

# Yukon City Council Minutes

## January 15, 2013

The Yukon City Council met in regular session January 15, 2013 at 7:00 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth Street, Yukon, Oklahoma.

The invocation was given by Pastor Bob Younts, First United Methodist.  
The flag salute was given in unison.

ROLL CALL: (Present)     John Alberts, Chairman  
                                   Ken Smith, Vice-Chairman  
                                   Michael McEachern, Trustee  
                                   Rick Opitz, Trustee  
                                   Nick Grba, Trustee

### OTHERS PRESENT:

Mike Segler, City Attorney	Doug Shivers, City Clerk
Tammy Kretchmar DeSpain, Asst. City Mgr	Robbie Williams, City Engineer
Arnold Adams, Public Works Director	John Corn, Chief of Police
Josh Gotcher, Information Technology	Gary Cooper, Information Technology Dir.
Bill Stover, Sanitation	Mitch Hort, Community Development Director
Jan Scott, Parks and Recreation Director	Dana Deckard, Administrative Coordinator
Michael Malmfeldt, Treasurer	Larry Mitchell, Contractor

A Public Hearing was held to receive input from the public regarding 2013 Recreational Trail Program Grant. There were no participants.

A Public Hearing was held to receive input from the public regarding 2013 Land and Water Conservation Fund Grant. There were no participants.

### Presentations and Proclamations

There were no presentations and proclamations.

### Visitors

John Terneus resides at the Spanish Cove Retirement Village. He is concerned about the number of Safety People available for help during disasters. The Piedmont tornado required extra personnel and last month the Yukon Public School with security. Mr. Terneus stated he had a granddaughter who lives in Las Vegas and recently a 10 year old girl was kidnapped. Her body was found 1 mile from his granddaughter's house. Later that week, his granddaughter was taking her children to school and did not drop them off due to a person dressed in camo walking up and down the sidewalk. He believes additional police personnel will help with safety. Mr. Terneus thanked the police department for what they do.

(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 an 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 January 02, 2013**

The motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of January 02, 2013, was made by Trustee Opitz and seconded by Trustee McEachern.

**The vote:**

**AYES: Grba, Alberts, McEachern, Smith, Opitz**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**2A. Present, Discuss, and Consider accepting the Fiscal Year 2011-2012 Yukon Municipal Authority Audited Financial Report, as prepared by Derrel S. White, CPA**

The motion to accept the Fiscal Year 2011-2012 Yukon Municipal Authority Audited Financial Report, as prepared by Derrel S. White, CPA, was made by Trustee Smith and seconded by Trustee McEachern.

Mayor Alberts invited Derrel White to comment. Mr. White stated the audit went extremely well with good cooperation from staff. He received all items he asked for. Mr. White stated during an audit they try to answer two questions: 1. Is the system in place adequate and 2. Is it better than the prior year? The pieces are in place to have a good system. This audit was much more thorough and comprehensive than previous audits. The goal is to present new information in light of prior audits. Mr. White stated all proposed Adjusting Journal Entries were accepted and the basic procedures were very strong. The only difficulties encountered were on the General Ledger. Some assets were not being recorded, but brought in at the end of the year.

Mr. White gave further highlights from the audit, beginning with page 3. The Financial Summary had a total Net Increase. Page 6, showed last year's bulk of the deficit was bringing in the unfunded liabilities. Revenues were up and expenditures were staying stable. This trend is good. Page 28, compares where the City is at and where it is going. Infrastructure is aging and expenses are accelerating. Must compare Fixed Assets to Accumulated Depreciation, if 50% or less, it is good. We are right on target. We also look at Depreciating Assets and how fast we are adding Assets. This is a good indication that prior Council's haven't minded Assets. Mr. White is required to submit communication to Council how the audit went and will have disclosure (page 35) on Retirement Funding. It is important and has already been recognized.

There are a couple areas of improvement. First, the Budgetary System. It is a rather good process of formulating and tracking budget. This year is much better than last year. He is confident next year will be a system to be proud of. Second, is how we recognize debt. Mr. White also made an assessment on recognizing Acquisition and Disposal of Fixed Assets. It was hard for him to list as a finding, because of the significant improvements that had been made from previous year. He also noted two departments with expenditures in excess of appropriation. But, this is not listed as a finding. The City has very competent people on staff.

Council Member Opitz asked about the Employee Retirement fund being at 65%. What does Mr. White think it should be? Mr. White stated 100% is the best, but may not be realistic. Yukon will be gaining gradually with contributions, eligibility and so forth. He would feel more comfortable at 70%. Council Member Opitz asked, if what he saw was transparent? Mr. White stated exceptionally transparent. No hesitation from anyone in any department.

