

**MINUTES OF THE CLINTON CITY COUNCIL
OCTOBER 7, 2014**

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, October 7, 2014 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 Friday, October 3, 2014.

Mayor Seth Adams called the meeting to order with the following present:

MAYOR: Seth Adams

COUNCIL: Don Rodolph, Jason Hulin, Mustafa Sami, Wheeler Lowry

CITY MANAGER: Mark Skiles

CITY CLERK: Lisa Anders

CITY TREASURER: Absent

DEPUTY CLERK: Shona Stermer

CITY ATTORNEY: Ryan Meacham

NEWS MEDIA: Gerald Green and Mike Smith

OTHERS: Randy Carpenter, Kris Wermey, Jeremy Brush, Gene McCullough, Julie Menge, Michael Ryburn, Conan Wilson, Henry Caldwell, Donald Webb, Brent Almquist, Monte Goucher, Bob Leonard, Floyd Hoffman, David Crabtree, Dave Thorpe, Keaton Modi, Rico Avery, Kenny Hutchinson, Taylor Henderson, Rick Challis and others.

Pat Peters of the Clinton Church of Christ opened the meeting with prayer and Councilman Lowry led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

- A. Minutes of Regular Meeting of September 16, 2014
- B. Consider Claims

Motion was made by Councilman Hulin and second by Councilman Sami that Consent Agenda Item No. 3 (a-b) be approved.

Mayor put the motion to a roll call vote:

Aye: Hulin, Sami, Lowry, Rodolph, Adams

Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER PROCLAMATION REGARDING "MEET THE BLIND MONTH"

Mayor Seth Adams introduced Rico Avery to explain the significance of the proclamation.

Motion was made by Councilman Rodolph and seconded by Councilman Sami to authorize the Mayor to execute the proclamation regarding "Meet the Blind Month".

Mayor put the motion to a roll call vote:

Aye: Rodolph, Sami, Lowry, Hulin, Adams

Nay: None

Mayor declared the motion carried.

4B. CONSIDER PROCLAMATION REGARDING WHITE CANE SAFETY DAY

Rico Avery explained that White Cane Safety Day is designed as October 15th to observe public safety awareness.

Motion was made by Councilman Hulin and seconded by Councilman Lowry to authorize the Mayor to execute the proclamation regarding White Cane Safety Day.

Mayor put the motion to a roll call vote:

Aye: Hulin, Lowry, Rodolph, Sami, Adams

Nay: None

Mayor declared the motion carried.

4C. CONSIDER ORDINANCE NO. 953 REGARDING AMENDING DEFINED BENEFIT PLAN WITH THE OKLAHOMA MUNICIPAL RETIREMENT FUND

City Clerk Lisa Anders explained that the Oklahoma Municipal Retirement Fund is the retirement company for city employees. OMRF has a Board of Trustees that oversee the operation of the retirement program. The Trustees have recommended the amendment to the plan so as to be in compliance with the Internal Revenue Code and Federal laws on or by December 31, 2014. The amendment is in compliance with the mandatory Windsor Amendment and with both federal and state law.

Motion was made by Councilman Sami and seconded by Councilman Lowry to adopt Ordinance No. 953 regarding amending the Defined Benefit Plan with the Oklahoma Municipal Retirement fund.

Mayor put the motion to a roll call vote:

Aye: Sami, Lowry, Rodolph, Hulin, Adams

Nay: None

Mayor declared the motion carried.

4D. CONSIDER BIDS FOR FIRE AERIAL APPARATUS

Staff had advertised for bids for a fire aerial apparatus. Two bids were received:

Brindlee Mountain Fire Apparatus	Jon's Mid America Fire Apparatus
Union Grove, AL	Rogersville, MO
\$349,000.00	\$325,000.00
1999 Pierce Platform	2002HME Central States

City Manager Mark Skiles recommended that the bids be referred to staff to review and bring a recommendation back to the City Council.

