PUBLIC NOTICE OF A REGULAR MEETING
OF THE PUBLIC WORKS AUTHORITY
TUESDAY, JANUARY 15, 2013 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer /Pledge Doyle Kinney, First Christian Church
3. Audience Participation
4. Trustee Report
5. City Manager's Report
6. Consent Agenda
    A. Consider Approval of Minutes of January 2, 2013
7. Action Items:
    A. Presentation and Consideration of 2011-2012 Audit
    B. Request Authorization to rebid rehabilitation of clarifier tanks at Wastewater Treatment Plant
8. Adjournment

Filed this 10 th day of January, 2013. Posted on the bulletin board in the lobby of the Clinton City Hall on January 10, 2013 at 2:00 p.m.

PW010213

MINUTES OF THE PUBLIC WORKS AUTHORITY MEETING, JANUARY 2, 2013

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 Wednesday, January 2, 2013 at noon. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on December 28, 2012.

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

CHAIRMAN: Seth Adams
TRUSTEES: Bob Marcy, Jason Hulin, Don Rodolph
CITY MANAGER: Steve Hewitt
CITY CLERK: Absent
CITY TREASURER: Debra Blanchard
DEPUTY CLERK: Rhonda Williams
CITY ATTORNEY: Absent
NEWS MEDIA: Mike Smith, Gerald Green and Robert Bryan
OTHERS: Julie Menge, Stephen Jones, David Crabtree, Kris Wermy, Narci Smith. Gene McCullough, Randy Carpenter and family, Jay Baker, Perry Adams family, Luke Adams family, Dr. Alvin and Donna Baumwant, Kent Miller Paul Kluver and others.

Dan Day opened the meeting with prayer and Trustee Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of the Regular Meeting of December 18 , 2012
B. Consider Claims

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

Chairman put the motion to a roll call vote:

Aye: Rodolph, Hulin, Marcy, Adams
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO. 4. AUDIENCE PARTICIPATION

Jay Baker voiced his support and the support of several Fire Department employees in favor of naming Randy Carpenter the next Clinton Fire Chief.

AGENDA ITEM NO .5: TRUSTEE REPORT

City Manager Steve Hewitt reported that there have been some changes in the layout of the agendas. Trustee report is a new item to the agenda. Chairman Seth Adams said he was happy to be here and he hoped his contribution as chairman will help to better the city. He was welcomed by Trustees Rodolph and Hulin.

AGENDA ITEM NO. 6: ACTION ITEMS

None

AGENDA ITEM NO. 7: CITY MANAGER'S REPORT

City Manager Steve Hewitt made the following press release that was ready at this meeting.

City of Clinton Interim Fire Chief Randy Carpenter has been named the city's new Fire Chief. Carpenter has been acting Fire Chief since July when then Chief Wade Anders announced his retirement.

"Randy brings great skills and stability to the job and I think the community and the Fire Department will be very well served under his leadership." Carpenter has more than 20 years of experience in the Fire Department. Carpenter has been with the Clinton Fire Department since 1991, he was promoted to Deputy Chief in 2007. Fire Chief Randy Carpenter thanked everyone for their support.

City Manager Steve Hewitt gave an update on the application process for the vacant Trustee seat in Ward Four. At this time we have received one application and will continue to take applications for two more weeks.

AGENDA ITEM NO. 8: ADJOURNMENT

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

Chairman put the motion to a roll call vote:

Aye: Marcy, Rodolph, Hulin, Adams
Nay: None

Chairman declared the meeting adjourned at 12:05 pm.

Clinton
Hub City of Western Oklahoma

Agenda Commentary

Item Title/ Subject: Rebid Waste Water Clarifier

Staff Source: City Manager, Steve Hewitt

Date: Jan. 15th, 2013

History/Background Information:

Council opened and approved a bid from Sharp Iron to clean, sandblast, and repaint our (2) two Waste Water Facility Clarifiers. This was a mandate that DEQ is requiring the City of Clinton to have completed. Facility Built 1978.

Subject Summary:

During the sandblasting and cleaning of the first clarifier it was discovered that rust and decay was to a point that it cannot simply be painted. Entire rehab of gears, arms, sides must be rebuilt and covered. This is much more extensive than first glance. Costs are out of the perimeter to do a change order. Cost to rehab (1) one clarifier is more that both paint rehabs were to cost. Staff budgeted $200,000, bids were $167,100. Current work is at $25,000.

Staff informed DEQ that our issues are much more extensive than what they initially required. Staff has informed DEQ that we can rebid and rehab (1) one clarifier this budget year and budget and repair the other clarifier next fiscal year.

Estimated cost to complete the (1) one clarifier is $195,000.

Recommendation:

Staff recommends you allow staff to cancel the contact for painting and allow a new bid to be released (Complete Rehab). Staff will budget the second clarifier for next fiscal year. Have both clarifiers completed calendar year 2013.

This will extend the life of the plant and clarifier for many years. Nothing could avoid this.

Price/Cost: Budget current year $200,000. Spent $25,000 current contract. Estimated clarifier rehab $195,000.

PUBLIC NOTICE OF A REGULAR MEETING
OF THE INDUSTRIAL AUTHORITY
TUESDAY, JANUARY 15, 2013 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer /Pledge Doyle Kinney, First Christian Church
3. Audience Participation
4. Trustee Report
5. Manager's Report
6. Consent Agenda:
    A. Consider Approval of Minutes on January 2, 2013
7. Action Items:
    A. Presentation and Consideration of 2011-2012 Audit
    B. Consider proposal from Jose Martinez regarding purchase of property
    C. Consider Lease Agreement with ZQC Chemical Company
8. Adjournment

Filed this 10th day of January, 2013. Posted on the bulletin board in the lobby of the Clinton City Hall on January 10, 2013 at 2:00 p.m.

IA010213

MINUTES OF THE CLINTON INDUSTRIAL AUTHORITY JANUARY 2, 2013

Minutes of a regular meeting of the Chairman and Trustees of the Clinton Industrial Authority of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Wednesday, January 2, 2013 at noon. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on December 28, 2012.

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

CHAIRMAN: Seth Adams
TRUSTEES: Bob Marcy, Jason Hulin, Don Rodolph
CITY MANAGER: Steve Hewitt
CITY CLERK: Absent
CITY TREASURER: Debra Blanchard
DEPUTY CLERK: Rhonda Williams
CITY ATTORNEY: Absent
NEWS MEDIA: Mike Smith, Gerald Green and Robert Bryan
OTHERS: Julie Menge, Stephen Jones, David Crabtree, Kris Wermy, Narci Smith. Gene McCullough, Randy Carpenter and family, Jay Baker, Perry Adams family, Luke Adams family, Dr. Alvin and Donna Baumwant, Kent Miller Paul Kluver and others.

