

Yukon City Council Minutes

October 18, 2011

The Yukon City Council met in regular session on October 18, 2011 at 7:00 p.m. in the Council Chambers of the Centennial Building, 12 South Fifth Street, Yukon, Oklahoma.

The invocation was given by Mayor John Alberts.
The flag salute was given in unison.

ROLL CALL: (Present) John Alberts, Mayor
 Nick Grba, Vice-Mayor
 Bob Bradway, Council Member
 Ken Smith, Council Member
 Dewayne Maxey, Council Member

OTHERS PRESENT:

Mike Segler, City Attorney	Tammy Kretchmar, Asst. City Manager
Robbie Williams, City Engineer	Doug Shivers, City Clerk
Mitch Hort, Community Development Director	Frosty Peak, Emergency Management Director
Gary Cooper, Information Technology Director	Bill Stover, Asst. Public Works Director
Kevin Jones, Fire Chief	Terri Peak, Utility Billing Supervisor
Cheryl Dunn, Deputy City Clerk	Matt Maly, Public Works Director

Presentations and Proclamations

Mayor Alberts read the proclamation for Head Start Month and presented it to Head Start Instructors Emaline Pohlmeier and Jennifer Homer. They thanked Yukon citizens for their support.

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Visitors

There were no 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 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 October 18, 2011**
- B) Payment of material claims in the amount of \$472,997.95**

The motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of October 18, 2011, and payment of material claims in the amount of \$472,997.95, was made by Trustee Grba and seconded by Trustee Maxey.

The vote:

AYES: Smith, Grba, Alberts, Maxey, Bradway
NAYS: None
VOTE: 5-0
MOTION CARRIED

2A. Consider and approve Resolution No. YMA 2011-02, a resolution authorizing the issuance of the Yukon Municipal Authority 2011 Revenue Note (the "Revenue Note"), in an aggregate principal amount of not to exceed \$2,000,000; waiving competitive bidding and authorizing said Revenue Note to be sold at a price less than par value by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving documents, procedures and payments related to issuance of the Revenue Note; designating the Revenue Note as "qualified tax-exempt obligations" as contained in the Internal Revenue Code of 1986; providing that the Trust Indenture shall be subject to provisions of the Revenue Note; ratifying a lease agreement and operation and maintenance contract between the City of Yukon and the Yukon Municipal Authority and agreeing that the term of the lease shall extend so long as the Revenue Note remains outstanding and unpaid.

The motion to approve Resolution No. YMA 2011-02, a resolution authorizing the issuance of the Yukon Municipal Authority 2011 Revenue Note (the "Revenue Note"), in an aggregate principal amount of not to exceed \$2,000,000; waiving competitive bidding and authorizing said Revenue Note to be sold at a price less than par value by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving documents, procedures and payments related to issuance of the Revenue Note; designating the Revenue Note as "qualified tax-exempt obligations" as contained in the Internal Revenue Code of 1986; providing that the Trust Indenture shall be subject to provisions of the Revenue Note; ratifying a lease agreement and operation and maintenance contract between the City of Yukon and the Yukon Municipal Authority and agreeing that the term of the lease shall extend so long as the Revenue Note remains outstanding and unpaid, was made by Trustee Smith and seconded by Trustee Maxey.

The vote:**AYES: Bradway, Smith, Maxey, Alberts, 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 October 4, 2011
- B) Payment of material claims in the amount of \$431,164.95
- C) The 2011 updates to the City of Yukon Emergency Operations Plan
- D) Accepting a 2011 Community Development Block Grant from the Oklahoma Dept. of Commerce, for Water System Improvements, in the amount of \$64,567.00
- E) The items on the attached list from the Technology Dept. as surplus, and authorizing their sale, donation or trade
- F) Resolution 2011-12, naming Frosty Peak as Local Point of Contact for National Incident Management System (NIMS) activities and compliance
- G) A budget amendment to allow for a transfer of funds from the Stormwater Fund Balance, in the amount of \$100,000.00, to cover unbudgeted engineering expenses previously approved by Council for the Turtle Creek Master Drainage Plan
- H) Setting the date for the next regular Council meeting for November 1, 2011, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth Street

Council Member Smith asked to remove Item G, a budget amendment to allow for a transfer of funds from the Stormwater Fund Balance, in the amount of \$100,000.00, to cover unbudgeted engineering expenses previously approved by Council for the Turtle Creek Master Drainage Plan, for additional discussion.