Motion was made by Councilman Rodolph and seconded by Councilman Hulin to refer the bids to staff for review with a recommendation to come back to the City Council.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Hulin, Sami, Lowry, Adams

Nay: None

Mayor declared the motion carried.

4E. CONSIDER REQUEST OF CLINTON INDIAN HEALTH CENTER FOR ROAD CLOSING ON OCTOBER 25, 2014

City Manager Mark Skiles said this 5K run was held last year and they are requesting the City's assistance with a road closing for the event scheduled for October 25, 2014.

Motion was made by Councilman Rodolph and seconded by Councilman Hulin to approve the request of the Clinton Indian Health Center for road closing on October 25, 2014.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Hulin, Lowry, Sami, Adams

Nay: None

Mayor declared the motion carried.

4F. CONSIDER REQUEST OF KIWANIS FOR ROAD CLOSING ON OCTOBER 30, 2014

Kiwanis requested that Frisco from 6th Street to 8th Street be closed for their annual Halloween parade from 5:30 to 7:00 P.M. on October 30, 2014.

Motion was made by Councilman Rodolph and seconded by Councilman Lowry to grant the request for the road closing by Kiwanis for October 30, 2014.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Lowry, Sami, Hulin, Adams

Nay: None

Mayor declared the motion carried.

4G. CONSIDER REQUEST OF FIRST BAPTIST CHURCH FOR ROAD CLOSING ON OCTOBER 30, 2014

First Baptist Church request that Frisco from 9th Street to 10th Street be closed for an Autumn Celebration from 6:00 to 8:30 PM on October 30, 2014.

Motion was made by Councilman Rodolph and seconded by Councilman Lowry to grant the request for the road closing by the First Baptist Church for October 30, 2014.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Lowry, Hulin, Sami, Adams

Nay: None

Mayor declared the motion carried.

4H. CONSIDER APPROVAL OF WORKERS COMPENSATION REFUND FROM THE OKLAHOMA MUNICIPAL ASSURANCE GROUP FOR THE 2011-2012 WORKERS COMPENSATION PLAN YEAR

City Manager Mark Skiles explained that a refund of \$64,997.73 from the Oklahoma Municipal Assurance Group will be made to the City for unused portions of the 2011-2012 Loss Fund. They provide several options for refunding.

Motion was made by Councilman Hulin and seconded by Councilman Rodolph to accept the refund for Workers Compensation and apply to toward the current premiums for the 2014-2014 Workers Compensation Plan.

Mayor put the motion to a roll call vote:

Aye: Hulin, Rodolph, Sami, Lowry, Adams

Nay: None

Mayor declared the motion carried.

4I. CONSIDER AND TAKE ACTION ON GARY BOULEVARD INTERCHANGE FEASIBILITY STUDY AS PRESENTED BY OKLAHOMA DEPARTMENT OF TRANSPORTATION

Brent Almquist of the Oklahoma Department of Transportation reported on a feasibility study for the Gary Boulevard Interchange. He explained the process of selection of an engineer. He explained that four to eight alternatives with cost would be presented and public meeting would be held to review the options. He said a feasibility study of this type is estimated to cost \$500,000.00 He said that ODOT would fund \$250,000 and the City of Clinton would need to commit to \$250,000.00. He estimated that proposals could be received in January 2015 and he expected to receive 15 to 20 entries with that being narrowed down to five firms to be interviewed. He expected the firm to be selected by May 2015. He said the City's \$250,000 would need to be on deposit with the Oklahoma Department of Transportation at the time the Notice to Proceed is issued.

City Manager Mark Skiles expressed his appreciation to ODOT staff for looking into these concerns. He said that ODOT is concerned with traffic flow and safety. He said the Economic Development Fund would be able to fund the City's portion of the feasibility study by May of 2015.

Councilman Sami asked who would pay for the construction costs.

