# PUBLIC NOTICE OF A REGULAR MEETING
# OF THE SOLID WASTE AUTHORITY
# TUESDAY, DECEMBER 18, 2012 AT 5:30 PM
# CLINTON CITY HALL

## AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Pat Peters
    A. Church of Christ
3. Consent Agenda
    A. Consider Approval of Minutes of Regular Meeting on December 4, 2012 4. Action Items:
    B. Discuss and Possible Action regarding proposals for Curb-Side Single Stream Recycling Services
4. City Managers Report
5. Audience Participation
6. Adjournment

Filed this 14th Day of December, 2012. Posted on the bulletin board in the lobby of the Clinton City Hall on December 14, 2012 at 10:00 a.m.

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Not recorded

SW120412

# MINUTES OF THE SOLID WASTE AUTHORITY, DECEMBER 4, 2012

Minutes of the regular meeting of the Chairman and Trustees of the Clinton Solid Waste Authority of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, December 4, 2012 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 November 30, 2012.

Chairman Bryson called the meeting to order with the following present:

**CHAIRMAN:** Allen Bryson
**TRUSTEES:** Bob Marcy, Jason Hulin, Don Rodolph, Phyllis Smith
**CITY MANAGER:** Steve Hewitt
**CITY CLERK:** Lisa Anders
**CITY TREASURER**: Debra Blanchard
**DEPUTY CLERK:** Rhonda Williams
**CITY ATTORNEY:** Ryan Meacham
**NEWS MEDIA:** Gerald Green and Mike Smith
**OTHERS:** Julie Menge, Mary Helen Jones, Stephen Jones, David Crabtree, Randy Carpenter, Carrie Miller, Patch McComas, Gene McCullough, Mike Taylor, Robert Mayfield, Shane McMasters, Dale Conley, Wade Anders, Kris Wermy, Ted Maloy, Earl Agan, Conan Wilson, Billy & Sondra Challis, Ray & Bettye Challis and others.

Interim Fire Chief Randy Carpenter opened the meeting with prayer and Trustee Phyllis Smith led the Pledge of Allegiance.

## AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of the Regular Meeting of November 6, 2012
B. Consider Claims

Moved by Trustee Hulin and seconded by Trustee Smith, that Consent Agenda Item No. 3 (a-b) be approved.

Chairman put the motion to a roll call vote:

Aye: Hulin, Smith, Marcy, Rodolph, Bryson
Nay: None

Chairman declared the motion carried.

## AGENDA ITEM NO. 4 ACTION ITEMS

## 4A. CONSIDER PROPOSALS FOR CURB-SIDE SINGLE STREAM RECYCLING SERVICES

Staff had advertised for proposals for curb-side single stream recycling services. Three quotes were received.

| | | |
|---|---|---|
| Progressive Waste Solutions | Republic Services | City of Clinton |
| Hobart, OK | Oklahoma City, OK | Clinton, OK |
| $6.45 per home | $12.07 per month for Residents | $4.05 per household |
| Once a week pickup | Once per week for Trash | Bi-weekly service |
| | Once every other week Recycle | |

Motion was made by Trustee Marcy and seconded by Trustee Smith to refer the quotes to staff for review, summary and recommendation to be brought back to the December 18th meeting.

Chairman put the motion to a roll call vote:

Aye: Marcy, Smith, Hulin, Rodolph, Bryson
Nay: None

Chairman declared the motion carried.

City Manager said he would provide the Authority members a copy of the proposals and have a recommendation prepared for the next meeting.

Ted Maloy asked about the results from the survey that had been taken last month.

City Manager Steve Hewitt said the results were 728 yes, 274 no and 26 undecided.

Debra Blanchard said that there are approximately 4000 utility customers.

## AGENDA ITEM NO. 5: CITY MANAGER'S REPORT

City Manager Steve Hewitt said he appreciates the work of the Solid Waste Department. He said that even with the holidays, the Solid Waste Department works those days and takes off different days. He said a flyer had been included in the December utility bill with information about the facility on Glenn Smith Road.

Trustee Hulin asked if the roll-offs were no longer used during the spring and fall cleanup.

City Manager Steve Hewitt said that there had been problems with illegal materials being placed in the roll-off so the roll-offs are placed on Glenn Smith which allows monitoring of things placed in the roll-offs.