Council Member Smith questioned, how long to reach 70%. Mr. White said it is hard to say. Next 10 years should be between 70-75%. It is actuarially calculated. The stock market could influence and Oklahoma Municipal Retirement Fund is a multi-employer plan.

Council Member Grba and Council Member McEachern had nothing at this time.

Mayor Alberts wanted to know what is unqualified Opinion? Mr. White stated there is no qualifications or exceptions to opinion.

Russ Meacham wanted to thank Derrel White for his last minute availability.

Grayson Bottom thanked Russ Meacham and Derrel White.

**The vote:**

**AYES: Smith, McEachern, Alberts, Opitz, Grba**

**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 an 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 January 02, 2013**
- B) Payment of material claims in the amount of \$357,753.91**
- C) The submittal of a grant application for a 2013 Oklahoma Tourism and Recreation Department Recreational Trails Program Grant**
- D) The submittal of a grant application for a 2013 Oklahoma Tourism and Recreation Department Land and Water Conservation Fund Grant**
- E) Setting the date for the next regular Council meeting for February 05, 2013, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth St.**

The motion to approve the Consent Docket, consisting of the approval of the minutes of the regular meeting of January 02, 2013; payment of material claims in the amount of \$357,753.91; the submittal of a grant application for a 2013 Oklahoma Tourism and Recreation Department Recreational Trails Program Grant; the submittal of a grant application for a 2013 Oklahoma Tourism and Recreation Department Land and Water Conservation Fund Grant; and setting the date for the next regular Council meeting for February 05, 2013, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth St., was made by Council Member Grba and seconded by Council Member Opitz.

**The vote:**

**AYES: Alberts, Opitz, Smith, McEachern, Grba**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**2. Reports of Boards, Commissions and City Officials – None**

**3. Present, Discuss, and Consider accepting the Fiscal Year 2011-2012 City of Yukon Audited Financial Report, as prepared by Derrel S. White, CPA**

The motion to accept Fiscal Year 2011-2012 City of Yukon Audited Financial Report, as prepared by Derrel S. White, CPA, was made by Council Member Opitz and seconded by Council Member Grba.

**The vote:**

**AYES: Opitz, Grba, McEachern, Alberts, Smith**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

4. **Consider accepting the Grace Pentecostal Church of God Waterline Improvements project, and placing the Maintenance Bond into effect, as recommended by the City Engineer**

The motion to accept the Grace Pentecostal Church of God Waterline Improvements project, and placing the Maintenance Bond into effect, as recommended by the City Engineer, was made by Council Member Smith and seconded by Council Member McEachern.

The vote:

**AYES: McEachern, Alberts, Opitz, Smith, Grba**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

5. **Consider accepting the NW 10<sup>th</sup> Street Office Park Sanitary Sewer Improvements project and placing the Maintenance Bond into effect, as recommended by the City Engineer**

The motion to accept the NW 10<sup>th</sup> Street Office Park Sanitary Sewer Improvements project and placing the Maintenance Bond into effect, as recommended by the City Engineer, was made by Council Member Grba and seconded by Council Member Opitz.

The vote:

**AYES: Opitz, Smith, Grba, McEachern, Alberts**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

6. **Consider authorizing Brewer Construction to install a concrete drainage flume to connect the east end of Linda Lane to an existing flume located in Wagner Lake Estates, at a cost not to exceed \$24,045.25, as recommended by the City Engineer, to be paid from the Capital Improvements fund**

The motion to authorize Brewer Construction to install a concrete drainage flume to connect the east end of Linda Lane to an existing flume located in Wagner Lake Estates, at a cost not to exceed \$24,045.25, as recommended by the City Engineer, to be paid from the Capital Improvements fund, was made by Council Member Smith and seconded by Council Member McEachern.

The vote:

**AYES: Grba, Alberts, Opitz, McEachern, Smith**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

Mayor Alberts stated the next item to be discussed is Item 8.

8. **Consider approving Ordinance No. 1286, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by amending certain ordinances for the addition of definitions, setting fees by resolution by the City Council of the City of Yukon, and providing substantive procedure and penalties regarding domestic animals, wild animals, dangerous animals, animal owners, animal caretakers, feral animals, specifically feral cat communities, their care, and their caretakers; and Declaring an Emergency.**

The motion to approve Ordinance No. 1286, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by amending certain ordinances for the addition of definitions, setting fees by resolution by the City Council of the City of Yukon, and providing substantive procedure and penalties regarding domestic animals, wild animals, dangerous animals, animal owners, animal caretakers, feral animals, specifically feral cat

communities, their care, and their caretakers; and Declaring an Emergency, was made by Council Member McEachern and seconded by Council Member Opitz.