Dan Day opened the meeting with prayer and Trustee Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of the Regular Meeting of December 4, 2012
B. Consider Claims

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

Chairman put the motion to a roll call vote:

Aye: Rodolph, Hulin, Marcy, Adams
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO. 4. AUDIENCE PARTICIPATION

Jay Baker voiced his support and the support of several Fire Department employees in favor of naming Randy Carpenter the next Clinton Fire Chief.

AGENDA ITEM NO .5: TRUSTEE REPORT

City Manager Steve Hewitt reported that there have been some changes in the layout of the agendas. Trustee report is a new item to the agenda. Chairman Seth Adams said he was happy to be here and he hoped his contribution as chairman will help to better the city. He was welcomed by Trustees Rodolph and Hulin.

AGENDA ITEM NO. 6: ACTION ITEMS

None

AGENDA ITEM NO. 7: CITY MANAGER'S REPORT

City Manager Steve Hewitt made the following press release that was ready at this meeting.

City of Clinton Interim Fire Chief Randy Carpenter has been named the city's new Fire Chief. Carpenter has been acting Fire Chief since July when then Chief Wade Anders announced his retirement.

"Randy brings great skills and stability to the job and I think the community and the Fire Department will be very well served under his leadership." Carpenter has more than 20 years of experience in the Fire Department. Carpenter has been with the Clinton Fire Department since 1991, he was promoted to Deputy Chief in 2007. Fire Chief Randy Carpenter thanked everyone for their support.

City Manager Steve Hewitt gave an update on the application process for the vacant Trustee seat in Ward Four. At this time we have received one application and will continue to take applications for two more weeks.

AGENDA ITEM NO. 8: ADJOURNMENT

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

Chairman put the motion to a roll call vote:

Aye: Marcy, Rodolph, Hulin, Adams
Nay: None

Chairman declared the meeting adjourned at 12:05 pm.

Clinton
Hub City of Western Oklahoma

Agenda Commentary

Item Title/ Subject: Potential Sale of ANOILCO Building, Frisco.

Staff Source: City Manager, Steve Hewitt

Date: Jan. 15th, 2013

History/Background Information:

Council approved the sale of the ANOILCO Building back in 2011 to Lampton Welding for $50,000. Lampton backed out of the sale. Angel Hernandez of New Roofing LLC would like to purchase the property for $48,000.

Subject Summary:

This facility is currently just storage overflow and not a necessity of the City. Staff has no future plans for it.

Recommendation:

Staff recommends you sale this facility and allow a viable business to take it. If you do not accept this bid, the City will need to eventually spend some money on maintenance.

Price/Cost: $48,000 revenue.

TO: CITY OF CLINTON

I JOSE MARTINEZ FROM NEW ROOFING L,L,C (LIC#8000621)

IAM SHOWING INTREST ON THE OIL CO BULIDING AND MAKING

AN OFFER TO THE CITY OF CLINTON FOR THE BULIDING THE

OF $48000 DOLLARS DUE TO ROOF AND INTER REPAIRS.

I HAVE POSTED PHONE NUMBER ON BOTTOM FOR ANY QUISTIONS.S.

I HAVE POSTED PHONE NUMBER ON BOTTOM FOR ANY QUISTIONS.

CELL-580-309-4323

HOME-580-323-2739

Received
12/17/12

NEW ROOFING LLC
Keep It Simple. Make It New.

Angel Hernandez
580-309-4323
580-323-2739
angel@makeitnewroofing.com
www.makeitnewroofing.com

Clinton
Hub City of Western Oklahoma

Agenda Commentary

Item Title/ Subject: ZQC Chemical Contract

Staff Source: City Manager, Steve Hewitt

Date: Jan. 15th, 2013

History/Background Information:

Council approved a lease with ZQC Chemical Solutions, LLC back in October of 2012 to replace Brainerd Chemical at our Glenn Smith location.

Subject Summary:

Zane Stinnett of ZQC has failed to sign the lease and has asked for some changes. Term 1. Provides a 5 year term. Mr. Stinnett is asking for a 120 termination clause. Starting Lease March 1st, 2013.

Recommendation:

Staff has no issues with these changes. Brainerd informed the City they wouldn't renew the lease, this brings in a new business to that property and continued revenue.

Price/Cost: $1500 monthly rent

AGREEMENT

THIS AGREEMENT is made and entered into by and between the Clinton Industrial Authority of Custer County, Oklahoma, hereinafter referred to as "Lessor", and ZQC Chemical Solutions, LLC., hereinafter referred to as "Lessee", this ___ day of _____, 2013 ("Effective Date").

For the consideration of $1,500 per month, Tenant does hereby rent the property owned by the Clinton Industrial Authority at 213 E. Hayes and described more particularly as:

> A tract of land lying in the Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of Section 14, Township 12 North, Range 17 West of the Indian Meridian, Custer County, Oklahoma, said tract being more particularly described by metes and bounds as follows:
>
> Beginning at the Southeast corner of said NE/4 SE/4; thence North 89°30'58" West along the South line of said NE/4 SE/4 a distance of 310.76 feet to a point; thence North 10°08'41" East a distance of 388.64 feet to a point thence South 79°51'59" East a distance of 249.56 feet to a point on the East line of said NE/4 SE/4; thence South 00°33'53" West along the East line of said NE/4 SE/4 a distance of 341.30 feet to the point of beginning. Containing 2.33 acres more or less, and being subject to easements and conveyances of record.

The terms and conditions of the lease between the parties shall be as follows:

Term.

1. This lease shall extend for a period of five (5) years beginning on the Effective Date executed by both parties. The lease may be extended by Lessee upon the same terms and conditions, with a reasonable increase in rent, for successive periods of five (5) years each with sixty (60) days written notice to Lessor. Lessee may terminate the Lease at any time upon One Hundred Twenty (120) days written notice to Lessor.

General.

2. Lessee agrees to pay all real estate taxes or assessments if any are levied against the leased premises before the same become delinquent, In the event Lessee fails to pay such taxes, lessor may, at its option, pay any such taxes and assessments that may be levied against the premises, and add such amounts to the following month's rent.

3. Lessee agrees to indemnify Lessor against liability on all claims for damages and injuries to persons on the property, which result from the activities or

omission of Lessee or its agents or its employees upon the demised premises during the term thereof.

4. Nothing in this lease shall be construed to prevent the Lessor from making such use of the leased premises as they may see fit, so long as such use in no way restricts, limits, or interferes with the operation of, and the use of the premises by Lessee.

5. All improvements and equipment placed on the leased premises by Lessee shall remain on the property of Lessee, and Lessee shall have the right to remove such property prior to the expiration of this lease provided the removal will not cause injury to the subject property.

6. This agreement shall inure to the benefit of and shall be binding upon the heirs, legal representatives, successors and assigns of the parties, provided that Lessee may not assign this lease without the permission of Lessor.

7. Tenant shall use best efforts to avoid damaging the property, ordinary wear and tear accepted. In spite of best efforts, should damages occur, outside of normal wear and tear, the tenant will indemnify the Lessor against any loss of any nature.