## AGENDA ITEM NO. 6: AUDIENCE PARTICIPATION

None

## AGENDA ITEM NO. 7: ADJOURNMENT

Moved by Trustee Smith and seconded by Trustee Marcy that the meeting adjourn.

Chairman put the motion to a roll call vote

Aye: Smith, Marcy, Hulin, Rodolph, Bryson
Nay: None

Chairman declared the meeting adjourned at 6:30 pm.

# Agenda Commentary

## Curb-Side Single Stream Recycling Proposals

Three proposals have been received.

1. City of Clinton can offer curb-side for $4.05 extra per household per month. Bi-weekly pick-up.
2. Progressive can offer curb-side recycling ONLY, for extra $6.45 per month. Weekly pick-up.
3. Republic will offer curb-side recycling for no extra to citizens. Bi-weekly pick-up. Recycling Rebate with addition of a new Transcyclery This proposal is bundled with Trash pick-up. Republic can provide no-cost recycling with taking all the Sanitation Waste operations. Prices to customers would not increase. 10 year, CPI contract. New CNG trucks, bins, and dumpsters will be provided. Residential pick-up will become curb-side for all customers. (Current dumpster operation does not meet Republic Safety requirements). City of Clinton equipment and fleet would be sold to highest 3rd party bidder. Republic offering City Drivers employment.

Recommendation:

Council/Authority has reviewed the proposals and heard from the community. Staff recommends that if the Council wants Curb-Side Single Stream Recycling as a direction for Clinton, Republic is the obvious choice (both financially and operationally). However, staff cannot recommend increasing costs to our citizens. It would be fiscally irresponsible to increase rates. Staff supports any direction the Board chooses. We appreciate the debate and community conversation regarding Clinton's recycling future.

*One suggestion regarding sanitation department equipment sale, if this would occur.... City of Clinton has needs at parks, Acme, swimming pool, etc. These funds could be a great support for improvements in areas the community needs to see improved.*

# PUBLIC NOTICE OF A REGULAR MEETING
# OF THE PUBLIC WORKS AUTHORITY
# TUESDAY, DECEMBER 18, 2012 AT 5:30 PM
# CLINTON CITY HALL

## AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Pat Peters, Church of Christ
3. Consent Agenda
    A. Consider Approval of Minutes on December 4, 2012
4. Action Items:
    A. Discuss and Consider Memo of Understanding with the Town of Canute regarding potential water sales
5. City Manager's Report
6. Audience Participation
7. Adjournment

Filed this 14 th day of December, 2012. Posted on the bulletin board in the lobby of the Clinton City Hall on December 14, 2012 at 10:00 a.m.

_____

Not recorded

PW120412

# MINUTES OF THE PUBLIC WORKS AUTHORITY MEETING, DECEMBER 4, 2012

Minutes of the regular meeting of the Chairman and Trustees of the Clinton Public Works Authority of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, December 4, 2012 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 November 30, 2012.

Chairman Bryson called the meeting to order with the following present:

**CHAIRMAN:** Allen Bryson
**TRUSTEES:** Bob Marcy, Jason Hulin, Don Rodolph, Phyllis Smith
**CITY MANAGER:** Steve Hewitt
**CITY CLERK:** Lisa Anders
**CITY TREASURER:** Debra Blanchard
**DEPUTY CLERK:** Rhonda Williams
**CITY ATTORNEY:** Ryan Meacham
**NEWS MEDIA:** Gerald Green and Mike Smith
**OTHERS:** Julie Menge, Mary Helen Jones, Stephen Jones, David Crabtree, Randy Carpenter, Carrie Miller, Patch McComas, Gene McCullough, Mike Taylor, Robert Mayfield, Dale Conley, Shane McMasters, Wade Anders, Jeremy Brush, Kris Wermy, Conan Wilson, Earl Agan, Ted Maloy, Billy & Sondra Challis, Ray & Bettye Challis and others.

Interim Fire Chief Randy Carpenter opened the meeting with prayer and Trustee Phyllis Smith led the Pledge of Allegiance.

## AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of the Regular Meeting of November 20, 2012
B. Consider Claims

Moved by Trustee Marcy and seconded by Trustee Smith, that Consent Agenda Item No. 3 (a-b) be approved.