The motion to approve the remainder of the Consent Docket, consisting of the minutes of the regular meeting of October 4, 2011; payment of material claims in the amount of \$431,164.95; accepting a 2011 Community Development Block Grant from the Oklahoma Dept. of Commerce, for Water System Improvements, in the amount of \$64,567.00; the items on the attached list from the Technology Dept. as surplus, and authorizing their sale, donation or trade; Resolution 2011-12, naming Frosty Peak as Local Point of Contact for National Incident Management System (NIMS) activities and compliance; and setting the date for the next regular Council meeting for October 18, 2011, 7:00 p.m., in the Council Chambers of the Centennial Building, 12 South Fifth Street, was made by Council Member Grba and seconded by Council Member Maxey.

The vote:**AYES: Maxey, Grba, Bradway, Smith, Alberts****NAYS: None****VOTE: 5-0****MOTION CARRIED**

Council Member Smith made a motion to approve Item G, a budget amendment to allow for a transfer of funds from the Stormwater Fund Balance, in the amount of \$100,000.00, to cover unbudgeted engineering expenses previously approved by Council for the Turtle Creek Master Drainage Plan, seconded by Council Member Maxey. Mr. Smith then asked if it was known at the time Item G was passed, what the funding source would be. City Manager Bottom explained that Item G was simply a housekeeping item to allow for the transfer of funds, and that the original source of funds had never changed.

The vote:

AYES: Bradway, Smith, Maxey, Alberts, Grba

NAYS: None

VOTE: 5-0

MOTION CARRIED

2. Report of Boards, Commissions and City Officials

There was no report.

3. Conduct a hearing to receive comments and discuss an application from Joey Smith & Dennis Whittaker/Route 66 Asphalt Emulsion Maintenance to rezone the property at 1401 Lakeshore Drive currently zoned I-1 (light industrial district) to I-2 (heavy industrial district), previously recommended for denial by the Planning Commission; no action will be taken

Mayor Alberts read the rules for discussion.

Vivian Housh of 1169 Church St. said that she did not believe that Yukon had any areas zoned for High Industrial.

Roger Everett, co-counsel for the applicants, recapped the process to be used for that asphalt emulsification and emphasized that it was a contained process with no heavy truck traffic needed.

Mark Henrickson, co-counsel for the applicants, added that the business could add between 30 and 40 jobs to Yukon, and that current zoning was contrary to standards.

Becky McMahan of 1205 Twilight Terrace asked about parking for those with the additional jobs and said the previous permit should have been maintained.

Julie Owens of 201 Sunrise Drive said that there has been activity including large trucks coming and going from the property, along with noise from the property late at night.

Bob Harper of 1817 Lakeshore Drive said he had hired an engineer to look at property near the site and found that environmental reports were needed.

Bob Wheeler of 1104 Landmark Drive said that trucks were using Landmark Drive in violation of the existing signage.

Cynthia Kidd of 1118 McConnell said there were too many risks of pollution and of danger to area children.

Larry Trotter of 313 Amanda also spoke of hazards to area children and families, and noted that recent plantings on the property have died.

Corey Wilkins of 308 Eastview said that according to City Codes, the lot was not big enough to allow for the 300-ft. buffer between zoning districts.

Jo Schuler of 11777 Plaza Drive said citizens were already dealing with noise and odor concerns.

Stan Brooks of 1100 Landmark was concerned about the precedent for future zoning of adjacent property, and also noted that other asphalt plants have associated odor.

Don McCool of 308 Market was concerned about the future decline of property values in the area.

Gus Hall of 1173 Church felt that this facility would be a step backwards relative to ongoing improvements in the area and community.

Mayor Alberts asked for anyone to speak who was in favor of the zoning change, and there was no response.

Council Member Smith asked the Mayor to call the question. Mayor Alberts thus closed the hearing and moved to the next agenda item.