8. Tenant shall not make any alterations or additions or improvement in or to said premises without written consent of the Lessor.

9. Tenant is responsible for all utility services at the subject premises.

10. Upon default, Lessor shall have the right to terminate this lease and immediately reenter the property.

Witness the hands of the parties the say and date first above written.

CLINTON INDUSTRIAL AUTHORITY	ZQC CHEMICAL SOLUTIONS, LLC
_____	_____
Seth Adams, Chairman	Zane Stinnett
ATTEST:	ATTEST:
_____	_____
Lisa Anders, Secretary	Secretary

PUBLIC NOTICE OF A REGULAR MEETING
OF THE AIRPORT AUTHORITY
TUESDAY, JANUARY 15, 2013 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order

    A. Opening Prayer/Pledge Doyle Kinney First Christian Church

2. Audience Participation

3. Trustee Report

4. Manager's Report

5. Consent Agenda

    A. Consider Approval of Minutes of Previous Meeting
    Hospital Authority Recreational Authority
    Solid Waste Authority Airport Authority

6. Action Items:

    A. Presentation and Consideration of 2011-2012 Audit

7. Adjournment

Filed this 10th Day of January, 2013. Posted on the bulletin board in the lobby of the Clinton City Hall on January 10, 2013 at 2:00 p.m.

AA010213

MINUTES OF AIRPORT AUTHORITY MEETING ON JANUARY 2, 2013

Minutes of the regular meeting of the Chairman and Trustees of the Clinton Airport Trust Authority of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Wednesday, January 2, 2013 at noon. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on December 28, 2012.

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

CHAIRMAN: Seth Adams
TRUSTEES: Bob Marcy, Jason Hulin, Don Rodolph
CITY MANAGER: Steve Hewitt
CITY CLERK: Absent
CITY TREASURER: Debra Blanchard
DEPUTY CLERK: Rhonda Williams
CITY ATTORNEY: Absent
NEWS MEDIA: Mike Smith, Gerald Green and Robert Bryan
OTHERS: Julie Menge, Stephen Jones, David Crabtree, Kris Wermy, Narci Smith. Gene McCullough, Randy Carpenter and family, Jay Baker, Perry Adams family, Luke Adams family, Dr. Alvin and Donna Baumwant, Kent Miller Paul Kluver and others.

Dan Day opened the meeting with prayer and Trustee Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of the Regular Meeting of December 4 , 2012
B. Consider Claims

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

Chairman put the motion to a roll call vote:

Aye: Rodolph, Hulin, Marcy, Adams
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO. 4. AUDIENCE PARTICIPATION

Jay Baker voiced his support and the support of several Fire Department employees in favor of naming Randy Carpenter the next Clinton Fire Chief.

AGENDA ITEM NO .5: TRUSTEE REPORT

City Manager Steve Hewitt reported that there have been some changes in the layout of the agendas. Trustee report is a new item to the agenda. Chairman Seth Adams said he was happy to be here and he hoped his contribution as chairman will help to better the city. He was welcomed by Trustees Rodolph and Hulin.

AGENDA ITEM NO. 6: ACTION ITEMS

None

AGENDA ITEM NO. 7: CITY MANAGER'S REPORT

City Manager Steve Hewitt made the following press release that was ready at this meeting.

City of Clinton Interim Fire Chief Randy Carpenter has been named the city's new Fire Chief. Carpenter has been acting Fire Chief since July when then Chief Wade Anders announced his retirement.

"Randy brings great skills and stability to the job and I think the community and the Fire Department will be very well served under his leadership." Carpenter has more than 20 years of experience in the Fire Department. Carpenter has been with the Clinton Fire Department since 1991, he was promoted to Deputy Chief in 2007. Fire Chief Randy Carpenter thanked everyone for their support.

City Manager Steve Hewitt gave an update on the application process for the vacant Trustee seat in Ward Four. At this time we have received one application and will continue to take applications for two more weeks.

AGENDA ITEM NO. 8: ADJOURNMENT

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

Chairman put the motion to a roll call vote:

Aye: Marcy, Rodolph, Hulin, Adams
Nay: None

Chairman declared the meeting adjourned at 12:05 pm.

PUBLIC NOTICE OF A REGULAR MEETING
OF THE RECREATIONAL AUTHORITY
TUESDAY, JANUARY 15, 2013 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order

    A. Opening Prayer/Pledge Doyle Kinney First Christian Church

2. Audience Participation

3. Trustee Report

4. Manager's Report

5. Consent Agenda

    A. Consider Approval of Minutes of Previous Meeting
    Hospital Authority Recreational Authority
    Solid Waste Authority Airport Authority

6. Action Items:

    A. Presentation and Consideration of 2011-2012 Audit

7. Adjournment

Filed this 10th Day of January, 2013. Posted on the bulletin board in the lobby of the Clinton City Hall on January 10, 2013 at 2:00 p.m.

RA010213

MINUTES OF RECREATIONAL AUTHORITY MEETING, JANUARY 2, 2013

Minutes of a regular meeting of the Chairman and Trustees of the Clinton Recreational Trust Authority of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Wednesday, January 2, 2013 at noon. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on December 28, 2012.

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

CHAIRMAN: Seth Adams
TRUSTEES: Bob Marcy, Jason Hulin, Don Rodolph
CITY MANAGER: Steve Hewitt
CITY CLERK: Absent
CITY TREASURER: Debra Blanchard
DEPUTY CLERK: Rhonda Williams
CITY ATTORNEY: Absent
NEWS MEDIA: Mike Smith, Gerald Green and Robert Bryan
OTHERS: Julie Menge, Stephen Jones, David Crabtree, Kris Wermy, Narci Smith. Gene McCullough, Randy Carpenter and family, Jay Baker, Perry Adams family, Luke Adams family, Dr. Alvin and Donna Baumwant, Kent Miller Paul Kluver and others.

Dan Day opened the meeting with prayer and Trustee Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of the Regular Meeting of December 4, 2012
B. Consider Claims

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

Chairman put the motion to a roll call vote:

Aye: Rodolph, Hulin, Marcy, Adams
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO. 4. AUDIENCE PARTICIPATION

Jay Baker voiced his support and the support of several Fire Department employees in favor of naming Randy Carpenter the next Clinton Fire Chief.

AGENDA ITEM NO .5: TRUSTEE REPORT

City Manager Steve Hewitt reported that there have been some changes in the layout of the agendas. Trustee report is a new item to the agenda. Chairman Seth Adams said he was happy to be here and he hoped his contribution as chairman will help to better the city. He was welcomed by Trustees Rodolph and Hulin.

AGENDA ITEM NO. 6: ACTION ITEMS

None

AGENDA ITEM NO. 7: CITY MANAGER'S REPORT

City Manager Steve Hewitt made the following press release that was ready at this meeting.

City of Clinton Interim Fire Chief Randy Carpenter has been named the city's new Fire Chief. Carpenter has been acting Fire Chief since July when then Chief Wade Anders announced his retirement.