Chairman put the motion to a roll call vote:

Aye: Marcy, Smith, Hulin, Rodolph, Bryson
Nay: None

Chairman declared the motion carried.

## AGENDA ITEM NO. 4. ACTION ITEMS

## 4A. DISCUSSION WITH LEGAL COUNSEL REGARDING PENDING LIGITATION INLCUDING AN EXECUTIVE SESSION AS AUTHORIZED BY 25 O.S. ss 307B4

Motion was made by Trustee Rodolph and seconded by Trustee Marcy to enter into Executive Session to discuss pending litigation with Legal Counsel and the City Manager.

Chairman put the motion to a roll call vote:

Aye: Rodolph, Marcy, Smith, Hulin, Bryson
Nay: None

Chairman declared the meeting in executive session at 5:50 p.m.

**RECONVENE**

Motion was made by Trustee Rodolph and seconded by Trustee Marcy to reconvene into regular session.

Chairman put the motion to a roll call vote:

Aye: Rodolph, Marcy, Smith, Hulin, Bryson
Nay: None

Chairman declared the meeting in regular session at 6:10 p.m.

No action was taken.

**AGENDA ITEM NO .5: CITY MANAGER'S REPORT**

City Manager Steve Hewitt reported that there have been some major water leaks recently and city crews have been working long hours on repairs. He said one waterline break resulted in the loss of 2.3 million gallons of water and recovery costs would be sought.

**AGENDA ITEM NO. 6: AUDIENCE PARTICIPATION**

None

**AGENDA ITEM NO. 7: ADJOURNMENT**

Moved by Trustee Smith and seconded by Trustee Marcy that the meeting adjourn.

Chairman put the motion to a roll call vote:

Aye: Hulin, Marcy, Smith, Rodolph, Bryson
Nay: None

Chairman declared the meeting adjourned at 5:45 pm.

# Agenda Commentary

## Memorandum of Understanding with the City of Canute (with the Clinton Public Works Authority) Regarding Water Purchase.

Staff has been working diligently for the past 20 months regarding our water source situation and the drought issue. The City of Canute has been in a situation for the past couple years that has them forced (DEQ mandate) to clean up contaminated water. Canute is a very small rural community and the burden of a new Water Treatment Facility will be very costly to their citizens. Canute has approached Clinton, understanding our struggles to locate quality water. After meeting with Canute officials and financial consultants, we have a recommended opportunity to help the citizens of Clinton quickly and offer financial relief to Canute.

Canute can build a larger facility (R.O. Plant – ground water wells) and sale excess water to Clinton. This relieves some daily costs to Canute and actually offers a better quality of water at a better price than Foss Treatment Facility.

Currently the City of Clinton has a daily allotment of 686,000 gallons per day from Foss at a price of $3.21 per 1000 gals. Overages are at a cost of $2.70 per 1000 gals. Clinton currently is 100% Foss water at an average of 1.5 gals per day (for 7 months, October-April). Clinton increases usage as temperatures increase from May-September. Peak usage of the 2011 Heat Drought was 4.2 MG per day (with Foss providing 2.9 and Clinton Lake providing 1.3). 2012 Foss provided us with over 2 MG per day (water restrictions and other communities demands increased, which decreased Clinton usage)

Canute needs a commitment of 750,000 Gal per day at a cost of $2.85 per 1000 gals (cost plus $1). As demand increases they hope to give the City over 1 MG per day at a rate of $2.45 per 1000 gal over the 750K per day allotment. This will help our financial condition and relieve some immediate water issues. If the heat index and drought continue, some rationing may be needed, but not in the current stages we are at. Most average years the Foss and Canute sources could offer relief for the immediate future.

This would be a 25 year agreement and allows Clinton to work with Foss on expansion or consider a new facility in the next few years for future growth. Canute facility is scheduled to come on-line around early September 2013. They need an answer quickly as they have a small grant pending and they are under a DEQ mandate to have this completed in 2013.

Recommendation: With the current water contamination issues with the wells the City was targeting and the need we have, this is a great situation to help both communities. This is a good short term relief and we must continue on with a bigger long-term plan. Staff strongly recommends the MOU.

This summer may continue with restrictions, however relief should offer our community some positive news. The Foss plan is very concerning and this MOU will and should affect that plan. Clinton needs to have a diverse portfolio for its water needs. Again, this is very helpful in our efforts to look and our future needs. A good quality water relief for the immediate future.

