

**Yukon City Council Minutes
June 3, 2014**

The Yukon City Council met in regular session June 3, 2014 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 Church

The flag salute was given in unison.

ROLL CALL: (Present) Ken Smith, Mayor
 Michael McEachern, Vice Mayor
 John Alberts, Council Member
 Richard Russell, Council Member
 Donna Yanda, Council Member

OTHERS PRESENT:

Grayson Bottom, City Manager	Tammy Despain, Assistant City Manager
Doug Shivers, City Clerk	Mike Segler, City Attorney
Robbie Williams, City Engineer	Dana Deckard, Admin. Coordinator
Arnold Adams, Public Works Director	Mitch Hort, Community Development Dir.
Bill Stover, Sanitation Director	Gary Cooper, Information Technology Dir.
Jerome Brown, Information Technology	Larry Mitchell, Economic Dev. Director
John Corn, Police Chief	Jl Johnson, Treasurer
Amy Phillips, Economic Dev.	Sara Hancock, Deputy City Clerk
Candy Schwarz, Court Clerk	Sara Schieman, Librarian
Jan Scott, Parks and Recreation Dir.	Claudia Yager, Parks and Recreation

A Public Hearing held to solicit citizen input regarding the 2014-2015 City of Yukon Budget. There were no participants.

Presentations and Proclamations

There were no Presentations and Proclamations.

Visitors

Rick Cacini, 1140 Landmark, stated the one year anniversary of the Veterans Museum is approaching. We have received many donations for the event. Tickets are \$20.

John Turner, 1529 Spring Creek Dr., stated he was advised by the City Manager that his comments were unacceptable at the Legislative breakfast this morning. Mr. Turner requested a Council Member to ask the City Manager what was unacceptable. He felt too intimidated to ask Mr. Bottom himself. He did not realize the City Manager's job was to judge appropriate comments.

(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 Special meeting of May 22, 2014**
- B) Payment of material claims in the amount of \$257,504.29**

The motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the Special meeting of May 22, 2014 and payment of material claims in the amount of \$257,504.29 was made by Trustee McEachern and seconded by Trustee Alberts.

The vote:

AYES: Alberts, Yanda, Smith, McEachern, Russell

NAYS: None

VOTE: 5-0

MOTION CARRIED

2A. Consider approving Resolution No. YMA 2014-01, a Resolution approving the Yukon Municipal Authority budget for the fiscal year 2014-2015 and establishing budget amendment authority

The motion to approve Resolution No. YMA 2014-01, a Resolution approving the Yukon Municipal Authority budget for the fiscal year 2014-2015 and establishing budget amendment authority, was made by Trustee Alberts and seconded by Trustee McEachern.

The vote:

AYES: Smith, McEachern, Yanda, Russell, Alberts

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 Special meeting of May 22, 2014**
- B) Payment of material claims in the amount of \$296,079.48**
- C) Designating the items on the attached list from the Technology Department as surplus and authorizing their sale, donation or trade**
- D) Setting the date for the next regular Council meeting for June 17, 2014 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 Special meeting of May 22, 2014; Payment of material claims in the amount of \$296,079.48; Designating the items on the attached list from the Technology Department as surplus and authorizing their sale, donation or trade; and Setting the date for the next regular Council meeting for June 17, 2014, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 S. Fifth St., was made by Council Member Yanda and seconded by Council Member Russell.

The vote:

AYES: Russell, Yanda, McEachern, Alberts, Smith

NAYS: None

VOTE: 5-0

MOTION CARRIED

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

3. **Consider approving Resolution No. 2014-07, a Resolution approving the City of Yukon, Oklahoma budget for the fiscal year 2014-2015 and establishing budget amendment authority**

The motion to approve Resolution No. 2014-07, a Resolution approving the City of Yukon, Oklahoma budget for the fiscal year 2014-2015 and establishing budget amendment authority, was made by Council Member Alberts and seconded by Council Member McEachern.