3A. Consider the recommendation of the Planning Commission to deny the application for rezoning of 1401 Lakeshore Drive

(Council may only make a motion to A) Uphold the recommendation of the Planning Commission; B) uphold the recommendation subject to modification, C) deny the recommendation, or D) return the application to the planning commission for further study)

Council Member Maxey made a motion to Uphold the Recommendation of the Planning Commission, seconded by Council Member Smith. Mr. Smith mentioned that this Council was not responsible for previous decisions, and it was clear that the previous zoning was incorrect. He asked the applicant's counsel what the basis would be for a decision to return the item to the Planning Commission. Counselor Everett was unsure. Mayor Alberts wanted to know if the Counselor was sure of his position regarding a light-industrial operation, and Mr. Everett could not say for sure. Mr. Smith then said that he had found 3 similar operations in the Oklahoma City area that were all located in areas zoned for heavy industrial use. Mayor Alberts expressed his concern with moving ahead to litigation. City Attorney Segler said that the permit should be applied for based on the correct use of the property.

The vote:

AYES: Grba, Maxey, Smith, Alberts, Bradway,

NAYS: None

VOTE: 5-0

MOTION CARRIED

4. Consider approving an Agreement for Services between the City of Yukon and Yukon Chamber of Commerce, for the period beginning July 1, 2011 through June 30, 2012, at a cost of \$2,500 per month

The motion to approve an Agreement for Services between the City of Yukon and Yukon Chamber of Commerce, for the period beginning July 1, 2011 through June 30, 2012, at a cost of \$2,500 per month, was made by Council Member Smith and seconded by Council Member Grba.

Council Member Bradway was concerned that because of the start date of the contract (July 1, 2011), that money had been paid to the Chamber already. City Manager Bottom advised that no money had been paid. Council Member Smith observed that this payment had been approved in the current budget already approved by Council.

Bob Harper of 1817 Lakeshore was supportive of paying the Chamber on a results basis and noted he had been unsuccessful in working with the Chamber to attract business in the past.

Mr. Bradway asked for specific names of business that were brought in, or retained, or otherwise developed by the Chamber, to be provided at a future date. He also was interested to know the role of the Chamber in community events, and felt like the Chamber was being funded without a proven trail of attracting businesses to Yukon. He believed that commission-based pay was a better solution for supporting the Chamber. Mr. Smith agreed that an incentive-based agreement was indeed a better approach. He also mentioned the results of the Chamber's Shop Yukon program, which has a goal of \$1,000,000.00 for 2011. Mr. Smith pledged to do as much as possible to monitor the benefits brought to Yukon by the Chamber.

The vote:

AYES: Alberts, Grba, Smith, Maxey

NAYS: Bradway

VOTE: 4-1

MOTION CARRIED

5. Consider and approve Resolution No. 2011- 11, a resolution approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its 2011 Revenue Note (the "Revenue Note"), in an aggregate principal amount of not to exceed \$2,000,000; waiving competitive bidding and authorizing said Revenue Note to be sold at a price less than par value by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving a sales tax agreement providing security for the Revenue Note; designating the Revenue Note as "qualified tax-exempt obligations" under the Internal Revenue Code of 1986; providing that the Trust Indenture shall be subject to provisions of the Revenue Note; ratification of lease agreement and operation and maintenance contract between the City and the Authority and agreeing that the term of the lease shall extend to long as the Revenue Note remains unpaid; and, authorization of documents and procedures related to issuance of the Revenue Note.

The motion to approve Resolution No. 2011- 11, a resolution approving the incurrence of indebtedness by the Yukon Municipal Authority (the "Authority") issuing its 2011 Revenue Note (the "Revenue Note"), in an aggregate principal amount of not to exceed \$2,000,000; waiving competitive bidding and authorizing said Revenue Note to be sold at a price less than par value by negotiated sale within the limits provided by Title 60, Oklahoma Statutes, Section 176; authorizing and approving a sales tax agreement providing security for the Revenue Note; designating the Revenue Note as "qualified tax-exempt obligations" under the Internal Revenue Code of 1986; providing that the Trust Indenture shall be subject to provisions of the Revenue Note; ratification of lease agreement and operation and maintenance contract between the City and the Authority and agreeing that the term of the lease shall extend to long as the Revenue Note remains unpaid; and, authorization of documents and procedures related to issuance of the Revenue Note, was made by Council Member Smith and seconded by Council Member Maxey.

