

**Yukon City Council Minutes
October 21, 2014**

The Yukon City Council met in regular session October 21, 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 Tom Arnold, Good News 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	Doug Shivers, City Clerk
Tammy Despain, Assistant City Manager	Robbie Williams, City Engineer
Mark Osby, Acting City Attorney	Amy Phillips, Economic Development
Arnold Adams, Public Works Director	John Corn, Police Chief
Gary Cooper, Information Technology Dir.	J.I. Johnson, Treasurer
Claudia Yager, Parks & Recreation	Mitchell Hort, Development Services Dir.
Jerome Brown, Information Technology	Jenna Roberson, Public Info. Officer
Bill Stover, Sanitation Director	John Williams, Bond Council

Presentations and Proclamations

There were no Presentations or Proclamations.

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 7, 2014**
- B. Payment of material claims in the amount of \$2,974.00**

The motion to approve the YMA Consent Docket, consisting of the approval of the minutes of the regular meeting of October 7, 2014; and payment of material claims in the amount of \$2,974.00, was made by Trustee Alberts and seconded by Trustee Yanda.

The vote:

AYES: Russell, McEachern, Alberts, Yanda, Smith

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 2A. Consider approving a Purchase and Sale Agreement between the Yukon Municipal Authority and Development23 LLC, for a 3.33 acre (approximately) parcel of land located in Canadian County, OK, south of Interstate 40 and west of Integris Canadian Valley Hospital, as recommended by the City Manager**

The motion to approve a Purchase and Sale Agreement between the Yukon Municipal Authority and Development23 LLC, for a 3.33 acre (approximately) parcel of land located in Canadian County, OK, south of Interstate 40 and west of Integris Canadian Valley Hospital, as recommended by the City Manager, was made by Trustee Alberts and seconded by Trustee Russell.

The vote:

AYES: Yanda, Alberts, Smith, Russell, McEachern

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 3A. Consider and approve Resolution No. YMA 2014-02, a Resolution authorizing the issuance of the Yukon Municipal Authority 2014 Revenue Note (the "Revenue Note"), in an Aggregate Principal amount of not to exceed \$4,800,000; 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 2014-02, a Resolution authorizing the issuance of the Yukon Municipal Authority 2014 Revenue Note (the "Revenue Note"), in an Aggregate Principal amount of not to exceed \$4,800,000; 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 Alberts and seconded by Trustee Russell.

The vote:

AYES: Smith, Yanda, McEachern, 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 regular meeting of October 7, 2014
- B) Payment of material claims in the amount of \$542,214.35
- C) Designating the items on the attached list from the Technology Department as surplus and authorizing their sale, donation or trade
- D) The submittal of a grant proposal for 2014 Healthy Communities Incentive Grant available from the Oklahoma Tobacco Settlement Endowment Trust
- E) A Municipal Lease and Option Agreement, No. 800-1112008-003, with Arvest Equipment Finance, for the acquisition of a 2014 Ford F-550 M&M Brush Truck BP2 Body
- F) Setting the date for the next regular Council meeting for November 4, 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 regular meeting of October 7, 2014; Payment of material claims in the amount of \$542,214.35; Designating the items on the attached list from the Technology Department as surplus and authorizing their sale, donation or trade; The submittal of a grant proposal for 2014 Healthy Communities Incentive Grant available from the Oklahoma Tobacco Settlement Endowment Trust; A Municipal Lease and Option Agreement, No. 800-1112008-003, with Arvest Equipment Finance, for the acquisition of a 2014 Ford F-550 M&M Brush Truck BP2 Body; and Setting the date for the next regular Council meeting for November 4, 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 Alberts.

The vote:

AYES: Alberts, McEachern, Smith, Yanda, Russell

NAYS: None

VOTE: 5-0

MOTION CARRIED

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

3. Consider approving a Conditional Use Permit for Steve Woody, ERS Telecom Properties, for a 170 foot monopole cell tower, to provide Verizon Wireless and (3) additional carriers an antenna support structure located at West of W. Kali Ave. and North 11th Street, Yukon, as recommended by the Planning Commission

The motion to approve a Conditional Use Permit for Steve Woody, ERS Telecom Properties, for a 170 foot monopole cell tower, to provide Verizon Wireless and (3) additional carriers an antenna support structure located at West of W. Kali Ave. and North 11th Street, Yukon, as recommended by the Planning Commission, was made by Council Member Alberts and seconded by Council Member Russell.

Charlotte Blacklee, 10401 NW 63rd, is speaking on behalf of her mother, who owns property just north of the tower land. She is opposed to tower due to the basis of devaluation of property. Hoping attached land would be used for future development. She would like to see something of value go in there.

Joe Horn, 102 S. 5th, stated there is no proof that we need this tower. It will be seen from a distance. It could go on the grain elevator.