An official contract will be written up and brought back for approval; MOU needs immediate approval for Canute's concerns to wrap up DEQ requirements. With our concerns of Foss future operational costs and the need for immediate relief, this should be a great help in both areas. We can continue working with Foss as it fits with our needs and make sure we find a good direction for water at an affordable price to our citizens. This is all critical for growth and retention.

# MEMORANDUM OF UNDERSTANDING

WHEREAS, The City of Canute ('Canute") has water rights in and around its municipal limits and is contemplating the construction of a reverse osmosis water treatment plant ("The Facility") in order to provide water to its citizens.

WHEREAS, the cost of water production is decreased significantly as the number of households serviced increases.

WHEREAS, The City of Clinton ("Clinton") is in need of additional water and has an interest in the acquisition of additional water rights.

NOW, THEREFORE, it is hereby agreed by and between the parties as follows:

1. The City of Canute will construct "The Facility" capable of providing The City of Clinton up to 1.5 Million gallons per day.

2. Clinton agrees to purchase a minimum of 750,000 gallons per day from Canute at a purchase price of $2.85, unless otherwise described in this agreement (the "Base Rate").

3. Any water Clinton wishes to purchase in excess of 750,000 gallons shall be purchased at a rate of $2.45 per gallon, unless otherwise described.

4. Canute shall deliver all treated water to the water line of Clinton at _____.

5. The term of this Agreement shall be for a 25 year fixed period, to begin the date of first delivery to Clinton's water line.

6. Clinton shall have the option to renew for an additional 15 year term, under the same terms and conditions of this Agreement.

7. Clinton shall have an option to require an increase of production at The Facility based upon availability of water and the need in Clinton. Any increase demanded shall require a renegotiation of the Base Rates not to exceed the cost of the capital expenditure amortized over the 20 year period.

8. Canute will continue to secure available water rights which will be used to increase water production at The Facility.

9. Canute agrees to maintain The Facility in accordance with State and Federal guidelines including but not limited to DEQ requirements. Further, any water produced at The Facility will meet all State and Federal guidelines including but not limited to DEQ guidelines.

10. Although Clinton is required to purchase a minimum of 750,000 gallons per day, if Canute is unable to produce 750,000 there is no obligation of Clinton to pay for any water not produced.

11. The parties realize that the numbers included in this Memorandum of Understanding are estimates provided by third-party engineers and will serve as a ceiling for actual charges. Once the plant is constructed and actual costs of production are assessed, these numbers will be reevaluated. The Base Rate shall be calculated at cost of production plus $0.30, not to exceed $2.85. Any water purchased by Clinton in excess of 750,000 gallons, shall be provided to Clinton at the cost of production. The cost of production on the excess water amount shall be adjusted annually according to the applicable Consumer Price Index.

12. Should Clinton exercise its option for an additional 15 years as described in paragraph 6 above, at the termination of that 15 years, Clinton shall have the right to acquire a 49% interest in the subject plant at the cost of Ten Dollars.

13. During the duration of the initial 25 years and any renewal option, Canute shall have the exclusive right to wholesale any water produced at the plant that is not being taken by Clinton.

Parties agree to engage in this mutual project in good faith, and take all action reasonably necessary to draw this project to an appropriate conclusion. Nothing herein shall be construed as creating a partnership, or any other business relationship, between the City of Canute and the City of Clinton.

Dated this _____ day of _____, 20___.

THE CITY OF CANUTE

By: _____

Its _____

THE CITY OF CLINTON

By: _____

Its _____

# PUBLIC NOTICE OF A REGULAR MEETING
# OF THE CITY COUNCIL
# TUESDAY, DECEMBER 18, 2012 AT 5:30 PM
# CLINTON CITY HALL

## AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Pat Peters, Church of Christ
3. Consent Agenda
    A. Consider Approval of Minutes on December 4, 2012
4. Action Items:
    A. Public Hearing regarding rezoning of property owned by Keeton Modi
    B. Consider Ordinance No. 941 regarding rezoning of 9.02 acres owned by Keeton Modi
5. City Manager's Report
6. Audience Participation
7. Adjournment

Filed this 14th day of December, 2012. Posted on the bulletin board in the lobby of the Clinton City Hall on December 14, 2012 at 10:00 a.m.