"Randy brings great skills and stability to the job and I think the community and the Fire Department will be very well served under his leadership." Carpenter has more than 20 years of experience in the Fire Department. Carpenter has been with the Clinton Fire Department since 1991, he was promoted to Deputy Chief in 2007. Fire Chief Randy Carpenter thanked everyone for their support.

City Manager Steve Hewitt gave an update on the application process for the vacant Trustee seat in Ward Four. At this time we have received one application and will continue to take applications for two more weeks.

AGENDA ITEM NO. 8: ADJOURNMENT

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

Chairman put the motion to a roll call vote:

Aye: Marcy, Rodolph, Hulin, Adams
Nay: None

Chairman declared the meeting adjourned at 12:05 pm.

PUBLIC NOTICE OF A REGULAR MEETING
OF THE SOLID WASTE AUTHORITY
TUESDAY, JANUARY 15, 2013 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order

    A. Opening Prayer/Pledge Doyle Kinney First Christian Church

2. Audience Participation

3. Trustee Report

4. Manager's Report

5. Consent Agenda

    A. Consider Approval of Minutes of Previous Meeting
    Hospital Authority Recreational Authority
    Solid Waste Authority Airport Authority

6. Action Items:

    A. Presentation and Consideration of 2011-2012 Audit

7. Adjournment

Filed this 10th Day of January, 2013. Posted on the bulletin board in the lobby of the Clinton City Hall on January 10, 2013 at 2:00 p.m.

SW010213

MINUTES OF THE SOLID WASTE AUTHORITY, JANUARY 2, 2013

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 Wednesday, January 2, 2013 at noon. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on December 28, 2012.

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

CHAIRMAN: Seth Adams
TRUSTEES: Bob Marcy, Jason Hulin, Don Rodolph
CITY MANAGER: Steve Hewitt
CITY CLERK: Absent
CITY TREASURER: Debra Blanchard
DEPUTY CLERK: Rhonda Williams
CITY ATTORNEY: Absent
NEWS MEDIA: Mike Smith, Gerald Green and Robert Bryan
OTHERS: Julie Menge, Stephen Jones, David Crabtree, Kris Wermy, Narci Smith. Gene McCullough, Randy Carpenter and family, Jay Baker, Perry Adams family, Luke Adams family, Dr. Alvin and Donna Baumwant, Kent Miller Paul Kluver and others.

Dan Day opened the meeting with prayer and Trustee Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of the Regular Meeting of December 18, 2012
B. Consider Claims

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

Chairman put the motion to a roll call vote:

Aye: Rodolph, Hulin, Marcy, Adams
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO. 4. AUDIENCE PARTICIPATION

Jay Baker voiced his support and the support of several Fire Department employees in favor of naming Randy Carpenter the next Clinton Fire Chief.

AGENDA ITEM NO .5: TRUSTEE REPORT

City Manager Steve Hewitt reported that there have been some changes in the layout of the agendas. Trustee report is a new item to the agenda. Chairman Seth Adams said he was happy to be here and he hoped his contribution as chairman will help to better the city. He was welcomed by Trustees Rodolph and Hulin.

AGENDA ITEM NO. 6: ACTION ITEMS

None

AGENDA ITEM NO. 7: CITY MANAGER'S REPORT

City Manager Steve Hewitt made the following press release that was ready at this meeting.

City of Clinton Interim Fire Chief Randy Carpenter has been named the city's new Fire Chief. Carpenter has been acting Fire Chief since July when then Chief Wade Anders announced his retirement.

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City Manager Steve Hewitt gave an update on the application process for the vacant Trustee seat in Ward Four. At this time we have received one application and will continue to take applications for two more weeks.

AGENDA ITEM NO. 8: ADJOURNMENT

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

Chairman put the motion to a roll call vote:

Aye: Marcy, Rodolph, Hulin, Adams
Nay: None

Chairman declared the meeting adjourned at 12:05 pm.

PUBLIC NOTICE OF A REGULAR MEETING
OF THE HOSPITAL AUTHORITY
TUESDAY, JANUARY 15, 2013 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order

    A. Opening Prayer/Pledge Doyle Kinney First Christian Church

2. Audience Participation

3. Trustee Report

4. Manager's Report

5. Consent Agenda

    A. Consider Approval of Minutes of Previous Meeting
    Hospital Authority Recreational Authority
    Solid Waste Authority Airport Authority

6. Action Items:

    A. Presentation and Consideration of 2011-2012 Audit

7. Adjournment

Filed this 10th Day of January, 2013. Posted on the bulletin board in the lobby of the Clinton City Hall on January 10, 2013 at 2:00 p.m.

MINUTES OF HOSPITAL AUTHORITY MEETING, JANUARY 2, 2013

Minutes of a regular meeting of the Chairman and Trustee of the Clinton Hospital Authority of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Wednesday, January 2, 2013 at noon. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on December 28, 2012.

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

CHAIRMAN: Seth Adams
TRUSTEES: Bob Marcy, Jason Hulin, Don Rodolph
CITY MANAGER: Steve Hewitt
CITY CLERK: Absent
CITY TREASURER: Debra Blanchard
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CITY ATTORNEY: Absent
NEWS MEDIA: Mike Smith, Gerald Green and Robert Bryan
OTHERS: Julie Menge, Stephen Jones, David Crabtree, Kris Wermy, Narci Smith. Gene McCullough, Randy Carpenter and family, Jay Baker, Perry Adams family, Luke Adams family, Dr. Alvin and Donna Baumwant, Kent Miller Paul Kluver and others.

Dan Day opened the meeting with prayer and Trustee Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of the Regular Meeting of December 4, 2012
B. Consider Claims

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

Chairman put the motion to a roll call vote:

Aye: Rodolph, Hulin, Marcy, Adams
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO. 4. AUDIENCE PARTICIPATION

Jay Baker voiced his support and the support of several Fire Department employees in favor of naming Randy Carpenter the next Clinton Fire Chief.

AGENDA ITEM NO .5: TRUSTEE REPORT

City Manager Steve Hewitt reported that there have been some changes in the layout of the agendas. Trustee report is a new item to the agenda. Chairman Seth Adams said he was happy to be here and he hoped his contribution as chairman will help to better the city. He was welcomed by Trustees Rodolph and Hulin.

AGENDA ITEM NO. 6: ACTION ITEMS

None

AGENDA ITEM NO. 7: CITY MANAGER'S REPORT

City Manager Steve Hewitt made the following press release that was ready at this meeting.

City of Clinton Interim Fire Chief Randy Carpenter has been named the city's new Fire Chief. Carpenter has been acting Fire Chief since July when then Chief Wade Anders announced his retirement.

"Randy brings great skills and stability to the job and I think the community and the Fire Department will be very well served under his leadership." Carpenter has more than 20 years of experience in the Fire Department. Carpenter has been with the Clinton Fire Department since 1991, he was promoted to Deputy Chief in 2007. Fire Chief Randy Carpenter thanked everyone for their support.

