

**MINUTES OF THE CLINTON CITY COUNCIL
DECEMBER 7, 2010**

Minutes of the regular meeting of the Mayor and City Council of the City of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, December 7, 2010 at 5:30 p.m. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on December 3, 2010.

City Clerk Lisa Anders administered the oath of office to Phyllis Smith to serve as representative for Ward Four.

Mayor Allen Bryson called the meeting to order with the following present;

MAYOR: Allen Bryson

COUNCIL: Phyllis Smith, Steve Jones, Terry Wheeler, Bob Marcy

CITY MANAGER: Grayson Bottom

CITY CLERK: Lisa Anders

CITY TREASURER: Debra Blanchard

DEPUTY CITY CLERK: Rhonda Williams

CITY ATTORNEY: Ryan Meacham

NEWS MEDIA: Gerald Green

OTHERS: Arnold Adams, Mary Helen Jones, Charles Fry, Toby Anders, Russ Meacham, Wade Anders, James Kuykendall, Mr. & Mrs. Henry Caldwell, Jerri Zitterkob, Rev. Billy Mucker, Eugene Ross, Anthony Randle, Mr. & Mrs. James Bray, Rusty Whisenhunt, Gene McCullough, David Crabtree and others.

Everett Crenshaw opened the meeting with prayer and Councilman Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 4: CONSENT AGENDA:

A. Minutes of Regular Meeting of November 16, 2010

B. Consider Claims

Moved by Councilman Jones and seconded by Councilman Wheeler, that Consent Agenda Item No. 3 (a-b) be approved.

Mayor put the motion to a roll call vote:

Aye: Jones, Wheeler, Marcy, Smith, Bryson

Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. PRESENTATION AND CONSIDERATION OF 2009-2010 AUDIT

James Kuykendall of Britton, Kuykendall & Miller, presented the 2009-2010 audit. He gave a summary of the audit. He reported a decrease in assets, liability and revenue. He said expenditures had increased primarily in the Parks and Recreation Department. He said this audit is a good reflection of the current economy. He said the notes section verifies the City covered the bond debt service and had adequate internal controls to carry out each required step.

Motion was made by Councilwoman Smith and seconded by Councilman Marcy to approve the 2009-2010 audit as presented.

Mayor put the motion to a roll call vote:

Aye: Smith, Marcy, Jones, Wheeler, Bryson

Nay: None

Mayor declared the motion carried.

4B. CONSIDER CONDEMNATION OF PROPERTY IN LOTS 13-14 BLOCK 29 CLINTON ORIGINAL ADDITION: OWNER: BJ. FOX

Toby Anders, Code Enforcement Officer, reported on the condition of the property commonly known as the Pop Hick's property. He said there are living quarters and a boiler room underneath the slab and it has various openings in it. Photos were shown of the site. Anders said there had been a fire at the location in 1999 and again in 2010. He recommended condemning the property and allowing the owner 30 days to bring the property into compliance and if not, the City would remedy the situation following the 30 days.

City Manager Grayson Bottom presented an e-mail that had been received from Jenny R. Armstrong, attorney for BJ Fox Enterprises, in opposition to the condemnation. He reminded the Council that the City does not take property through condemnation. He said following the fire in 1999 the City completed the demolition at a cost of approximately \$6,500 whereby a lien was filed on the property. The City received payment for \$2,500.00.

Bottom said this property is in an important location due to being at the east entrance of the community. He said the City has been waiting seven years for something to be done to the property and that is long enough. He recommended following the recommendation of the Code Enforcement Officer.

Toby Anders said he had contacted the owner following the fire in 2010 and sent photos to an e-mail address that had been provided but the e-mail was unsuccessful. He said the owner had not ever contacted him to give a new address. Anders said he had estimates on removal of asbestos at \$1,800.00 and for demolition of \$32,000.00. He said this was just to get an idea of what this project would cost.

Building Inspector Charles Fry said no one has ever inquired for the building, the zoning of the property or anything.

Councilman Marcy asked if the property were condemned, if the City would contact the owner.

Toby Anders said he would notify the owner by certified mail of the condemnation and provide copies of the estimates he has received if they want them.

Motion was made by Councilman Jones and seconded by Councilman Wheeler to condemn the property in Lots 13-14, Block 29 Clinton Original Addition.

Mayor put the motion to a roll call vote:

Aye: Jones, Wheeler, Smith, Marcy, Bryson

Nay: None

Mayor declared the motion carried.

4C. CONSIDER ORDINANCE NO. 929 AMENDMENT TO CLINTON CITY CODE SECTION 8-1-5 REGARDING EXCAVATION, BORING AND EARTH REMOVAL

City Manager Grayson Bottom said several weeks ago this ordinance had its first reading and no recommendation had been made regarding amendments. The ordinance is being presented for consideration with no changes. He said following approval notification will be sent to plumbers, fiber optic companies, and utility companies to make them aware of the requirements.