Larry Rudebusch, 309 E. Parkland, owns property directly west of where tower will be. The tower will be an eyesore. Not good for the City. Tower is 60 feet taller than elevators. Only beneficiaries are the Cell Company and Lessor. It doesn't need to be on Main St.

Tom Holiman, KGI Wireless, locates cell towers for Verizon. The site location is narrowed. Our goal is the intersection in this area to help with capacity problems. Capacity issues are foremost concern.

Steve Woody, ETS Properties, gave brief recap of timeline. He is here to answer why the tower is needed. The answer is to provide better service. Location criteria part of overall system. We already are located on water tower. Mr. Woody explained the coverage maps relating to the before and after of proposed tower.

Mayor Smith asked, if Council was comfortable with information. Council Member Alberts asked why tower could not go further north. Mr. Woody stated leaves coverage gaps in town. Council Member Alberts asked what the tower looks like and if it was similar to tower west of town. Mr. Woody stated no and gave description. Council Member Yanda asked how the height was determined. Mr. Woody stated by Verizon engineers. Mayor Smith understands this is optimal location, but is it the only location. Mr. Woody stated other location would be later alternative. Mayor Smith questioned other locations. Mr. Woody stated it wouldn't give same coverage to the northwest side. Council Member McEachern asked about future water tower project. Mr. Bottom stated it would be located almost to the interstate. Council Member Russell curious about land owned adjacent to property and asked for acreage amount. Property was 6 acres and 35 acres.

Council Member Alberts stated land to be cleaned up. Mayor Smith stated property is zoned A-1, no development can take place. Mr. Rudebusch stated price is too high due to cleanup costs, land will not be cleaned. Mayor Smith clarified ownership of property. Mr. Rudebusch stated some businesses have looked. He doesn't buy argument that tower can't be moved. Ms. Blacklee stated Trustee is familiar with cleaning issues. She also needed clarification of location of tower. Ms. Blacklee feels the tower needs to be moved further west due to trend of development. Mayor Smith asked Mr. Woody who the Lease Agreement was with. Mr. Woody stated Trustee St. John. Council Member Alberts questioned where the Trustee was. Mr. Woody apologized, because Trustee couldn't make it due to prior obligations. Mr. Woody detailed how they would clean-up property. Mayor Smith questioned taxes. Mr. Bottom stated property is zoned A-1. The County Assessor sets value and property owner will pay. The Ad Valorem Tax should increase. Mr. Horn stated these folks aren't Verizon. He further stated this is not important to the property owner. They have not made it to the last four meetings. Mayor Smith asked Mr. Holiman, if he was an employee of Verizon. Mr. Holiman stated no, contractor.

The vote:

AYES: Smith

NAYS: McEachern, Yanda, Russell, Alberts

VOTE: 4-1

MOTION FAILED

4. Consider approving Resolution No. 2014-21, a Resolution of the City of Yukon, Oklahoma, endorsing and supporting the Central Oklahoma Water Resource Authority Plan for drilling a test well or wells and establishing a financial contribution plan for its members

The motion to approve Resolution No. 2014-21, a Resolution of the City of Yukon, Oklahoma, endorsing and supporting the Central Oklahoma Water Resource Authority Plan for drilling a test well or wells and establishing a financial contribution plan for its members, was made by Council Member Russell and seconded by Council Member McEachern.

The vote:

AYES: Yanda, Smith, Alberts, McEachern, Russell

NAYS: None

VOTE: 5-0

MOTION CARRIED

5. **Consider approving the Yukon Municipal Authority action pertaining to a Purchase and Sale Agreement between the Yukon Municipal Authority and Development23 LLC, for a 3.33 acre (approximately) parcel of land located in Canadian County, OK, south of Interstate 40 and west of Integris Canadian Valley Hospital, as recommended by the City Manager (Item 2A from the YMA docket above)**

The motion to approve the Yukon Municipal Authority action pertaining to a Purchase and Sale Agreement between the Yukon Municipal Authority and Development23 LLC, for a 3.33 acre (approximately) parcel of land located in Canadian County, OK, south of Interstate 40 and west of Integris Canadian Valley Hospital, as recommended by the City Manager (Item 2A from the YMA docket above), was made by Council Member Alberts and seconded by Council Member Yanda.

Council Member Alberts stated this is a monumental event and opportunity to develop land.