City Manager Steve Hewitt gave an update on the application process for the vacant Trustee seat in Ward Four. At this time we have received one application and will continue to take applications for two more weeks.

AGENDA ITEM NO. 8: ADJOURNMENT

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

Chairman put the motion to a roll call vote:

Aye: Marcy, Rodolph, Hulin, Adams
Nay: None

Chairman declared the meeting adjourned at 12:05 pm.

PUBLIC NOTICE OF A REGULAR MEETING
OF THE CITY COUNCIL
TUESDAY, JANUARY 15, 2013 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer /Pledge Doyle Kinney, First Christian Church
3. Audience Participation
4. Council Reports
5. City Manager's Report
6. Consent Agenda
    A. Consider Approval of Minutes on January 2, 2013
7. Action Items:
    A. Presentation and Consideration of 2011-2012 Audit
    B. Proclamation regarding Clinton Ministerial Alliance
    C. Request authorization to go to bid for Police Units
    D. Consider Resolution 809 regarding Municipalities to Restore Local Rights
    E. Consider request of Red Knights International Motorcycle Club regarding Special Event on September 6-8, 2013
    F. Consider appointment to Midwestern Oklahoma Industrial Foundation
    G. Consider Ordinance No. 942 regarding collection of Court Costs
    H. Discuss and Consider appointment to Ward Four
    I. Consider Right-of-Way, Public Utility and Encroachment Agreement with Oklahoma Department of Transportation regarding Chapman Road
    J. Consider Resolution No. 810 regarding Right-of-Way, Public Utility and Encroachment Agreement with Oklahoma Department of Transportation regarding Chapman Road

K. Consider and Discuss the employment, hiring, appointment, promotion, resignation or designation of duties of the City Manager including an Executive Session as authorized by 25 O.S. ss 307(B) 1.

8. Adjournment

Filed this 10th day of January, 2013. Posted on the bulletin board in the lobby of the Clinton City Hall on January 10, 2013 at 2:00 p.m.

RM010213

MINUTES OF THE CLINTON CITY COUNCIL
JANUARY 2, 2013

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 Wednesday, January 2, 2013 at noon. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on December 28, 2012.

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

MAYOR: Seth Adams
COUNCIL: Don Rodolph, Bob Marcy, Jason Hulin
CITY MANAGER: Steve Hewitt
CITY CLERK: Absent
CITY TREASURER: Debra Blanchard
DEPUTY CITY CLERK: Rhonda Williams
CITY ATTORNEY: Absent
NEWS MEDIA: Mike Smith, Gerald Green and Robert Bryan
OTHERS: David Crabtree, Stephen Jones, Gene McCullough, Kris Wermy, Randy Carpenter and family, Julie Menge, Narci Smith, Jay Baker, Perry Adams Family, Luke Adams Family, Dr. Alvin and Donna Baumwant, Kent Miller, Paul Kluver and others.

Dan Day 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 December 18, 2012
B. Consider Claims

Moved by Councilman Rodolph 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: Rodolph, Hulin, Marcy, Adams
Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 4 AUDIENCE PARTICIPATION

Jay Baker voiced his support and the support of several Fire Department employees in favor of naming Randy Carpenter the next Clinton Fire Chief.

AGENDA ITEM NO. 5. COUNCIL REPORT

City Manager Steve Hewitt reported that there have been some changes in the layout of the agendas. Council report is a new item to the agenda. Mayor Seth Adams said he was happy to be here and he hoped his contribution as mayor will help to better the city. He was welcomed by Councilmen Rodolph and Hulin.

AGENDA ITEM NO. 6. ACTION ITEMS

None

AGENDA ITEM NO. 7. MANAGER'S REPORT

City Manager Steve Hewitt made the following press release that was read at this meeting.

City of Clinton Interim Fire Chief Randy Carpenter has been named the city's new Fire Chief. Carpenter has been acting Fire Chief since July when then Chief Wade Anders announced his retirement.

"Randy brings great skills and stability to the job, and I think the community and the Fire Department will be very well served under his leadership," Carpenter has more than 20 year of experience in the Fire Department. Carpenter has been with the Clinton Fire Department since 1991, he was promoted to Deputy Chief in 2007.

Fire Chief Randy Carpenter thanked everyone for their support.

City Manager Steve Hewitt gave an update on the application process for the vacant Council seat in Ward Four. At that time we have received one application and will continue to take applications for two more weeks.

AGENDA ITEM NO. 8: ADJOURNMENT

Moved by Councilman Marcy and seconded by Councilman Rodolph to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Marcy, Rodolph, Hulin, Adams
Nay: None

Mayor declared the meeting adjourned at 12:05 P.M.

PROCLAMATION

WHEREAS, it is fitting and proper to take official notice of organizations in our City in order that all may have the opportunity to share in their significance and recognition; and

WHEREAS, such an organization, the Clinton Ministerial Alliance is to be commended and recognized for their ministry in the City of Clinton, Oklahoma;

WHEREAS, the Clinton Ministerial Alliance serves the City of Clinton in many capacities;

NOW, THEREFORE, I Seth Adams, Mayor of Clinton, do hereby proclaim appreciation to the Clinton Ministerial Alliance for their service.

_____

Seth Adams, Mayor

ATTEST:

_____

Lisa Anders, City Clerk

Clinton
Hub City of Western Oklahoma

Agenda Commentary

Item Title/ Subject: Vehicles

Staff Source: D.E. Crabtree, Chief of Police

History/Background Information:

The purchase of two new police package units and equipment. This year is our normal request for the replacement of one unit. The Chapman road project being pushed back I'm requesting the purchase of two units this year. Earlier this year we did a have a unit totaled out. This second unit would replace it.

Item/Subject Summary: The purchase of the new vehicles put into service with one unit either traded in or transferred.

Price/ Budgeted: $74,000.00 with the units being equipped. We will have to purchase new equipment with new body styles, our normal equipment that we transfer over will not fit. The trade in value of car or transferring the unit within the city.

Recommendation: If the price of the units comes into high look into buying off the state contract.

Clinton
Hub City of Western Oklahoma

Agenda Commentary

Item Title/ Subject: Local Rights and Control

Staff Source: Steve Hewitt, City Manager

History/Background Information:

Clint Miller

Coalition Coordinator for Western Oklahoma Tobacco Control Coalition approached staff regarding this subject. I thought it best to have him here to explain answer questions about the resolution and program.

