

**MINUTES  
YALE CITY COMMISSION  
REGULAR MEETING  
209 N. MAIN STREET, YALE, OKLAHOMA  
NOVEMBER 10, 2015  
6:00 P.M.**

**OPENING PRAYER**

1. **CALL TO ORDER** – The regular meeting of the Yale City Commission was called to order at 6:00 p.m. on Tuesday November 10, 2015 by Mayor Terry Baker
2. **ROLL CALL** – Those present were Mike Strader, Richard Adsit, Tom Mendenhall, Chuck Sprague and Terry Baker.
3. **Presentation to Michael Prince of the 2015 Community Service Award.** – Michael Prince was not available to accept the award.
4. **CONSENT AGENDA** – Richard Adsit made the motion to approve the consent agenda, Mike Strader seconded the motion which passed as follows: Yea: Strader, Adsit, Mendenhall, Sprague, Baker Nay: None.
  - a. **Approval of Minutes**
    - i. **Regular Meeting – October 13, 2015**
    - ii. **Special Meeting – October 26, 2015**
  - b. **Approval of Claims**
  - c. **Financial Statements**
5. **ITEMS REMOVED FROM THE CONSENT AGENDA** – None
6. **PUBLIC APPEARANCES**
  - a. **Stormie Skinner to address the dog issue and future needs of a kennel to assist the Police Department with volunteers to help care for stray dogs and cats.** – Ms. Skinner was not present however Allen Christ was there to speak on the topic. He stated that the City Code allows you to have 3 dogs, if there's 8 is this not a violation? Mr. Baker talked about having a kennel license if you have more than 3 dogs however it is pretty restrictive. He also said that Stormie had come to see him and would like to start a petition to have the law changed from 3 dogs allowed to 5 dogs. He told her he wouldn't sign the petition himself, he thinks that 3 dogs are enough. Chief Kelly stated that Ms. Skinner has had a kennel license before but it had been revoked for not being able to meet requirements.
7. **GENERAL ORDERS**
  - a. **Consideration, discussion and action to authorize the following changes on City of Yale American Heritage Bank accounts.** – Mr. Smitherman requested to have the authorized signers be listed as the City Clerk, Deputy Clerk, Mayor, Vice Mayor and City Manager in lieu of the Asst. Trust Manager. Richard Adsit made the motion to authorize the changes to the City of Yale American Heritage Bank Accounts as requested by Mr. Smitherman, Tom Mendenhall seconded the motion which passed as follows: Yea: Strader, Adsit, Mendenhall, Sprague, Baker Nay: None. Authorized signers will be Deanna Couch, City Clerk; Valerie Thurman, Deputy Clerk; Terry Baker, Mayor; Richard Adsit, Vice Mayor and Louis Smitherman, City Manager.
    - i. **Remove Richard Adams, City Manager**
    - ii. **Remove Robert Crisjohn, Vice Mayor**
    - iii. **Add Richard Adsit, Vice Mayor**
    - iv. **Add Tim Campbell, Asst. Trust Manager**
    - v. **Authorized signers will be Deanna Couch, City Clerk; Valerie Thurman, Deputy Clerk; Terry Baker, Mayor; Richard Adsit, Vice Mayor and Tim Campbell, Asst. Trust Manager.**
  - b. **Consideration, discussion and to authorize execution of a change order to the contract between the City of Yale and The Quapaw Company for the overlay of 5<sup>th</sup> Street from Charleston to West on Fort Worth 3 blocks within the City of Yale.** – Commissioners discussed a correction

in the change order that it would be South on Fort Worth and it would be two blocks. Mr. McMillian stated that Mr. Gose gave an estimate of this change order in the amount of approximately \$17,000. He explained to stay within the 15% there was around a \$52,800 leeway. The contract was done as a quantity contract not to exceed \$357,000 and some change, 15% of that is around \$52,800. My belief is before the change order is signed we would need to get Quapaw to commit to that number. You could do a not greater than amount, with \$53,000 being the most you could do. From what Mr. Gose is saying you may want to do a change order amount of \$20,000 or \$21,000. At this point he hasn't spoken to Quapaw to reconcile an amount with them. His belief is that Quapaw will do it for that amount because it's based on their quantity bid.

