

**MINUTES OF THE CLINTON CITY COUNCIL REGULAR MEETING
DECEMBER 6, 2022**

Minutes of the meeting of the Mayor and Council of the Clinton City Council, City of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, December 6, 2022, 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 2, 2022, at 3:00 P.M. A notice of an amended agenda was posted on the bulletin board in the lobby of Clinton City Hall on December 5, 2022 at 5:10 p.m.

Mayor David Berrong called the meeting to order at 5:56 p.m.

MAYOR: David Berrong

COUNCILMAN: Patch McComas, Ernie Dowdell, Arthur Lloyd, Ernesto Villanueva

MANAGER: Robert Johnston

CITY TREASURER: Debra Blanchard

CITY ATTORNEY: Ryan Meacham

CITY CLERK: Amy Jones

NEWS MEDIA: Nydia Campbell, Holly Wade

OTHERS: Gene McCullough, Joshua McGuire, Julie Caldwell, Joe Cloninger, Tracy Heerwald, Paul Rinkel, Sue Cornell, Pat Cornell, Toby Anders, Chasity Richardson, Gary Jones, Gwen Fuchs, Rachel Bancroft, Cris Hickerson, and others.

Troy Calvert, Chaplain, Clinton Fire Department, opened the meeting with prayer and Doug Greer, Service Officer, American Legion Post 41 led the Pledge of Allegiance.

AGENDA ITEM NO. 2: CONSENT AGENDA

- A. Minutes of the November 1, 2022, Regular Meeting
- B. Consider Claims
- C. Acknowledgement of the receipt of Financial Reports from the month ending 10/31/2022.
- D. Acknowledgement of 2023 Holiday and Regular Meeting Schedule;
- E. Acknowledgement of Sparklight's Notice of Rate Adjustment for Residential & Business Video Services, Effective 12/23/2022;
- F. Approval of Pay Application No. 3 by Walters Morgan Construction in the amount of \$490,480.00 for the PAC Feed Project at the Clinton Lake Water Treatment Plant (17852 CDBG 20)

Motion was made by Councilman Dowdell and seconded by Councilman Villanueva that the Consent Agenda Items be approved.

Mayor put the motion to a roll call vote:

Aye: Dowdell, McComas, Lloyd, Villanueva, Berrong

Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 3 Public Hearing Regarding Alleged Dilapidated Structures at:

A. 505 Glen Smith Road

B. 615 N 5th Street

Mayor Berrong called the Public Hearing to order at 6:00 p.m. The first structure to be address is 505 Glen Smith Road, owned by Juan Arceo. Toby Anders, Code Enforcement stated that notices were sent regarding the property violation of trash, debris, and junk autos and the condition of the house on the property on March 24, 2022. On September 12, 2022, the City of Clinton sent an additional violation notice to the last known owner of the property per the Custer County tax roll that the property was unsecured. The owner of the property failed to clean or secure the property. On October 18, 2022, the City of Clinton held an abatement hearing with the City Manager and the property owner failed to appear. The City Manager ordered that the junk automobiles be removed from the property and to start the process on condemnation. The current condition of the structure is unfit for human occupancy due to the amount of dilapidation from the lack of maintenance. The house is unsecure which poses other nuisances such as person doing unlawful acts or the attractive nuisance to children in the neighborhood. Due to the amount of deterioration of the house, this also poses a higher fire hazard to the neighboring properties. The audience was asked if anyone was here to speak regarding the property. No one responded.

A Public Hear was called to order at 6:00 p.m. to address item B, 615 N 5th Street, owner Gary Jones and Karen Harris. Mr. Jones was present for the hearing. The City of Clinton sent the owner of the property a violation notice, regarding the condition of the property on February 28, 2022, which was for an open and dilapidated structure. After receiving the notice Mr. Jones came by the Code Enforcement office to visit about what needed to be done. Mr. Jones did explain that the property needed to go through probate. Toby Anders Code Enforcement informed him that he would work with him as far as any major repairs, but he would need to secure the house and keep it secured. The property would need to be cleaned up and kept mowed. Over the last few months, the house became unsecured, and the police have be called to the property multiple times with people in the house. The house does not have utilities and it was reported that an electric cord was ran to a neighboring home for electricity. The current condition structure is unfit for human occupancy due to the amount of dilapidation from the lack of maintenance. The house is unsecure which poses other nuisances such as person doing unlawful acts or the attractive nuisance to children in the neighborhood. Due to the amount of deterioration of the house, this also poses a higher fire hazard to the neighboring properties. Mr. Jones was given an opportunity to comment by Mayor Berrong, however he declined.