RESOLUTION #809 FOR OKLAHOMA MUNICIPALITIES TO RESTORE LOCAL RIGHTS

Whereas local governments have the right and responsibility to adopt laws that protect the health and safety of their citizens; and
Whereas the people in local communities should have the right to protect themselves against the harmful effects of secondhand smoke; and

Whereas Oklahoma has had a preemptive state law since 1987, which prohibits local governments from enacting laws that restrict smoking in any public places; and

Whereas the vast majority of states do not preempt local smoke-free air legislation and Oklahoma is one of only two states that preempts all smoke-free air legislation; and

Whereas more than 3,500 local governments throughout the country have successfully passed smoke-free air laws to protect people against the harmful effects of secondhand smoke; and

Whereas 48.7% of the U.S. population lives in cities or states with smoke-free laws for enclosed public places and workplaces, restaurants, and bars, while many of these Oklahoma venues remain smoke-filled and their employees and patrons remain unprotected from secondhand smoke because of preemptive state law; and

Whereas the tobacco industry, in an effort to negate such local legislation, has long had as its chief legislative strategy the preemption of local authority to regulate smoke-free laws; and

Whereas preemptive state laws have a devastating effect on tobacco control efforts, economic development, and on the public health of the states' residents and workers; and

Whereas multiple states have successfully overturned preemption and restored local control to enact and enforce smoke-free air laws; and

Whereas protecting people from the harmful effects of secondhand smoke is best accomplished by local communities working directly with the people most affected by smoke-free air laws; and

Whereas numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmoker, including heart disease, stroke, respiratory disease, and lung cancer; and
Whereas the 2006 U.S. Surgeon General's report, *"The Health Consequences of Involuntary Exposure to Tobacco Smoke,"* concluded that there is 1) no risk-free level of exposure to secondhand smoke; 2) ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; 3) smoke-free workplace policies are the only effective way to eliminate secondhand smoke exposure in the workplace, and 4) evidence from peer-reviewed studies shows that smoke-free policies and laws do not have an adverse economic impact on the hospitality industry; and
Whereas the Oklahoma State Legislature should not deprive local governments of the authority to protect people from the harmful effects of secondhand smoke;

Now, therefore, be it resolved that the City of Clinton, Oklahoma urges the State Legislature to repeal any preemption of local smoke-free air and restore the right of local governments to enact and enforce smoke-free air laws.

And be it further resolved that the City of Clinton, Oklahoma strongly encourages other local governmental entities in Oklahoma to adopt similar resolutions.

_____

Mayor Date

ATTEST:

_____

Clerk





Why Local Control?

When a community's elected officials have the power and authority to move forward to protect their citizens against the health hazards of secondhand smoke, the usually influential tobacco companies are suddenly powerless. This is why they work so diligently to close the door to local ordinances via preemption at the state level.

Local Control Means Meaningful Local Debate and Community Change

Local control is at the heart of our broader goals of 1) educating the public about the health effects cause by secondhand smoke and 2) changing attitudes and behavior of smokers in order to protect other from secondhand smoke. A powerful changes process unfolds as a community debates the issue of secondhand smoke. Letters to the editor, town hall meeting, public debate and media coverage all associated with secondhand smoke, resulting in strong community support for a law protecting nonsmokers.

Ease of Enactment

Meaningful smoke-free air legislation is much easier to enact at the local level where policymakers are most responsive to the concerns of constituents and less influenced by tobacco industry lobbyists and campaign contributions. The tobacco companies are forced to work at the local level through fake front groups and allies, whereas they are able to directly engage policymakers at the state and federal level without as much of a credibility gap. Big Tobacco would much rather bottle up or weaker one bill at the state house rather than try to tack and fight hundreds of local policy efforts throughout the state.

Ease of Enforcement

Because local residents typically have a higher understanding of the need for a smoke-free law at the local level, compliance rates tend to be very high for local ordinances. Local enforcement agencies such as health departments are easily accessible to the community, whereas statewide enforcement can be less reliable or responsive. In addition, not every community in a state is at the same level of public education regarding secondhand smoke.

People Have the Right to Breathe Smoke-free Air

Everyone needs to breathe. Secondhand smoke is a very easily prevented cause of disease and death in people of all ages. Local officials have the right and responsibility to deal with matter of public health and public safety in response to public concerns. A community's public health laws should be determined by research-based evidence, public support and local policymakers, not by tobacco industry lobbyists in backrooms of the state legislature.

For more information contact 918.477.5410 or www.smokefreeok.org

To the Mayor and members of the Clinton City Council,

The Red Knights International Motorcycle Club want to thank you for your support of our Kickstands on Route 66 Bike Fest this year. We have already started planning next years event on September 6th through September 8th 2013.We would like to have the use of Nance Rotary Park once again for this event. We would like a special event declaration from the council for this event.

The event this last September brought over 500 extra people into Clinton. This was a good turnout for the first time event. We already have 3 bands booked for next year and have a large commitment of people wanting to come to Clinton for this event. We hope to grow this event each year with the help of the citizens of Clinton and Custer County to the point that we have to move the event to a larger venue.

There is no other event like this in Western Oklahoma. We drew people from Texas, Kansas, Ohio, Arkansas, California as well as all over the State of Oklahoma. With the continued support from the Council and citizens of Clinton, we will have a successful event.

Once again, the Red Knights wish to thank the Council for your support.

Respectfully

Steve Jones

President RKMC 3 Assoc 13

MEMBERS WHOSE TERM EXPIRES FEBRUARY, 2013

Clinton		Curtis Constien 360 Red Fork Clinton OK 73601	2013
		Steve Hewitt, City Manager PO Box 1177 Clinton OK 73601	2013
	★	Phyllis Smith Moving to OKC	2015
Elk City		William Brown PO Box 1967 Elk City OK 73648	2013
		Bob Maine 909 Kathy's Place Elk City OK 73644	2013
		Gary Dumas, City Manager PO Box 1137 Elk City OK 73648	2013
Hobart		Ashley Slaughterback PO Box 231 Hobart OK 73651	2013
		Kent Preston City Hall Hobart OK 73651	2013
Lone Wolf		David Morris, Mayor PO Box 365 Lone Wolf OK 73655 846-5597	2011
Rocky			
Roosevelt		Jeff Vanderpol PO Box 115 Roosevelt OK 73654	2013

* Phyllis also served on the MODA Board. Could you appoint one of the MOIF members to finish her term.

Chris Jones, Curtis Constein, Bob Maney, Steve Hewitt OR Mayor.

ORDINANCE NO. 942

AN ORDINANCE AMENDING 1-10-9 OF THE CLINTON CITY CODE AUTHORIZING THE ASSESSMENT AND COLLECTION OF COURT COSTS IN ACCORDANCE WITH STATE STATUTE

WHEREAS, The City of Clinton has passed an Ordinance that allows the Court Clerk to tax fees and costs to a Defendant, which has been Codified at 1-10-9.

WHEREAS, State legislation regulates the maximum amount to be charged as fees and costs.

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

I. Section 1-10-9 shall be amended to read as follows:

Upon entry of judgment, the clerk of the court shall tax the costs to the defendant in a sum not exceeding the amount established by Title 11 Okla. Stat. § 27-126, plus any fees assessed by the Court, all of which the defendant shall pay, in addition to any fine that may be imposed.

PASSED AND DULY ADOPTED by the Council of the City of Clinton, Oklahoma this ___ day of _____, 2013.