Mr. Almquist said this project would be added to the ODOT Eight year plan and since it is a large project it would be divided into phases.

Councilman Hulin said this is the first step but asked if this project would be possible without the feasibility study.

Mr. Almquist said it would not be possible without the feasibility study.

Motion was made by Councilman Rodolph and seconded by Councilman Lowry to approve moving forward with a Gary Boulevard Interchange Feasibility Study as presented by the Oklahoma Department of Transportation.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Lowry, Hulin, Sami, Adams

Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO 5.COUNCIL REPORT

None

AGENDA ITEM NO. 6: MANAGER'S REPORT

City Manager Mark Skiles reported that Chapman Road is schedule to open on November 1, 2014. Skiles reported that Joe Ridley is engineering the sewer for Robinson Addition.

Kris Wermly reported on the Halloween Carnival at Acme Brick Park on October 25th and the Haunted House at the Armory on October 30, 31 and November 1st.

AGENDA ITEM NO. 7 : AUDIENCE PARTICIPATION

Monte Goucher discussed his concerns on the water situation and encouraged City officials to proceed with plans because rain is not the only solution to this problem.

AGENDA ITEM NO. 8: ADJOURNMENT

Moved by Councilman Hulin and seconded by Councilman Lowry to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Hulin, Lowry, Rodolph, Sami, Adams

Nay: None

Mayor declared the meeting adjourned at 6:30 p.m.

AN ORDINANCE OF THE CITY OF CLINTON, OKLAHOMA

ORDINANCE NO. 953

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED BENEFIT PLAN OF THE CITY OF CLINTON, OKLAHOMA, TO INCORPORATE THE DEFINITION OF SPOUSE; PROVIDING FOR EFFECTIVE DATE, PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, OKLAHOMA:

Section 1. **AMENDATORY.** The Employee Retirement System, Defined Benefit Plan of the City of Clinton, is hereby amended, which is incorporated herein by reference.

Pursuant to the authority vested in the undersigned, Subsection 2.1(mm) of the Oklahoma Municipal Retirement Fund Master Defined Benefit Plan (the "Plan") is hereby amended to read as follows and to renumber the current Subsection (mm) and the subsequent Subsections accordingly:

“(mm) **Spouse:** Effective as of June 26, 2013 and in accordance with Revenue Ruling 2013-17 and IRS Notice 2014-19, for Federal tax purposes which may apply to qualified retirement plans under Code Section 401(a), the terms ‘spouse,’ ‘husband,’ and ‘wife’ include an individual married to a person of the same sex if the individuals are lawfully married under state law, and the term “marriage” includes such marriage between individuals of the same sex, and a marriage of same-sex individuals that was validly entered into in a state whose laws authorize the marriage of two individuals of the same sex even if the married couple is domiciled in a state that does not recognize the validity of same-sex marriages. For all other Plan purposes and which are not required for Federal tax purposes as described in the preceding sentence, the term ‘spouse’ will be defined as a spouse which is legally recognized in the State of Oklahoma.”

Except as otherwise provided in this Windsor Amendment to the Oklahoma Municipal Retirement Fund Master Defined Benefit Plan (“Amendment”), the Plan is hereby ratified and confirmed in all respects. This Amendment shall be effective as of June 26, 2013.

Section 2. **REPEALER.** All ordinances in conflict herewith are hereby repealed.

Section 3. **SEVERABILITY.** If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of this ordinance, notwithstanding such holding.

Section 4. **EMERGENCY.** It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Clinton and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

END

The foregoing ordinance was introduced before the City of Clinton City Council on the 7 day of October, 20 14, and was duly adopted and approved by the Mayor and City Council of the City of Clinton on the 7 day of October, 20 14, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.).

ATTEST:

Alisa Anderson
CITY CLERK

[Signature]
MAYOR

Approved as to form and legality on October 7, 2014.

[Signature]
CITY ATTORNEY