The vote:

AYES: McEachern, Russell, Alberts, Smith, Yanda

NAYS: None

VOTE: 5-0

MOTION CARRIED

4. **Consider approving a Real Estate Donation Agreement between the City of Yukon and Integris Rural Health, Inc., d/b/a Integris Canadian Valley Hospital, a tract of land situated in the Southeast Quarter (SE 1/4) of Section Thirty (30), Township Twelve North (T12N), Range 5 West of the Indian Meridian (R5WIM), Canadian County, Oklahoma (near the Intersection of I-40 and Frisco Rd.), at no financial cost to the City**

The motion to approve a Real Estate Donation Agreement between the City of Yukon and Integris Rural Health, Inc., d/b/a Integris Canadian Valley Hospital, a tract of land situated in the Southeast Quarter (SE 1/4) of Section Thirty (30), Township Twelve North (T12N), Range 5 West of the Indian Meridian (R5WIM), Canadian County, Oklahoma (near the Intersection of I-40 and Frisco Rd.), at no financial cost to the City, was made by Council Member Alberts and seconded by Council Member Yanda.

The vote:

AYES: Alberts, Smith, Yanda, Russell, McEachern

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 4a. **Consider accepting the Special Warranty Deed from Integris Rural Health, Inc., d/b/a Integris Canadian Valley Hospital, a tract of land situated in the Southeast Quarter (SE 1/4) of Section Thirty (30), Township Twelve North (T12N), Range 5 West of the Indian Meridian (R5WIM), Canadian County, Oklahoma (near the Intersection of I-40 and Frisco Rd.), at no financial cost to the City**

The motion to accepting the Special Warranty Deed from Integris Rural Health, Inc., d/b/a Integris Canadian Valley Hospital, a tract of land situated in the Southeast Quarter (SE 1/4) of Section Thirty (30), Township Twelve North (T12N), Range 5 West of the Indian Meridian (R5WIM), Canadian County, Oklahoma (near the Intersection of I-40 and Frisco Rd.), at no financial cost to the City, was made by Council Member Russell and seconded by Council Member McEachern.

The vote:

AYES: Yanda, Smith, McEachern, Russell, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

5. **First Reading of the title of Ordinance No. 1298, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by adding a section prohibiting the possession and/or use of Tobacco products and Electronic Smoke devices in certain public buildings and on certain public properties.**

City Clerk read the title of Ordinance No. 1298, an Ordinance which provides amendment to the Code of Ordinances of the City of Yukon, Oklahoma by adding a section prohibiting the possession and/or use of Tobacco products and Electronic Smoke devices in certain public buildings and on certain public properties.

6. **Consider approving a purchase in the amount of \$42,474.00, for a new HVAC Unit at the Community Center, from Weatherman Mechanical, to be paid from the Capital Improvement Funds, as recommended by the Assistant City Manager**

The motion to approve a purchase in the amount of \$42,474.00, for a new HVAC Unit at the Community Center, from Weatherman Mechanical, to be paid from the Capital Improvement Funds, as recommended by the Assistant City Manager, was made by Council Member Yanda and seconded by Council Member McEachern.

The vote:

AYES: McEachern, Alberts, Yanda, Russell, Smith

NAYS: None

VOTE: 5-0

MOTION CARRIED

7. **Consider approving a Memo of Understanding between the City of Yukon, a Municipal Corporation, and the Yukon Economic Development Authority, a Public Trust, as to define the relationship and the responsibilities of the Parties, with respect to implementation of the Frisco Road Economic Development Project Plan**

The motion to approve a Memo of Understanding between the City of Yukon, a Municipal Corporation, and the Yukon Economic Development Authority, a Public Trust, as to define the relationship and the responsibilities of the Parties, with respect to implementation of the Frisco Road Economic Development Project Plan, was made by Council Member Alberts and seconded by Council Member Yanda.

