Bradway made a motion to approve Resolution No. 2005-01, a resolution approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its Yukon Municipal Authority Sales Tax and Utility System Revenue Bonds, Series 2005A, in the aggregate principal amount not to exceed \$3,080,000 (the "2005A Bonds"); and, Yukon Municipal Authority Sales Tax and Utility System Revenue Refunding Bonds, Series 2005B, in the aggregate principal amount not to exceed \$12,050,000 (the "2005B Refunding Bonds"); (with the 2005A Bonds and the 2005B Refunding Bonds collectively called the "Bonds"); waiving competitive bidding and authorizing the bonds to be sold at a price less than par value by negotiated sale within the limits provided by Title 60 Oklahoma Statutes, Section 176, pursuant to a bond purchase agreement with Oppenheim, a division of BOSC, Inc.; approving a security agreement between the City and the Authority; ratification of a lease agreement and operation and maintenance contract between the City and the Authority and agreeing that the term of the lease shall extend so long as any of the bonds remain unpaid; designating the bonds as qualified tax-exempt obligations under the Internal Revenue Code of 1986 (the "Code"); providing that the trust indenture shall be subject to provisions of the bond indenture; and, providing for the execution and delivery of necessary documents, certifications and modifications. The second to the motion was made by Council Member Smaistrla.

The vote:

AYES: Smaistrla, Alberts, Larson, Maxey, Bradway

NAYS: None

VOTE: 5-0

MOTION CARRIED

10. A) Consider approving Ordinance No. 1163, an ordinance amending Sec. 2-137(b) of the Code of Ordinances of the City of Yukon by determining that certain obligations, including the Yukon Municipal Authority Sales Tax and Utility System Revenue Bonds, Series 2005A, in an aggregate principal amount not to exceed \$3,080,000, and the Yukon Municipal Authority Sales Tax and Utility System Revenue Refunding Bonds, Series 2005B, in the aggregate principal amount not to exceed \$12,050,000, do not exceed debt limitations; repealing all conflicting ordinance provisions; and declaring an emergency

Council Member Maxey made a motion to approve Ordinance No. 1163, an ordinance amending Sec. 2-137(b) of the Code of Ordinances of the City of Yukon by determining that certain obligations, including the Yukon Municipal Authority Sales Tax and Utility System Revenue Bonds, Series 2005A, in an aggregate principal amount not to exceed \$3,080,000, and the Yukon Municipal Authority Sales Tax and Utility System Revenue Refunding Bonds, Series 2005B, in the aggregate principal amount not to exceed \$12,050,000, do not exceed debt limitations; repealing all conflicting ordinance provisions; and declaring an emergency. Council Member Smaistrla seconded the motion for approval.

The vote:

AYES: Bradway, Maxey, Alberts, Larson, Smaistrla

NAYS: None

VOTE: 5-0

MOTION CARRIED

B) Consider approving the Emergency Clause to Ordinance No. 1163

Council Member Maxey moved, with Council Member Larson seconding, the motion to approve the Emergency Clause to Ordinance No. 1163.

The vote:

AYES: Alberts, Smaistrla, Larson, Maxey, Bradway

NAYS: None

VOTE: 5-0

MOTION CARRIED

11. New Business

12. Council Discussion

Council Member Smaistrla wished everyone a Happy New Year and stated she looked forward to working with the Council this year.

Mayor Alberts said he had spoken with a group from Indian whose families were affected by the tsunami and this is a horrible tragedy and we need to try to help these people in any way we can.

Mayor Alberts thanked all the Parks personnel and anyone who helped with the Christmas in the Park for a "great job." Mr. Alberts also thanked J. R. Brewer and all the others who serve our country. He wishes everyone a Happy New Year.

13. Adjournment

John Alberts, Mayor

Patricia G. Hargis, City Clerk