_____
Seth Adams, Mayor

ATTEST:

_____
Lisa Anders, City Clerk

(SEAL)

Clinton
Hub City of Western Oklahoma

Agenda Commentary

Item Title/ Subject: Chapman Road Right-of-Way Agreement with ODOT

Staff Source: City Manager, Steve Hewitt

Date: Jan. 15th, 2013

History/Background Information:

Chapman Road is a project that we are working towards completion. ODOT has approved our plans and requires easement both temporary and permanent, prior to allowing us to begin construction.

Subject Summary:

ODOT needs the Right-of-Way, Public Utility and Encroachment Agreement completed approved by City Council. This details what the City needs to agree to and provide before the project can begin. This Standard document must be approved and completed. ODOT has provided me with the Temporary and Permanent ROW list. Once this agreement has been signed we can negotiate with land owners along Chapman Road.

Recommendation:

Once this agreement is approved, staff will move forward and bring back the easement agreements for your approval. At that point we submit all to ODOT. They will then expect all utilities involved to be relocated. After relocations, we can bid this project. This project may not begin until mid-summer.

Price/Cost: Negotiated with land owners.

OKLAHOMA DEPARTMENT OF TRANSPORTATION
Local Government Division
200 N.E. 21st Street
Oklahoma City, OK 73105-3204

January 4, 2013

Mr. Steve Hewitt – City Manager
City of Clinton
415 W. Gary Blvd. (City Hall)
Clinton, OK 73601

Re: Federal-Aid Project No. STP-120B(070)TC
State Job Piece No. 19669(04)
CHAPMAN AVENUE FROM 28TH ST TO NEPTUNE DRIVE

BASE BID : CHAPMAN RD - FROM RED WHEAT DRIVE TO NEPTUNE DRIVE
FINAL PLANS ESTIMATE - $1,376,940

ALTERNATE 1 : CHAPMAN RD - FROM 28TH STREET TO RED WHEAT DRIVE
PRELIMINARY PLANS ESTIMATE - $247,426

ALTERNATE 2: RED WHEAT DRIVE – FROM CHAPMAN RD TO BOULEVARD OF CHAMPIONS
PRELIMINARY PLANS ESTIMATE - $236,470

We have reviewed federal funding levels currently available to be allocated to this project:

For City budgeting purposes, the TCSP funds and the STP funds referenced below should be considered as capped amounts. These funds have a 20% local matching fund requirement.

The exact City Match required to capture these federal funds is noted below @ $281,822. Project costs over and above the total available funds should be considered a City responsibility.

TCSP Funding:	$ 377,287
STP Formula Funds:	$ 750,000
20% City Match:	$ 281,822
Total Available Funds:	$1,409,109

We have been discussing further the concept of Add Alternates with ODOT Staff as it relates to this particular project.

We now believe this project would be a good candidate for advertising the base bid plus both alternates, so long as there are sufficient resources for the estimated cost of at least the base bid.

The philosophy in this case is to ensure the utilization of all available federal funding, especially due to the expiration of unobligated TCSP funds at the end of the federal fiscal year.

Should the base bid come in significantly under the base bid estimate and we don't have the alternates bid, we risk leaving available federal funds unused.

We have made arrangements with the ODOT Comptroller to exempt the City from the pre-advertising upfront deposit requirement of the estimated amount of the alternates. The required City deposit will be based only on the City share of the estimated base bid plus 6% estimated inspection.

The base project plus both alternates will be bid if the City elects to do so.

After the bids are opened and bid costs are calculated, the City may choose whether or not to proceed with either of the 2 alternates. There will be no risk or obligation to the City to award any of the alternates -

We will prepare the project financing agreement to reflect the funding levels noted above. The plans may be finalized to show the alternates, subject to City concurrence.

We understand the City will be working to clear the RW over the next few months. As previously noted, TCSP funds are scheduled to expire at the end of September – Due to federal processing requirements, our goal is to have final Plans, Specifications & Estimates and Right-of-Way Certifications in place at least 60 days prior to the cutoff.

The Department is prepared to advertise the project for bid upon as soon as the Rights-of-Way are cleared and final plans are available.

If you need additional information, please contact this office at (405) 521-2737.

Sincerely,

Mark Scott
Assistant Division Manager
Local Government Division

Cc: Brent Almquist – Division 5 Engineer
Shannon Sheffert – Local Government Division Engineer

Chapman Avenue Reconstruction from 28th Street to Neptune Drive, Clinton, OK JP 19669(04)

List of Proposed Easement Acquisitions

Parcel	Description	Book	Page	Owner	Proposed Acquisition	Area (acres)
1	SW/4 Sec 22 West of RR			City of Clinton	Permanent Right of Way	0.743
2	part of S/2 Sec 22	1493	365	Hotelmacher, LLC	Permanent Right of Way	3.632
3	part of NE/4 Sec 27	321	190	G W and Cheryl Lowry	Permanent Right of Way	0.156
4	part of NE/4 Sec 27	321	190	G W and Cheryl Lowry	Temporary Construction Esmt	0.106
5	part of SE/4 Sec 22	1493	365	Hotelmacher, LLC	Temporary Construction Esmt	0.039
6	part of SE/4 Sec 22	1493	365	Hotelmacher, LLC	Temporary Construction Esmt	0.071
[redacted]						
8	part of SE/4 Sec 22	335	199	James Bray, Jr.	Temporary Construction Esmt	0.121
9	part of SE/4 Sec 22	1398	625	Thomas and Penny Hargus	Temporary Construction Esmt	0.009
10	part of NE/4 Sec 27	1079	179	Walter and Carolyn Schumacher	Temporary Construction Esmt	0.033

The names of the owners listed above were obtained in May 2011 from copies of existing deeds as part of the survey for this project.

A Certified Ownership Report from a licensed abstractor should be obtained for each Parcel before entering an acquisition agreement.

Population 9033

RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT

This Agreement, made and entered into this ___ day of _____, 20___, by and between the City of Clinton, Custer County,Oklahoma, hereinafter called the City and the Department of Transportation of the State of Oklahoma, hereinafter called the Department,

Witnesseth:

That for and in consideration of the covenants and agreements hereinafter set forth, it is mutually agreed by and between the parties hereto as follows:

In connection with the location and improvement of a portion of the City Street System within the corporate limits of the City, now designated as Chapman Road from 28th Street to Neptune Road under plans and specifications for STP-120B(070)UR, Job No. 19669(04).

WHEREAS, legislative authorization and the rules, regulations, and policies of the Department provide the basis of cooperation between the parties to effect such highway improvements.

NOW, THEREFORE, the parties hereto agree as follows:

The City agrees:

1. To the location of said highway, acknowledges receipt of and adopts the plans for said project as the official grade and drainage plans of the Underwriter for the streets, boulevards, or arterial highway included therein. Further, and in addition to the provisions contained elsewhere herein, City hereby grants to the Department access to and the use of all rights-of-way belonging to or controlled by the City and City shall not permit the vacation of any such street, alley or other rights-of-way without the prior written approval of Chief, Right of Way & Utilities Division, Department of Transportation, State of Oklahoma.