Council Member Alberts asked Leslie Batchelor to give an explanation and history of the document. Ms. Batchelor stated to think of document as a step in implementing the TIF Project Plan. She stated many things are already controlled by Statutes, such as issuance of debt, zoning, land use, contracting, etc. The Memo of Understanding (MOU) cannot change that. The Project Plan is things Yukon Economic Development Authority (YEDA) does. MOU is a broad framework and there are still things to work out. Especially on the financial side, such as what kind of financial reports do you want, when do you want them, or what kind of information is contained in them. The MOU says City Council still approves things the Statutes require, especially debt. Ms. Batchelor gave an example of YEDA receiving a contract from a Developer. The contract would have to go to City Council for approval. The harder issues revolve around the transfer of tax to YEDA. She then referenced MOU page 3, Item C. She questioned if there was enough oversight for the Council to feel comfortable or if there needs to be more restrictions. The funds are controlled by the Project Plan. The big ones will have an agreement. The question is how to handle smaller YEDA expenses, maybe via budget or line item approval. The MOU contemplates the big stuff comes to Council and the more day to day management stays with YEDA. However reports will come to Council on how they spend funds and what they are doing.

Mayor Smith questioned setting spending limits for YEDA and should the MOU specify and can we adjust as time goes on. Mrs. Batchelor stated yes and we can also change Memo of Understanding. Much will be decided day to day. Mayor Smith stated contradiction between MOU items 4 & 5. Ms. Batchelor stated less clear in lead in and can change to clarify. Mr. Mitchell stated MOU is an attempt to summarize the Trust Indenture. Use it as a controlling instrument. Mayor Smith understands but worries about the loss of cohesiveness between the two.

Mayor Smith questioned 5B stating re-development. Ms. Batchelor stated mistake, should read development. He then read further into 5C and 5D and pointed out "reasonable requests". Mayor Smith would like a clarification of reasonable requests. Ms. Batchelor stated might be better to state monthly TIF reports. Mr. Mitchell stated all records are readily available through Finance and Public Records. Council Member Alberts stated maybe quarterly report and presentation to talk about progress. Especially, while YEDA and City Council learn to work together, since this is all new. He further stated, maybe an annual review of Memo of Understanding. Council Member Alberts asked if Meachum audits YEDA. Mr. Bottom stated Darrell White audits. Mr. Mitchell stated annual reports required by Department of Commerce under State Statute. Council Member Alberts stated we must be cautious at start. There is lots of money at stake. He would like to see an annual review and quarterly reports to City Council.

Mayor Smith stated the concern is transfer of power from Council to YEDA. Council Member Alberts stated no, it is the accountability for funds. Some YEDA money may not come through Council. Mr. Segler stated agreement is just for this Project Plan. Memo of Understanding could include requirement for report. Council Member McEachern stated it could be added onto agenda. Mayor Smith stated to add it to End of Month Reports. Council Member Alberts likes the idea of a quarterly report.

Ms. Batchelor stated the big things are Master Development Agreement and the longer term outlook is some financial pieces, such as how much, what for, who pays, TIF or developer, etc. Mayor Smith questioned if that was already set up in Project Plan. Ms. Batchelor stated only in broad aspect. Ms. Batchelor stated money spent will come back here. All cities are different, reporting not unusual. Unusual part is blank slate for such a big project.

Council Member McEachern questioned process of rezoning changes, PUD's, etc. Ms. Batchelor stated works the same as always. It is controlled by City Ordinance. Mr. Mitchell stated application just like any other zoning request. Council Member McEachern wants process defined. Mr. Mitchell stated same as any other developmental process.

Council Member McEachern questioned if Professional Planning Service comes to YEDA as invoice. Mr. Mitchell stated costs to be allocated between TIF and City. Not doing concurrent development now. Mayor Smith stated we needed to get back to discussion of item. Council Member McEachern stated money coming soon. He would like clarification that funds are not commingled. Mr. Mitchell stated correct.

Ms. Batchelor questioned MOU and redline version. Mayor Smith stated approve with changes as follows: specified limit of spending, change redevelopment to development, add time frame to reasonably requested; monthly report on accounting side and quarterly general reports and annual review of agreement.

Council Member Alberts amended his motion to approve, adding changes as follows: specified limit of spending, change of redevelopment to development, add time frame to reasonably requested; monthly report on accounting side and quarterly general reports and annual review of agreement, seconded by Council Member Yanda.