The vote:
AYES: Smith, Bradway, Maxey, Grba, Alberts
NAYS: None
VOTE: 5-0
MOTION CARRIED

6. Consider and approve Ordinance No. 1270, 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 2011 Revenue Note in an aggregate principal amount not to exceed \$2,000,000, do not exceed debt limitations; repealing all conflicting ordinance provisions; and declaring an emergency

The Ordinance was read in full by City Attorney Segler.

The motion to approve Ordinance No. 1270, 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 2011 Revenue Note in an aggregate principal amount not to exceed \$2,000,000, do not exceed debt limitations; repealing all conflicting ordinance provisions; and declaring an emergency, was made by Council Member Maxey and seconded by Council Member Grba.

The vote:
AYES: Grba, Alberts, Smith, Maxey, Bradway,
NAYS: None
VOTE: 5-0
MOTION CARRIED

6A. Consider and approve the Emergency Clause of Ordinance No. 1270

The motion to approve the Emergency Clause of Ordinance No. 1270, was made by Council Member Maxey and seconded by Council Member Smith.

The vote:
AYES: Maxey, Smith, Grba, Bradway, Alberts
NAYS: None
VOTE: 5-0
MOTION CARRIED

7. Consider approving Change Order No. 2, for the construction of the new Yukon Fire Station, in an amount decreasing the Contract Sum by \$15,792.58

The motion to approve Change Order No. 2, for the construction of the new Yukon Fire Station, in an amount decreasing the Contract Sum by \$15,792.58, was made by Council Member Grba and seconded by Council Member Maxey.

The vote:
AYES: Alberts, Bradway, Grba, Maxey, Smith
NAYS: None
VOTE: 5-0
MOTION CARRIED

- 8. Consider approving a request for a Conditional Use Permit for a mobile home located at 5360 Cimmaron Rd., by Joshua and Ann Wooley & Mark Parizek, as recommended by the Planning Commission

The motion to approve a request for a Conditional Use Permit for a mobile home located at 5360 Cimmaron Rd., by Joshua and Ann Wooley & Mark Parizek, as recommended by the Planning Commission, was made by Council Member Bradway and seconded by Council Member Maxey.

The vote:
 AYES: Bradway, Maxey, Alberts, Smith, Grba
 NAYS: None
 VOTE: 5-0
 MOTION CARRIED

- 9. Consider approving an expenditure of funds for the purpose of reconfiguring City Hall offices in an amount anticipated to be \$62,900.00, with cash expenditures for outsourced competitively bid items not to exceed \$40,000 of the above total, to be funded from the Capital Improvement fund

The motion to approve an expenditure of funds for the purpose of reconfiguring City Hall offices in an amount anticipated to be \$62,900.00, with cash expenditures for outsourced competitively bid items not to exceed \$40,000 of the above total, to be funded from the Capital Improvement fund, was made by Council Member Smith and seconded by Council Member Grba.

Council Member Bradway was concerned that the dome over the City Hall lobby should be repaired first. City Manager Bottom said that other funds were budgeted for that repair, and it has proved difficult to locate a contractor to make those repairs.

The vote:
 AYES: Smith, Grba, Maxey, Bradway, Alberts
 NAYS: None
 VOTE: 5-0
 MOTION CARRIED

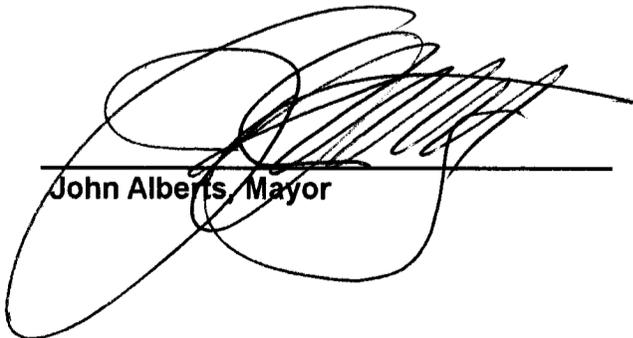
10. City Manager’s Report – Information items only

Mr. Bottom gave a brief status report of the Fire Station construction project, saying he was pleased with the quality of construction thus far. He mentioned that a Factory Direct Mattress Store was moving into the vacant building previously housing Blockbuster Video, and also said that Channel 9 was making a road trip to Yukon on Friday, October 28.

- 11. New Business None.

- 12. Council Discussion None.

- 13. Adjournment



 John Alberts, Mayor



 Doug Shivers, City Clerk