Mayor Berrong returned to regular session.

AGENDA ITEM 4. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ITEMS:

A. Condemnation and Abatement of the Property 505 Glen Smith

Motion was made by Council Dowdell and seconded by Council McComas to approve the condemnation of the property at 505 Glen Smith at the recommendation of Code Enforcement based on the information provided during the Public Hearing.

Mayor put the motion to a roll call vote:

Aye: Dowdell, McComas, Lloyd, Villanueva, Berrong

Nay: None

Mayor declared the motion carried

B. Condemnation and Abatement of Property at 615 N 5th

Motion was made by Council McComas and seconded by Council Dowdell to approve the condemnation of the property at 615 N. 5th at the recommendation of Code Enforcement based on the information provided during the Public Hearing.

Mayor put the motion to a roll call vote:

Aye: Dowdell, McComas, Lloyd, Berrong

Nay: None

Councilman Villanueva did not vote.

Mayor declared the motion carried

C. Ordinance No. 1023 - An Ordinance of the City Council of the City of Clinton, Oklahoma, Amending Ordinance 800 of the City of Clinton, Oklahoma; To Allow for the Use of Principal Lease Payment Amounts Thereunder for the Purpose of Hospital Operations and for Loans for Future Municipal Infrastructure Needs; Providing for the Severability Thereof; and Providing for an Effective Date

Ordinance No. 1023 - An Ordinance of the City Council of the City of Clinton, Oklahoma, Amending Ordinance 800 of the City of Clinton, Oklahoma; To Allow for the Use of Principal Lease Payment Amounts Thereunder for the Purpose of Hospital Operations and for Loans for Future Municipal Infrastructure Needs; Providing for the Severability Thereof; and Providing for an Effective Date was presented to the Council for review and approval. The Ordinance was presented by City Attorney Ryan Meacham as he

explained that when leasing hospital in 1997 the money from the lease was voted by the people to set it back and that it could not be used unless be the vote of the people. The ordinance would allow the City Council to use the principle for operations of the hospital beginning January 1, 2023. This ordinance amends the original ordinance number 800.

Motion was made by Councilman McComas and seconded by Councilman Dowdell to approve Ordinance - An Ordinance of the City Council of the City of Clinton, Oklahoma, Amending Ordinance 800 of the City of Clinton, Oklahoma; To Allow for the Use of Principal Lease Payment Amounts Thereunder for the Purpose of Hospital Operations and for Loans for Future Municipal Infrastructure Needs; Providing for the Severability Thereof; and Providing for an Effective Date was presented to the Council for review and approval

Mayor put the motion to a roll call vote:

Aye: Dowdell, McComas, Lloyd, Villanueva, Berrong

Nay: None

Mayor declared the motion carried

D. Resolution 947 – A Resolution Calling for an Election for the Proposed Amendment of Ordinance 800 of the City of Clinton, Oklahoma; To Allow for the Use of Principal Lease Payment Amounts Thereunder for the Purpose of Hospital Operations and for Loans for Future Municipal Infrastructure Needs; Providing for the Severability Thereof; And Providing for an Effective Date

Resolution 947 – A Resolution Calling for an Election for the Proposed Amendment of Ordinance 800 of the City of Clinton, Oklahoma; To Allow for the Use of Principal Lease Payment Amounts Thereunder for the Purpose of Hospital Operations and for Loans for Future Municipal Infrastructure Needs; Providing for the Severability Thereof; And Providing for an Effective Date was presented by City Manager Johnston. Stating that the resolution establishes the need for an election as designated in the Ordinance 800 to be able by the vote of the people to use the principal lease payment on deposit for the purpose of Hospital operations.