_____

Not recorded

RM120412

# MINUTES OF THE CLINTON CITY COUNCIL
# DECEMBER 4, 2012

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 4, 2012 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 November 30, 2012.

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

**MAYOR:** Allen Bryson
**COUNCIL:** Don Rodolph, Bob Marcy, Jason Hulin, Phyllis Smith
**CITY MANAGER:** Steve Hewitt
**CITY CLERK:** Lisa Anders
**CITY TREASURER:** Debra Blanchard
**DEPUTY CITY CLERK:** Rhonda Williams
**CITY ATTORNEY:** Ryan Meacham
**NEWS MEDIA:** Gerald Green and Mike Smith
**OTHERS:** Julie Menge, Mary Helen Jones, Stephen Jones, David Crabtree, Randy Carpenter, Carrie Miller, , Patch McComas, Gene McCullough, Mike Taylor, Robert Mayfield, Dale Conley, Shane McMasters, Wade Anders, Jeremy Brush, Earl Agan, Ted Maloy, Billy & Sondra Challis, Ray & Bettye Challis, Conan Wilson and others.

Interim Fire Chief Randy Carpenter opened the meeting with prayer and Councilwoman Phyllis Smith led the Pledge of Allegiance.

## AGENDA ITEM NO. 4: CONSENT AGENDA:

A. Minutes of Regular Meeting of November 20, 2012
B. Consider Claims

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

Mayor put the motion to a roll call vote:

Aye: Marcy, Hulin, Smith, Rodolph, Bryson
Nay: None

Mayor declared the motion carried.

## AGENDA ITEM NO. 4 ACTION ITEMS

### 4A. PRESENTATION OF OKLAHOMA MUNICIPAL LEAGUE SERVICE AWARD TO BILLY CHALLIS

Mayor Allen Bryson presented Billy Challis will the Oklahoma Municipal League Award to Billy Challis for his 25 years of service with the City of Clinton.

### 4B. CONSIDER ACCEPTANCE OF RESIGNATION FROM WARD FOUR COUNCILWOMAN

Mayor Bryson said that Councilwoman Phyllis Smith had submitted her resignation at the previous meeting. The letter stated that her resignation would be effective December 31, 2012.

Motion was made by Councilman Marcy and seconded by Councilman Rodolph to accept the resignation of Councilwoman Phyllis Smith effective December 31, 2012.

Mayor put the motion to a roll call vote:

Aye: Marcy, Rodolph, Hulin, Smith, Bryson
Nay: None

Mayor declared the motion carried.

## 4C. CONSIDER APPOINTMENT OF INDIVIDUAL TO FILL VACATED SEAT OF WARD FOUR

City Manager Steve Hewitt said he did not expect the appointment for the office at this meeting. He said that one person has expressed interest in the office but perhaps there are others that might be interested. He said the position cannot be filled until after December 31, 2012 and the next meeting following that would be a special meeting at noon on January 2, 2013.

Councilman Rodolph suggested developing an application process and put notices out regarding the vacancy to see if others are interested in serving. He also suggested appointing two Councilmembers to review the applications.

Mayor Bryson suggested making the selection of the two Councilmembers at the next meeting.

City Manager Steve Hewitt said that an application is being developed that could be used for other board or committee appointment as well. He said this would be helpful to the Council and could be put on the city's website.

## 5. CITY MANAGER'S REPORT

City Manager Steve Hewitt reported that the city's new website would be online by the end of next week. Gene McCullough gave a demonstration of the new site.

## 6. AUDIENCE PARTICIPATION

None

## AGENDA ITEM NO. 8: ADJOURNMENT

Moved by Councilwoman Smith and seconded by Councilman Marcy to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Smith, Marcy, Rodolph, Hulin, Bryson
Nay: None