Council Member McEachern stated the discussion of feral cats started four months ago. The original Ordinance for feral cats dates back to over 20 years ago and has not been updated. Because of a series of meetings on this issue and input from citizens, City Attorney Mike Segler was able to revise the Ordinance. No one liked the entire Ordinance, but it does allow opportunity for both sides to live together in a safer Yukon thru spaying and vaccinations of the animals. Beforehand, there was no control over feeding, which caused problems. The Ordinance will protect animals and properties. Council Member McEachern gave further details about the Ordinance. He wanted people to know the three basic parts of the Ordinance consisted of police empowerment, the City's availability to see size of colonies, and the City will be able to understand scope.

Mayor Alberts gave instructions for further discussion and asked Mike Segler to explain the differences between the Ordinance, Resolution, and Rules and Regulations and why all three are needed. Mike Segler stated the Resolution can be posted right away. The Ordinance addresses all animals and it needed updating. The City now has better definitions for all parties. The fees are in the Resolution and the Ordinance addresses feral animal communities and it also provides the ability for Council to adopt the Rules and Regulations. The Rules and Regulations provide for sponsors, caretakers, capture and so forth for the feral cat colonies. Mayor Alberts requested clarification of Rules and Regulations. Mr. Segler stated by adopting the Ordinance, it does not mean the Council is saying there can be feral cat colonies. However, if they adopt Rules and Regulations the Council may, but are not committed to allow for feral cat colonies. Council Member Smith wanted to clarify the passing of the Resolution is for fees and fines. Mr. Segler stated new Ordinance says fees adopted by Council. Council Member Smith stated Resolution is meaningless without Ordinance. Council Member Grba clarified, if Ordinance isn't passed, then there is no reason to pass Resolution. Mr. Segler stated yes. Council Member McEachern stated there is an opportunity to streamline our laws with the ability to adopt and adapt later.

Jodie Harlan, 426 Poplar, said she has been active in pet rescue for 40 years. Cat colonies exist whether we pass a law or not. Punishing volunteers and cats is not the way to go, if you feed the cats then you should spay or neuter them. As previously stated, the Law is not perfect, but it is a good start. Mrs. Harlan believes it was smart to separate the three items, so they can be changed easier. She encourages you to read the Ordinance. It is about the humane treatment and control of feral animals.

Ann Zacker at 309 Vicky did not see anything addressing the City communicating to neighbors or others in the area, if there was a feral cat colony.

Council Member Opitz thanked Council Member McEachern for all the time he put into this project. He needs more time to review and suggested tabling it until the next meeting.

Council Member Smith thanked Council Member McEachern for all his efforts. Council Member Smith read information regarding wild bird populations. He acknowledges the Ordinance needed updating. He believes it is on point, but has an issue with the singling out of feral cats. Other sources indicate that is it not a black and white issue. Furthermore, it is not free when you have to involve Law Enforcement and Animal Control. He believes it can be implemented in other ways. The feeder should assume ownership. Council Member Smith asked the Ordinance be revised, by deleting the section about feral cats colonies. There are other populations that are feral. Council Member Smith has read the Ordinance, as well as other national information on this subject.

Council member Grba applauds all the hard work that went into this. He does agree with 95% of it, but opposes the singling out of cats and suggest minor edits. He does not oppose for the City to be part of the spay-and-neuter program.

Mayor Alberts asked Mike Segler about a motion to table this item. Mr. Segler gave input. After discussion, Council Member Smith stated to consider vote and re-address, if needed.

Council Member McEachern talked about the feral cat issues. The issue is damage to property. The point is the group has come forward to prevent problem from becoming more serious. They will do it for free. Unless the feeding is controlled, the problem will continue.

Cutting feral cats section out of Ordinance will not prevent problem with cats. He was hoping we could solve the problem now.

Council Member Smith doesn't have the answer to the issue at hand. This may or may not be the right way. Ultimate enforcement is responsibility of the City. He believes more time to review other options, may be a good idea.

Mayor Alberts asked, if Section 14-50 the only part that talks specifically about cats. Mr. Segler stated Section 14-44, also. Mayor Alberts agreed more discussion may be needed and asked Mr. Segler the legal procedure for doing so. Mr. Segler advised.

Mayor Alberts suggested Council consider amending the motion to postpone indefinitely to allow additional discussion at the Study Session.

The motion to amend and postpone indefinitely to allow additional discussion at the Study Session, was made by Council Member McEachern and seconded by Council Member Opitz.