Richard Adsit made the motion to approve execution of a change order to the contract between the City of Yale and The Quapaw Company for the overlay of 5<sup>th</sup> Street from Charleston South to Fort Worth 2 blocks within the City of Yale not to exceed \$17,000. Tom Mendenhall seconded the motion which passed as follows: Yea: Strader, Adsit, Mendenhall, Sprague, Baker Nay: None.

## 8. MISCELLANEOUS

- a. **Consideration and discussion of a Code of Ethics protocol for the City of Yale Employees, Elected Officials, Volunteers and Vendors.** – Mr. Smitherman explained there were some issues that we needed to address and felt that the commissioners may want to review specific areas that needed to be considered. I gave each one of you a different item to review; we were trying to address employees, elected officials and even vendors. If we have a vendor that comes in we'll have this policy available so they'll know how we transact business. It's just here for discussion and it was pointed out that there are some policies in our personnel manual. Mr. Mendenhall talked about vendors contributing within the city to non-profit organizations, is this telling them that they better not contribute to anything? Mr. Smitherman stated that if he was given something for working for the City to get something in return, that that would be the violation. Mr. Adsit stated that he saw it on more of a personal level. Mr. Baker recommended that Mr. Smitherman work something up and give it to Mr. McMillian for review. Mr. McMillian stated that he hadn't seen what was given to the commissioners however there are provisions in the Charter to prevent what he understands was being discussed. The commission is unable to pass anything that doesn't follow the City Charter without a vote of the people. There's quite a bit in the City Code and the Charter as well as state statutes that have been passed in the last several years. This includes the oath of office that each commissioner took upon accepting office. Mr. Baker suggested that the City Charter and personnel policies be reviewed to see what is covered already and if there needs to be anything added it be brought to the commission with Mr. McMillian's approval for the board to vote on.

## 9. REPORTS FROM OFFICERS

- a. **Report from Police Chief:** The Pawnee Nation put in a grant for handheld radios, base units, a repeater and mobile units, they included the Yale Police and Fire Departments in the grant. The Fire Department will be getting 25 handhelds and 8 mobile units; the Police Department will be getting one base unit and one repeater on the tower, the PD will also be getting 9 handhelds and 2 EOC handhelds. The EMS bought 4 handhelds out of their own pocket. This is a very big thing that they've done for us and Pawnee County. It was a \$200,000 grant and they included us because we have some indian land that touches us in places. Once the repeater is up these handheld units will pick up for roughly 30 miles. EMS will be building a new building, you will be seeing large equipment soon starting the groundwork. The Police Reserve will be doing Thanksgiving meals again, all donations are appreciated.
- b. **Report from City Manager:** You all received a copy of my report, what is your vision is for the City of Yale? The fire department has plans to build a new station with a preference on Hwy 51 East or West. We've been actively replacing water meters, there have been a few hiccups with new water meters due to readings and serial numbers not matching. We had discussions today to try and correct these issues. We're in hopes that our capital improvement projects will proceed, I've been encouraged to notify citizens through the website of updates. If there's something you see on the website that you feel has been addressed please let us know so we can remove it. I looked at potential bids for our truck, I spoke to Calvin about how much financing was available to the City of Yale. The Jim Thorpe Park sign, we have an idea on we'd like to do there. Mr. Mendenhall asked if the city billed the contractor for the water line break by the school. Mr. Smitherman stated that we were given an estimate of 5-6,000 gallons of water that was lost. Mr. Mendenhall asked if the labor for the repairs would be billed as well, Mr. Smitherman stated if that's what has been done in the past, that's what we'll do.