Motion was made by Councilman Wheeler and seconded by Councilwoman Smith to approve Ordinance No. 929 regarding amendments to the City Code regarding excavation, boring and earth removal.

Mayor put the motion to a roll call vote:

Aye: Wheeler, Smith, Marcy, Jones, Bryson
Nay: None

Mayor declared the motion carried.

Motion was made by Councilman Marcy and seconded by Councilwoman Smith to approve the Emergency Clause to Ordinance No. 929.

Mayor put the motion to a roll call vote:

Aye: Marcy, Smith, Wheeler, Jones, Bryson
Nay: None

Mayor declared the motion carried.

4D. CONSIDER EXPENDITURE OF FUNDS FOR WATER SLIDE AND STRUCTURE IMPROVEMENTS FROM THE CAPITAL IMPROVEMENT FUND

City Manager Grayson Bottom reported that staff had been unsuccessful at performing in-house repairs to the water slide. He said there is damage to the structure that creates safety hazards to users. He said without the repairs, the waterslide cannot be opened for the summer of 2011. He said he had contacted the manufacturer and they recommended contacting Fischer Brothers out of Wisconsin. A proposal was presented for the necessary repairs to the waterslide and structure totaling \$31,250.00. Bottom recommended accepting the proposal and using unencumbered funding in the Capital Improvement Fund.

Councilman Jones asked about a cover to put on the slide during the off season.

Mayor Bryson said he had been asked if the indoor water park were constructed, if the City would continue to operate the pool and waterslide. Bryson said the waterslide/pool would continue to open.

Motion was made by Councilwoman Smith and seconded by Councilman Jones to approve the expenditure of funds for the water slide and structure from the Capital Improvement Fund.

Mayor put the motion to a roll call vote:

Aye: Smith, Jones, Wheeler, Marcy, Bryson

Nay: None

Mayor declared the motion carried.

4E. CONSIDER ORDINANCE 930 REGARDING AMENDMENT TO CLINTON CITY CODE REGARDING FLOOD DAMAGE PREVENTION

City Manager Grayson Bottom explained that Rhonda Williams is the Flood Plains Manager for the City of Clinton. She has filed claims with FEMA on behalf of the City of Clinton. He explained that the proposed ordinance makes amendment to the current code that are required to keep the City of Clinton in compliance with regulations.

Rhonda Williams said the Flood Plains maps are dated 1987 but are under review now.

Motion was made by Councilman Jones and seconded by Councilwoman Smith to adopt Ordinance No. 930 regarding amendment to Clinton City Code regarding Flood Damage Prevention.

Mayor put the motion to a roll call vote:

Aye: Jones, Smith, Wheeler, Marcy, Bryson

Nay: None

Mayor declared the motion carried.

Motion was made by Councilman Jones and seconded by Councilman Marcy to approve the Emergency Clause for Ordinance No. 930.

Mayor put the motion to a roll call vote:

Aye: Jones, Marcy, Smith, Wheeler, Bryson

Nay: None

Mayor declared the motion carried.

5. CITY MANAGER'S REPORT

City Manager Grayson Bottom reported that the National Guard Armory building would be donated to the City of Clinton before the end of the year. He said a Memo of Agreement with the Department of Environmental Quality would be presented for Council consideration. He said DEQ would be responsible for asbestos cleanup, lead paint removal and the cleaning up of the gun range. He said they would allow the occupancy of the bay area. He said fire equipment located at the City barn on Marshall Road would be relocated to this facility.

Bottom reported that Assistant City Attorney Ryan Meacham is reviewing sample deeds to be prepared for the Donald Roush Reserve Center.

City Manager Bottom said a Community Survey is on the city's website. He encouraged all citizens to take the survey as this information will be utilized in the Vision Session that will be conducted at the Frisco Center. He said several meetings are scheduled during December, January and February. The survey is on-line and he said if anyone needs access to a computer, there are seventeen computers available at the Clinton Public Library. He said

Librarian Kathy Atchley said if anyone needs help with using the computers at the library to take the survey they could assist.

City Manager Grayson Bottom presented a sample of the color selection of the roof for City Hall.

Phyllis Smith announced that dates for the Vision Sessions at the Frisco Center on December 14, January 11, January 25, February 8 and February 22 at 5:30 P.M.

6. AUDIENCE PARTICIPATION

James Bray asked about improvements to Chapman Road.

City Manager Bottom said funding had been designated for improvements to Chapman Road through the Department of Transportation and addition funding has been applied for. He said the road is a section line and that makes the project eligible for additional funding. He said the balance of the improvements that are not covered by grants will be split between the City of Clinton and Custer County. He said he anticipates having the funding completed within three years.

AGENDA ITEM NO. 7: ADJOURNMENT

Moved by Councilman Wheeler and seconded by Councilman Jones to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Wheeler, Jones, Marcy, Smith, Bryson

Nay: None

Mayor declared the meeting adjourned at 6:45 P.M.