Council Member McEachern asked for everyone to bring any information or questions with them to the Study Session.

**The vote:**

**AYES: Smith, Grba, Opitz, Alberts, McEachern**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

Mike Segler advised that Items 8A, 7, and 9 now need to be pulled from the agenda.

Mayor Alberts stated items 8A, 7 and 9 are pulled from the agenda.

- 8A. Consider approving the Emergency Clause of Ordinance No. 1286 – Pulled**
- 7. Consider approving Resolution No. 2013-01, a Resolution declaring and setting penalties for the conviction of offenses pursuant to Sec. 14-13 of the Code of Ordinances of the City of Yukon. (Care and control regarding animals) - Pulled**
- 9. Consider approving Rules and Regulations governing Feral Cat Communities within the City of Yukon. - Pulled**
- 10. Consider approving the Second Amendment and Ratification of the City Manager's Employment Agreement**

The motion to approve the Second Amendment and Ratification of the City Manager's Employment Agreement, was made by Council Member Opitz and seconded by Council Member Smith.

**The vote:**

**AYES: Alberts, Opitz, McEachern, Grba, Smith**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

- 11. Consider approving a fee-in-lieu of detention in the amount of \$250.00 for Vandament Ave Baptist Church, as recommended by the City Engineer**

The motion to approve a fee-in-lieu of detention in the amount of \$250.00 for Vandament Ave Baptist Church, as recommended by the City Engineer, was made by Council Member Grba and seconded by Council Member Opitz.

**The vote:**

**AYES: Grba, McEachern, Alberts, Smith, Opitz**

**NAYS: None**

**VOTE: 5-0**

**MOTION CARRIED**

**12. City Manager’s Report – Information items only**

**A. Sales Tax**

**B. Events Update**

Grayson Bottom said collections were down for month, but 6.86% increase year to date increase. This is abnormal for this time of the year, but anticipates late filers. Use Tax was down 21.39% and a 29.48% increase for the year. Good numbers all in all.

Parks and Recreation department never rests. There is a free throw contest this Saturday at 1pm at Yukon Community Center and Jackie Cooper Gym. The winners from each gym will compete at a Yukon Game. The champion from that contest will compete against the Mustang champion at the Yukon vs. Mustang game. Also, on Saturday, February 2 is the Daddy Daughter Dances one is 5-6:30 and the other is 7-8:30. This is a great event, as well as, the Chocolate Festival at the Dale Robertson Center on February 9 from 1-3pm. There will be 20 booths serving different chocolates.

We have had a good start to the year. The staff is excited to start the budget process, we don’t anticipate any cuts.

**13. New Business**

There was no new business

**14. Council Discussion**

Council Member Smith agrees with Mr. Terneus. Reinstating reserve offices is a good idea, if it can be done. He is also appreciative of the passion among Council Members.

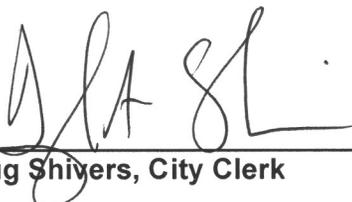
Council Member Opitz believes the city is headed in the right direction. Mr. Opitz talked about the taxes and how December has still to be reported. Council Member Optiz stated the Chamber of Commerce is hosting a banquet called “Denim and Diamonds” February 3 at the Palace. Please, come be a part of it. There is an auction at the end and it is tax deductible.

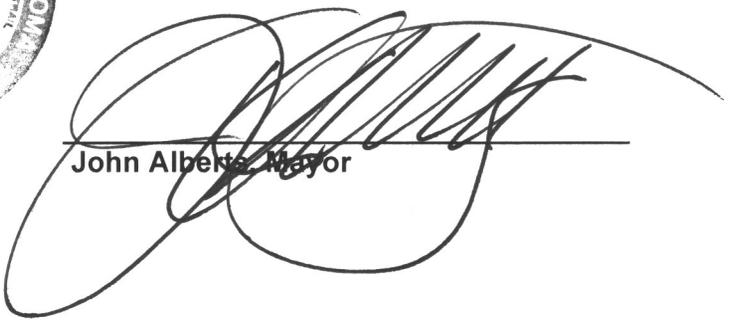
Council Member McEachern thanked the Police Department for hosting the meetings. He also wanted to point out how hard it is to budget properly. Thanks to the City and staff for doing a good job. He also congratulated the Council on voting to fix the flume.

Council Member Grba and Mayor Alberts had no comments.

**15. Adjournment**



  
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Doug Shivers, City Clerk

  
\_\_\_\_\_  
John Alberts, Mayor