2. That prior to the advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:

(a) Grant to the Department and its contractors, the right-of-entry to all existing streets, alleys, and City owned property when required, and other rights-of-way shown on said plans.

(b) Remove at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations. Said removal shall be accomplished immediately on execution of this agreement and shall include necessary legal action where required.

(c) Prohibit parking on that portion of the project within the corporate limits of the Local Public Agency.

(d) Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulation for Oklahoma Highways", Rev. 5/96, 69 O.S. (2001) § 1210.

(e) Maintain all right of way acquired for the construction of this project, as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.

3. That City will:

(a) Determine and locate, with the Department's approval, a detour route over existing city streets, if a re-routing of traffic or a detour is necessary during the period of construction.

(b) Be responsible during or subsequent to construction, for all costs for the operation and any maintenance necessary to the approved detour route over existing City streets, or any other street as a result of additional traffic.

(c) Be responsible for all costs for repairs or maintenance to any City street, during or subsequent to construction, which results from additional traffic where construction is performed under traffic.

(d) To the extent permitted by the ***Oklahoma Governmental Tort Claims Act***, Title 51 Oklahoma Statutes, Sections 151 *et seq.* and by Oklahoma Constitution Article 10, section 26 and as otherwise permitted by law, the City shall indemnify and save harmless the Department, it's officers and employees, and shall process and defend at it's own expense all claims, demands, or suits whether in law or equity brought against the City or the Department arising from the City's execution, performance, or failure to perform, and provisions of this agreement or alleged negligence in the location, design, construction, operation, or maintenance of a portion of the City Street System within the corporate limits of the City. Provided, nothing herein shall require the City to reimburse the Department for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Department. When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the ***Oklahoma Governmental Tort Claims Act***, 51 O.S. § 151 et seq., all such limitations, exemptions, and defenses shall be available to and may be asserted by City. No liability shall attach to the Department except as expressly provided herein.

e) Comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality(ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. Further, the City agrees and stipulates as stated in the ODEQ's *General Permit OKR10*, dated September 13, 2002, or latest revision, to secure a storm water permit with the ODEQ, for utility relocations when required. It is agreed that the storm water management plan for the project previously described in the document includes the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans

4. That subsequent to the construction of said project, City will:

(a) Keep all permanent right-of-way shown on said plans free from any encroachment and take immediate action to effect the removal of any encroachments upon notification by the Department, including all necessary legal action when required.

(b) Erect, maintain, and operate traffic control signals, including speed limit and traffic control signs, only in accordance with 47 OS 2001, Section 15-104, 15-105 and 15-106, and subject to the approval, direction and control of the Department.

(c) Regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping, and turns, in accordance with 47 OS 2001, 15-104, et seq. and to make no changes in the provisions thereof without the approval of the Department.

(d) Maintain all that part of said project within the corporate limits of the City.

(e) The City shall have the authority pursuant to 69 O.S. 2001 § 1001 and 69 O.S. 2001 § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as long as such sale is conducted in accordance with the above cited statutes. Prior written approval by the Chief, Right-of-Way & Utilities Division for the Department shall be required before any sale is made.

5. That all covenants of this Agreement shall apply to any area hereinafter annexed to the City which lies within the limits of this project.

6. That it will, by resolution, duly authorize the execution of this Agreement by the proper officials, and attach copies of such resolution to this Agreement.

7. To acquire all right-of-way, if any, be responsible for the total costs for removing and relocating outdoor advertising signs and for the relocation assistance payments to persons displaced by reason of the acquisition of right-of-way and be responsible for the removal or relocation of all utility lines on public or private rights-of-way to accommodate the construction of this project.

(a) Transmit copies of the instruments, including all deeds and easements, to the Department prior to the advertisement of bids for construction.

(b) Comply with the provisions of 42 U.S.C.A. § 4601-4655 and 23 U.S.C.A. § 323 (as amended) and, further comply with 49 C.F.R. Part 24 in the acquisition of all necessary right-of-way and relocation of all displacees.

(c) That as a condition to receiving any Federal Financial Assistance from the Department, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252.42 U.S.C. 2000d-35 seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of federally-assisted Program of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964".

8. If the acquisition of right-of-way for this project causes the displacement of any person, business or non-profit organization, the City will provide and be responsible for the Relocation Assistance Program and for all costs associated with the relocation assistance payments. The Department, upon request, will supply a list of service providers who have been prequalified to administer the Relocation Assistance Program. The City agrees to employ a service provider from the Department's prequalified list or advise the Department in writing that their in-house personnel have the knowledge, skills, & abilities to effectively manage the Relocation Assistance Program. The City agrees to comply with all applicable rules, regulations, statues, policies and procedures of both the United States and the State of Oklahoma and specifically The Uniform and Relocation Assistance and Real Property Acquisition Act, 49 CFR 24. The City agrees to create & seat a Relocation Assistance Program Appeals Board pursuant to 49 CFR Sec. 24.10 or submit a written request to the Department requesting that the Department function in such capacity on behalf of the City. Before any relocation assistance payments are made by the City, all files with parcels requiring relocation assistance shall be submitted to the Department for audit & compliance review by the Department. The Department shall be notified in writing within seven (7) days of the date of an offer to acquire being provided to a property owner(s) on any parcel which will require relocation assistance. Written notifications regarding service providers, in-house personnel, appeals, offers to acquire, ect. shall be addressed to Acquisition Branch, Right-of-Way & Utilities Division, Oklahoma Department of Transportation, 200 N.E. 21st Street, Oklahoma City, Oklahoma 73105.

IN CONSIDERATION of the grants and covenants by the City herein contained and the faithful performance thereof by the City, the City agrees to construct said project in accordance with said plans and specifications; provided that the right to review and approve and to make such changes in the plans and specifications as are necessary for the proper construction of said project is reserved to the Department.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, the City on the ___ day of _____, 20__, and the State on the ___ day of _____, 20__.

ATTEST:

CITY OF CLINTON

_____
City Clerk

_____
Mayor

REVIEWED AND APPROVED AS TO FORM AND LEGALITY

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

_____
Chief, Legal Division (ODOT)

_____
Director

RESOLUTION No. 810

WHEREAS, it appearing reasonable and necessary for the CITY OF CLINTON , CUSTER COUNTY, OKLAHOMA, to execute a Right-of-Way, Public Utility and Encroachment Agreement in connection with the construction of a public project known as STP-120B(070)UR J/P 19669(04), in accordance with the terms and tenor of 69 O.S. 2001, Sections 1205, 1206, 1401 and 1403.

NOW, THEREFORE, BE IT RESOLVED by the CITY OF CLINTON, CUSTER COUNTY, OKLAHOMA, sitting in regular session that such contract be entered and that a copy of same be hereto attached and made a part hereof by reference, all as provided by law.

ATTEST:

CITY CLERK

MAYOR