- c. **Report from City Attorney:** Last year during the legislative session the election laws in Oklahoma were changed for cities and towns. The new statutes that have been passed provide for a completely different election schedule than what our charter provides for. What the legislation does is beginning in 2017 school board and city council elections across the state of Oklahoma will all be held on the same day except for Oklahoma City and Tulsa. In explaining to the county election board that our charter doesn't follow this new schedule they were directed by the state to refuse to accept our election resolution unless it complies with their dates. For the coming election, 2016, we're grandfathered in to a point. We can still have a March primary and an April runoff but filing will be not the first Monday in February but the second Monday in December. The other option as explained is to begin in 2016 on the schedule that they want us to follow, it would require filing on the 7<sup>th</sup> of December, one week earlier. It would require a primary election on the first Tuesday in February not March and a runoff in April which is what we've always done. So of the changes that were made the only thing that stays the same on our charter schedule is a runoff election in April, if required. Filing has to start more than 75 days prior to the election. Not clear how many days prior to filing the resolution has to be passed, it's possible that we'll need to have a special meeting on that first Tuesday in December, a week in advance of our normal meeting. The schedule I will follow would be for a December 14 filing not February 4 with an election to be held the first Tuesday in March, the first Tuesday in April. For this one year only it will be what we've done in the past except for the filing period. We can this first year comply with the schedule they're forcing upon us, which is filing the first Monday in December and election the first Tuesday in February. Mr. Adsit asked if there would need to be a charter change. The problem with that is, what if the voters turned it down? My analysis at this point in time is, unless OML is going to file something, which I don't think will happen, this affects every home rule charter city in the state. I recommend that we'll file on the 14<sup>th</sup> of December 14 for an election in March and a second election in April. That keeps us on the same dates for one more year as far as the election dates and in 2017 we will have no choice but to change completely unless someone files something between now and then.

#### 10. COMMISSIONER COMMENTS

- a. **Report from Commissioner Strader:** The potholes in the park that were brought up last month are horrible, nothing has been done. The light on Main Street by the parts store is out, I think there's tree lighting and it needs to be repaired before that. The signs are still crooked up and down the highway. Mr. Smitherman added the moisture from the rain may have caused the signs to lean.
- b. **Report from Vice Mayor Adsit:** The purchase orders, the amount listed on the claims, shouldn't the balance sheets for the departments reflect those purchases? There was an amount for auto repair for the police department that wasn't reflected in their balance sheet. Back in June there was equipment and uniforms that wasn't reflected. Mrs. Couch stated if it was in June it wouldn't reflect in these financials as they run July-June. There was a computer/network issue on October 23 that we haven't completely recovered from, it may have something to do with that or it could be that I just made an entry error.
- c. **Report from Commissioner Mendenhall:** How about the audit, it's been three months. Mr. Smitherman replied that they should be here next month to present. Also, sales tax revenue is horrible, right now it's comparable to where we were in 2011, if we continue on this same track we'll be hurting financially. The bridge work on 3<sup>rd</sup> street, you have four posts up, what now? Mr. Smitherman replied that according Mr. Skinner, he would weld those on Thursday of this week. Mr. Smitherman added, the other bridge on 1<sup>st</sup> street where we had the erosion, the Highway Department is trying to determine whose responsibility it is to fix that and the one on Rockinghorse as well. Is the vet coming to Yale to vaccinate? Mr. Smitherman stated that we cancelled it because they felt like we wouldn't get the turn out they'd like because we're already in the fall. Mr. Mendenhall stated he had spoken to the vet and he was ready two months ago. Mr. Smitherman stated there were plans to schedule a clinic in the spring of next year. Mr. Mendenhall stated I think it's time to turn animal control and the vaccination clinic over to the Chief of Police.
- d. **Report from Commissioner Sprague:** No report
- e. **Report from Mayor Baker:** I see you finally got a light up at Boston and C street, thank you for that, it took about four months but the people up there are appreciative. Mr. Smitherman stated the cost of the LED street lights had gone up from \$230 to \$275 each.

11. **ADJOURNMENT** – Richard Adsit made the motion to adjourn, Tom Mendenhall seconded the motion which passed as follows: Yea: Strader, Adsit, Mendenhall, Sprague, Baker Nay: None.

The regular meeting of the Yale City Commission was adjourned at 6:52 p.m. on Tuesday November 10, 2015.

Signed: \_\_\_\_\_  
Deanna Couch, City Clerk

Signed: \_\_\_\_\_  
Terry Baker, Mayor

**NOTICE OF THIS MEETING WAS POSTED THE 9<sup>TH</sup> DAY OF NOVEMBER 2015 AT 4:30 P.M. AT YALE CITY HALL.**