Motion was made by Councilman McComas and seconded by Councilman Dowdell to approve Resolution 947 – A Resolution Calling for an Election for the Proposed Amendment of Ordinance 800 of the City of Clinton, Oklahoma; To Allow for the Use of Principal Lease Payment Amounts Thereunder for the Purpose of Hospital Operations and for Loans for Future Municipal Infrastructure Needs; Providing for the Severability Thereof; And Providing for an Effective Date.

Mayor put the motion to a roll call vote:

Aye: Dowdell, McComas, Lloyd, Villanueva, Berrong

Nay: None

Mayor declared the motion carried

E. Election Proclamation – A Proposition Allowing for the Amendment of Ordinance 800 of the City of Clinton, Oklahoma; To Allow for the use of Principal Lease Payment Amounts from the Lease of Clinton Regional Hospital to be used for the Purpose of Hospital Operations and for Loans for Future Municipal Infrastructure Needs

Election Proclamation – A Proposition Allowing for the Amendment of Ordinance 800 of the City of Clinton, Oklahoma; To Allow for the use of Principal Lease Payment Amounts from the Lease of Clinton Regional Hospital to be used for the Purpose of Hospital Operations and for Loans for Future Municipal Infrastructure Needs was presented by City Manager Johnston. The proclamation needs to approve as it identifies the proposition wording for the election and is submitted to the Election Board by the specified date.

Motion was made by Councilman McComas and seconded by Councilman Dowdell to approve Election Proclamation – A Proposition Allowing for the Amendment of Ordinance 800 of the City of Clinton, Oklahoma; To Allow for the use of Principal Lease Payment Amounts from the Lease of Clinton Regional Hospital to be used for the Purpose of Hospital Operations and for Loans for Future Municipal Infrastructure Needs

Mayor put the motion to a roll call vote:

Aye: Dowdell, McComas, Lloyd, Villanueva, Berrong

Nay: None

Mayor declared the motion carried

F. Resolution 946 – Acknowledging the City of Clinton’s Previous Participation and Requesting Continued Participation in the Oklahoma Municipal Assurance Group (OMAG) Recognition Program

Resolution 946 – Acknowledging the City of Clinton’s Previous Participation and Requesting Continued Participation in the Oklahoma Municipal Assurance Group (OMAG) Recognition Program was presented by City Manager Robert Johnston. He stated that this requirement of OMAG Recognition Program to participate.

Motion was made by McComas and seconded by Dowdell to approve Resolution 946 – Acknowledging the City of Clinton’s Previous Participation and Requesting Continued Participation in the Oklahoma Municipal Assurance Group (OMAG) Recognition Program

Mayor put the motion to a roll call vote:

Aye: Dowdell, McComas, Lloyd, Villanueva, Berrong

Nay: None

Mayor declared the motion carried

AGENDA ITEM NO. 5 NEW BUSINESS (If any, pursuant to Section 311.9 of the Oklahoma Open Meeting Act.)

None

AGENDA ITEM NO. 6 COUNCIL COMMENTS

Thank you was given to the hospital employee’s for attending the Council Meeting this evening.

AGENDA ITEM NO. 7 CITY MANAGER’S COMMENTS

City Manager Johnston reported that the City of Clinton has been award the Levitt Foundation Grant for the concert series in the McLain Rogers Park, the new roll off truck is here, there are many grants in progress including the CDBG project at the Lake Clinton WTP which is nearing completion, the Airport Runway and Aprons projects are also nearly complete. The McLain Rogers Park ODOT TAP Grant and ARPA Grant others that City Staff are working on. He stated that he still anticipates the need for

some special Hospital Authority meetings on Tuesdays through the transition away from Alliance.

AGENDA ITEM NO. 8: AUDIENCE PARTICIPATION (According to Audience participation Decorum Guidelines at Clinton City Council Public Meeting s effective:2/14/2017)

None

AGENDA ITEM NO. 9: ADJOURNMENT

Moved by Councilman Dowdell and seconded by Councilman Villanueva to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Dowdell, McComas, Lloyd, Villanueva, Berrong
Nay: None

Mayor declared the meeting adjourned at 6:19 P.M.

Date Approved

David D. Berrong, Mayor