The vote:**AYES: Alberts, Russell, McEachern, Smith, Yanda****NAYS: None****VOTE: 5-0****MOTION CARRIED**

- 8. Consider approving the final plat of Frisco Ridge Phase 2, a tract of land containing 1,035,628 square feet or 23.775 acres, more or less, situated within a portion of the Northwest Quarter (NW/4) of Section Nineteen (19), Township Twelve North (T12N), Range Five West (R5W) of the Indian Meridian (I.M.) in Yukon, Canadian County, Oklahoma, as recommended by the Community Development Director**

The motion to approve the final plat of Frisco Ridge Phase 2, a tract of land containing 1,035,628 square feet or 23.775 acres, more or less, situated within a portion of the Northwest Quarter (NW/4) of Section Nineteen (19), Township Twelve North (T12N), Range Five West (R5W) of the Indian Meridian (I.M.) in Yukon, Canadian County, Oklahoma, as recommended by the Community Development Director, was made by Council Member Alberts and seconded by Council Member Russell.

Council Member Alberts requested information to be discussed. Phil Hagen, Crafton Tull, stated report from Uteley confirmed Crafton Tull study. There is no adverse impact on the downstream property owners. Council Member Alberts questioned what they would be doing to control water. Mr. Hagen stated there would be multiple oversized ponds. Council Member Alberts asked if it would constantly hold water. Mr. Hagen stated yes, pond would be landscaped with a water feature. Water will be 8 foot below discharge. Council Member Alberts questioned what level of storm. Mr. Hagen said designed through 100 years. Home Owners Association will maintain ponds.

Mayor Smith questioned one-way device to prevent back-up. Mr. Hagen stated a flap gate was not needed for this situation. Mayor Smith questioned if it was downstream. Mr. Williams stated flap gate is placed at river. Mayor Smith questioned if final plat did not require flap gate. Mr. Williams stated yes.

The vote:**AYES: Russell, Smith, Yanda, Alberts, McEachern****NAYS: None****VOTE: 5-0****MOTION CARRIED**

- 9. Consider approving Resolution No. 2014-08, a Resolution authorizing the calling and holding of a special election in the City of Yukon, County of Canadian, State of Oklahoma, to be held on the 26th day of August, 2014 for the purpose of submitting to the qualified Electors of the City of Yukon, Oklahoma, the question of whether the proposed amendment to the City Charter, Section 5, of the City of Yukon, should be ratified, approved and adopted, which proposed amendment would be different from the present Charter by changing Section 5, the election of the Councilman at Large by a majority vote of the qualified voters of the City of Yukon shall serve as Mayor, setting forth the proposition to be voted upon; directing the City Clerk to cause this Resolution to be published in a newspaper of general circulation in the City; directing the City Clerk to deliver a copy of this Resolution to the Secretary of the Canadian County Election Board and to furnish said Board a current map of the City, a copy of the City Charter, as it relates to the conduct of elections, and any other information required by Law or necessary for conducting said election.**

The motion to approve Resolution No. 2014-08, a Resolution authorizing the calling and holding of a special election in the City of Yukon, County of Canadian, State of Oklahoma, to be held on the 26th day of August, 2014 for the purpose of submitting to the qualified Electors of the City of Yukon, Oklahoma, the question of whether the proposed amendment to the City Charter, Section 5, of the City of Yukon, should be ratified, approved and adopted, which proposed amendment would be different from the present Charter by changing Section 5, the election of the Councilman at Large by a majority vote of the qualified voters of the City of Yukon shall serve as Mayor, setting forth the proposition to be voted upon; directing the City Clerk to cause this Resolution to be published in a newspaper of general circulation in the City; directing the City Clerk to deliver a copy of this Resolution to the Secretary of the Canadian County Election Board and to furnish said Board a current map of the City, a copy of the City Charter, as it relates to the conduct of elections, and any other information required by Law or necessary for conducting said election, was made by Council Member Alberts and seconded by Council Member Yanda.

Council Member Yanda questioned term of Mayor. Mr. Bottom stated four years. Mayor Smith stated four years is a long time. Mayor Smith thought it would be good idea, if there is an option to be able to change the Mayor for legitimate reasons. Mr. Segler stated the subject of forfeiture of term already in charter. Mayor Smith asked if there was anything to add or edit. Goal is to give citizens say as to who is Mayor.