The vote:

AYES: Alberts, McEachern, Russell, Yanda, Smith

VOTE: 5-0

MOTION CARRIED

6. **Consider and approve Resolution No. 2014-22, a Resolution approving the Incurrence of Indebtedness by the Yukon Municipal Authority (the "Authority") issuing its 2014 Revenue Note (the "Revenue Note"), in an Aggregate Principal amount of not to exceed \$4,800,000; 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 (Item 3A from the YMA docket above)**

The motion to correct scrivener's error and approve Resolution No. 2014-22, a Resolution approving the Incurrence of Indebtedness by the Yukon Municipal Authority (the "Authority") issuing its 2014 Revenue Note (the "Revenue Note"), in an Aggregate Principal amount of not to exceed \$4,800,000; 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 so long as the Revenue Note remains unpaid; and, authorization of documents and procedures related to issuance of the Revenue Note (Item 3A from the YMA docket above), was made by Council Member Alberts and seconded by Council Member Yanda.

The vote:

AYES: McEachern, Alberts, Smith, Russell, Yanda

NAYS: None

VOTE: 5-0

MOTION CARRIED

7. **Consider and approve Ordinance No. 1302, 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 2014 Revenue Note in an Aggregate Principal amount not to exceed \$4,800,000, do not exceed debt limitations; repealing all conflicting Ordinance provisions; and declaring an emergency**

The motion to consider and approve Ordinance No. 1302, 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 2014 Revenue Note in an Aggregate Principal amount not to exceed \$4,800,000, do not exceed debt limitations; repealing all conflicting Ordinance provisions; and declaring an emergency, was made by Council Member Yanda and seconded by Council Member Alberts.

Mr. Williams read the Ordinance in its entirety.

The vote:

AYES: Russell, Alberts, Yanda, Smith, McEachern

NAYS: None

VOTE: 5-0

MOTION CARRIED

- 7a. **Consider and approve the Emergency Clause of Ordinance No. 1302**

The motion to consider and approve the Emergency Clause of Ordinance No. 1302, was made by Council Member Alberts and seconded by Council Member Russell.

The vote:

AYES: Smith, Yanda, McEachern, Alberts, Russell

NAYS: None

VOTE: 5-0

MOTION CARRIED

8. **Consider approving an expenditure of funds, in the amount of \$63,861.63, for the purchase of two (2) NetApp FAS2554 Hybrid Network Storage Arrays, to be paid from the Technology Capital Improvement funds, as recommended by the Technology Director**

The motion to approve an expenditure of funds, in the amount of \$63,861.63, for the purchase of two (2) NetApp FAS2554 Hybrid Network Storage Arrays, to be paid from the Technology Capital Improvement funds, as recommended by the Technology Director, was made by Council Member McEachern and seconded by Council Member Yanda.

The vote:

AYES: Smith, Alberts, Russell, McEachern, Yanda

NAYS: None

VOTE: 5-0

MOTION CARRIED

9. **Consider approving an expenditure of funds, in an amount not to exceed \$38,686.00, for pipe-bursting repair project of 360 linear feet, located between 700 and 720 Markley Lane, to be paid from the Public Works Water and Wastewater Distribution account, as recommended by the Public Works Director**

The motion to approve an expenditure of funds, in an amount not to exceed \$38,686.00, for pipe-bursting repair project of 360 linear feet, located between 700 and 720 Markley Lane, to be paid from the Public Works Water and Wastewater Distribution account, as recommended by the Public Works Director, was made by Council Member McEachern and seconded by Council Member Russell.

The vote:

AYES: Alberts, Smith, Yanda, Russell, McEachern

NAYS: None

VOTE: 5-0

MOTION CARRIED

10. City Manager's Report – Information items only

- A. Sales Tax Report
- B. YEDA Quarterly Report
- C. Development Report

Mr. Bottom stated Sales Tax was up 0.84% for month and 0.54% year to date. Use Tax is down 32.8% for month and 74.89% year to date. All other taxes are up.

Yukon Economic Development Authority is required to give a quarterly report to the Council. It has been provided. First Quarter receipted \$24,000.00 in Sales Tax for the TIF District. It completed a Design Survey and the report also mentions the Main Street Program and year 1 highlights.

McAlister's Deli is going in next to Kirklands. Hideway Pizza will be to the north of Buffalo Wild Wings, Chelino's will be in Chisholm Trail at south end. Raising Cain's will locate where Hallmark is. Biggest news was tonight's action for the reconfiguration of Health Center Parkway. We plan to enter the property tomorrow with stakes and silt fence.

11. New Business-None

12. Council Discussion

Council Member Yanda had nothing at this time.

Council Member Alberts had nothing at this time.

Council Member McEachern thanked all who attended, very important. He thanked Mr. Bottom and Mr. Mitchell for YEDA report. Good meeting tonight, thanks for the new chairs.

Council Member Russell thanked the landowners for coming.

Mayor Smith respects and appreciates everyone's passion.

13. Adjournment

Sara Hancock

 Doug Shivers, City Clerk
 Deputy



Ken Smith

 Ken Smith, Mayor