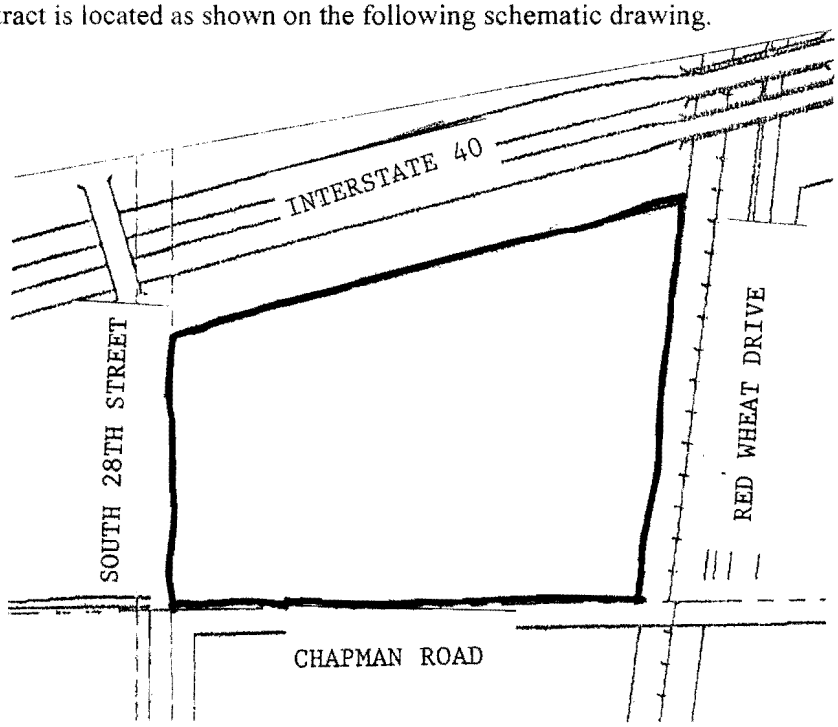
Mayor declared the meeting adjourned at 7:00 P.M.

## NOTICE TO REZONE - PUBLIC HEARING

Notice is hereby given that on Tuesday, December 18, 2012, beginning at 5:30 p.m, a Public Hearing will be held before the Mayor and City Council of the City of Clinton, Oklahoma in the Council Room of the Clinton City Hall, 415 Gary Boulevard, on the application to rezone a parcel of land located in the SW/4 of Section 22, Township 12 North, Range 17 W.I.M., of Clinton, Custer, County, Oklahoma. (9.02 acres)

Requesting that the rezoning of said property be changed from R-1 (Single-Family District) to C-4 (General Commercial District).

The subject tract is located as shown on the following schematic drawing.




Any person may file protest in writing with the Clinton City Clerk, City Hall, P.O. Box 1177, Clinton, Oklahoma, 73601, at any time before such Public Hearing begins, and/or may appear in person or by representative at the time and place and be heard on this matter.

Dated this 20th day of November, 2012.

Lisa Anders

Lisa Anders, City Clerk
City of Clinton, OK

ORDINANCE NUMBER 941

AN ORDINANCE CHANGING THE ZONING FROM R-1(SINGLE FAMILY DISTRICT) TO C-4 (GENERAL COMMERCIAL DISTRICT) FOR PROPERTY LOCATED IN SW/4 OF SECTION 22, TOWNSHIP 12 NORTH, RANGE 17 W.I.M. OF CLINTON, CUSTER COUNTY, OKLAHOMA; AND DECLARING AN EMERGENCY.

**WHEREAS,** the owners of a tract of land located in the southwest quarter of Section 22, Township 12 North, Range 17 W.I.M. in Clinton, Custer County, Oklahoma request that the zoning of said land be changed from R-1 (Single Family District) to C-4 (General Commercial District); and

**WHEREAS,** the City Council did conduct a Public Hearing on this matter on this date in the Council Room of the Clinton City Hall pursuant to due legal notice thereof published in the Clinton Daily (Oklahoma) News on November 23, 2012; and

**WHEREAS,** the matter was discussed in open forum at this Public Hearing before and by the members of the Council and the Council being fully informed in the premises does find that the interest of the City of Clinton will be served best by establishing the subject zoning district.

**NOW THEREFORE,** be it ordained by the City Council of the City of Clinton, Oklahoma that the following described property in the southwest quarter of Section 22, Township 12 North, Range 17 W.I.M. consisting of 9.02 acres in Clinton, Custer County, Oklahoma be and the same is hereby zoned C-4 (General Commercial District).

**WHEREOF,** an emergency is hereby declared to exist and the Ordinance shall be in full force and effect from and after its passage and proof of publication.

**PASSED AND APPROVED** this _____ day of _____, 2012.

_____
Allen Bryson, Mayor

**ATTEST:**

_____
Lisa Anders, City Clerk