Council Member McEachern stated other communities do this. He further stated the Mayor in these communities seem to have more power. Mayor Smith stated we need to be clear on Mayor's power regardless. We run a Council/City Manager form of government. Council Member McEachern stated Mayor does control certain things. One reason we work well is the ability to rotate Mayor. The fear is someone who doesn't know what is going on. He would hate to see current system go away.

Mayor Smith stated 90 of 100 people wouldn't know Mayor is not elected. Council Member Alberts stated 90 of them wouldn't even know the Mayor. Mayor Smith stated Yukon is no longer a small city. We operate on a national level. Longer term would allow for involvement in various national groups. He doesn't know if this is the time, would like input from citizens.

Mayor Smith asked how much notice to election board. Mr. Segler stated 75 days. Council Member Alberts would like to discuss at a study session. Big change, there are pros and cons. Harmony has value.

Council Member Alberts amended his motion to approve, to a motion to postpone indefinitely, seconded by Council Member Yanda.

The vote:

AYES: Smith, Yanda, McEachern, Russell, Alberts

NAYS: None

VOTE: 5-0

MOTION CARRIED

10. City Manager's Report – Information items only

- A. Events Report**
- B. Kirkland's**
- C. Splash Pad Update**

Crawfish Festival is this Saturday, June 7 from 10 am to 6 pm. Thursday, June 12 the Summer Concert series begins with the Bark at the Park contest at 6:30 pm, followed with Smiling Vic and the Soul Monkeys and a family movie, Beethoven. Family fun days are on Fridays at various Yukon Parks throughout the summer. Freedom Fest is

July 3 and 4. We will probably be hosting between 35,000 to 40,000 people. June is National Safety month. The City of Yukon claims are down 52%. Yukon has been named as one of the Oklahoma Clean Communities. There will be an award presentation on June 27. Council was given a Rules for Public Participation handout along with a resolution and form.

Mr. Bottom announced Kirkland's is coming to Yukon and will be located on the south 7,000 square feet of the new construction behind Johnny Carinos.

Splash Pad opened on May 22. Kids were everywhere. We are still fine tuning. There are no lifeguards. This is our first splash pad and three more are planned.

11. New Business-None

12. Council Discussion

Council Member McEachern thanked Arnold Adams for vehicle registration list and maintenance dollars. Council Member McEachern received an email from a citizen. The citizen was pleased with the Splash Pad, stating it is the best thing Yukon has done.

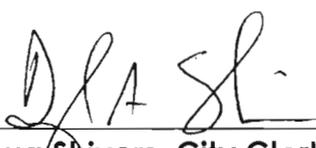
Council Member Russell noticed lots of families having fun at the splash pad. Very happy about Splash Pad

Council Member Yanda also had many compliments from citizens about the splash pad.

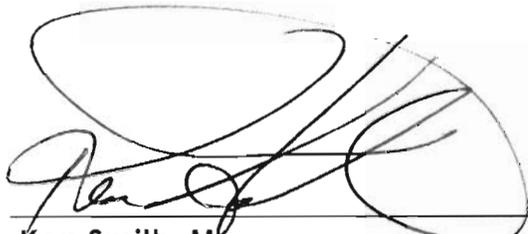
Council Member Alberts stated 500-800 people were at splash pad opening. It was a neat deal. Council Member Alberts asked about water study that applies to the flood plain. He questioned if it is it still being worked on. Mr. Bottom stated preliminary finding has been issued on parts 2 and 3. We will bring to City Council to acknowledge delivery. It is over 300 pages. Council Member Alberts questioned moving forward. Mr. Bottom stated will bring to Council for suggested cures, if any. Council Member Alberts asked, if it would be available to community. Mr. Bottom stated yes, by the end of the month.

Mayor Smith appreciates discussion. Thanked Council Member Alberts for picture from opening of splash pad. Mayor Smith thanks the City and excited for more.

13. Adjournment


Doug Shivers, City Clerk




Ken Smith, Mayor