

CITY OF WILBURTON
REGULAR SCHEDULED MEETING
October 9, 2014

Public Notice posted October 7, 2014, 1:00 p.m.
Front Entrance Door, Wilburton City Hall

The Wilburton City Council convened in a **Regular Scheduled** Meeting held on the **9th** day of **October**, 2014 at **6:00p.m.** in the Wilburton City Hall Council Chambers. Mayor Stephen Brinlee presiding. Upon roll call, members answered:

LITTLEJOHN	PRESENT	MINGS	PRESENT
HAYNES	ABSENT	KENDALL	PRESENT
SIMS	PRESENT		

CITIZEN COMMENTS: None

- 1. DISCUSS AND TAKE ACTION TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING ON SEPTEMBER 15, 2014.**
- 2. DISCUSS AND TAKE ACTION TO APPROVE SEPTEMBER 2014 CLAIMS FOR PAYMENT.**
- 3. DISCUSS AND TAKE ACTION TO APPROVE PAYMENT OF THE PAYROLL OCTOBER 10 THROUGH NOVEMBER 13, 2014.**

MOTION BY LITTLEJOHN, SECOND BY MINGS, TO COMBINE AND APPROVE ITEMS #1, #2, AND #3 ON THE AGENDA: APPROVE THE MINUTES OF SEPTEMBER 15 REGULAR MEETING; APPROVE PAYMENT CLAIMS FOR SEPTEMBER 2014; AND APPROVE PAYMENT OF PAYROLL FOR OCTOBER 10 THRU NOVEMBER 13, 2014 PAYROLL PERIODS.

Upon roll call, members present voted as follows:

LITTLEJOHN	Yes	MINGS	Yes
HAYNES	Absent	KENDALL	Yes
SIMS	Yes		

- 4. DISCUSSION: PRESENTATION OF FALL FEST 5K RUN DETAILS BY MR. WADE THOMSON. NO ACTION NECESSARY.** Mr. Thomson presented details for the third Fall Fest 5K run outlining the change in the course to increase safety of the runners and stating all supporting City organizations are on board and ready for the event.
- 5. DISCUSS AND TAKE ACTION TO APPROVE CITY ATTORNEY'S OPINION OF TIRE 'BURN OUT' ACTIVITIES AND EVENTS IN WILBURTON ON WHETHER IT CREATES A PUBLIC NUISANCE. NO ACTION NECESSARY BY COUNCIL.** Mayor Brinlee stated he had received a call from a citizen with concerns about her grandson's breathing problems from the tire residue from scheduled burn outs. City Attorney Wes Brown stated he found little information to report. The Wilburton City Code addresses public and private nuisances, but not the burn out residue. He discussed the legal definition and requirements, stating if anyone brought suit against City, burden of proof is on them. Councilman Littlejohn asked WPD Ch Bias if there had been problems or complaints with past events. Ch Bias replied there have never been any problems. WFD Ch Donoley stated with WFD & WPD on site at this public activity, there is adequate safety. Additionally, there are many spectators at each event who obviously do not think the burn out is a nuisance as the Cruise Nights are one of the biggest activities, consistently drawing large crowds, making them economically good for the City. Mayor Brinlee stated he would call the constituent to tell her the Council had looked at the legal issue and, after discussion, had determined to let the event stand.
- 6. DISCUSS AND TAKE ACTION TO APPROVE DELTA AIRPORT CONSULTANT AIP 3-40-0107-006-2015, PROJECT 14144, FOR CITY'S PORTION OF FUNDS OF \$34,100, TO INSTALL PERIMETER FENCE AROUND WILBURTON AIRPORT.** Mayor Brinlee stated Delta Consultants had advised that the City apply for the remaining grant funds at this time as, since there are fewer than 10 aircraft stored at the airport, the City has gone into a new status for obtaining grants. WFD Ch Donoley stated the number of planes stored will soon increase as there are four local people in the process of getting a pilot

license. Mayor Brinlee stated the dollar amount stated is the highest possible cost to the City but is anticipated to be less when the bids are let. A discussion followed reference need and condition of current fence.

MOTION BY LITTLEJOHN, SECOND BY SIMS, TO APPROVE DELTA AIRPORT CONSULTANTS AIP 3-40-0107-006-2015, PROJECT 14144, FOR CITY'S PORTION OF FUNDS OF \$34,100 TO INSTALL PERIMETER FENCE AROUND WILBURTON AIRPORT.

Upon roll call, members present voted as follows:

LITTLEJOHN	Yes	MINGS	Yes
HAYNES	Absent	KENDALL	Yes
SIMS	Yes		

7. DISCUSSION: WHETHER OR NOT CITY COUNCIL SHOULD OR COULD PURSUE AN ORDINANCE AMENDING THE MOBILE HOME ORDINANCE REGULATING THE AGE OF MOBILE HOMES BEING MOVED INTO WILBURTON. NO ACTION REQUIRED.

City Attorney Brown stated this discussion had occurred 10 years ago about both mobile and manufactured homes. His research did not find age limit of mobile homes; construction codes have guidelines, but not age. His opinion is if, when put on the lot and passes inspection of City Codes, age is not an issue. Mayor Brinlee stated City Council approved earlier this year ordinance to use latest codes available. The consensus was if the current building codes are enforced, they are sufficient to prevent problems.

8. DISCUSSION: WHETHER OR NOT THE CITY COUNCIL SHOULD OR COULD PURSUE AN ORDINANCE LIMITING THE NUMBER OF DOGS CITY OF WILBURTON RESIDENTS CAN HAVE BEFORE A LICENSE FOR A KENNEL IS REQUIRED. NO ACTION REQUIRED.

City Attorney Brown stated there is nothing in the current City Code regulating the number of dogs allowed by a resident. There is no problem with establishing the number of dogs allowed before a kennel license is required. Mayor Brinlee stated he would pursue an ordinance limiting the number allowed at a location before a kennel license is required.

9. DISCUSS AND TAKE ACTION TO APPROVE/DISAPPROVE VENDOR FEES FOR VENDORS WHO SET UP ON WILBURTON MAIN STREET DURING FALL FEST

OCTOBER 17-19, 2014. Councilman Littlejohn stated that in the past the vendor fees had been waived. The cost of electricity used by vendors was very small for a 2-day period. Councilwoman Mings stated there are 2 vendors using the Chamber of Commerce parking lot using electricity. Street Commissioner Massey stated vendors in parking lot need to ensure access to drive thru for City vehicles.

MOTION BY LITTLEJOHN, SECOND BY KENDALL, TO WAIVE VENDOR FEES FOR VENDORS WHO SET UP ON WILBURTON MAIN STREET DURING FALL FEST OCTOBER 17-19, 2014.

.Upon roll call, members present voted as follows:

LITTLEJOHN	Yes	MINGS	Yes
HAYNES	Absent	KENDALL	Yes
SIMS	Yes		

12. NEW BUSINESS

There was no "New Business" to discuss.

13. ADJOURN:

MOTION BY LITTLEJOHN, SECOND BY SIMS, TO ADJOURN.

Upon roll call, members present voted as follows:

LITTLEJOHN	Yes	MINGS	Yes
HAYNES	Absent	KENDALL	Yes
SIMS	Yes		

CINDEE BLANKENSHIP, City Clerk

STEPHEN BRINLEE, Mayor

ALLEN LITTLEJOHN, Ward 1

ABSENT

TERRY HAYNES, Ward 2

DOUG SIMS, Ward 3

MAE MINGS, Ward 4

JULIA KENDALL, Ward 5