PUBLIC NOTICE OF A REGULAR MEETING
OF THE PUBLIC WORKS AUTHORITY
TUESDAY, SEPTEMBER 17, 2013 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer /Pledge Blake Mohling , First Church of the Nazarene
3. Consent Agenda:
    A. Consider approval of minutes for September 3, 2013
4. Action Items:
    A. Consider and Discuss the purchase or appraisal of real property including an Executive Session as authorized in 25 O.S. 307B(3)
5. Trustee Report
6. City Manager's Report
7. Audience Participation
8. Adjournment

Filed this 13th day of September, 2013. Posted on the bulletin board in the lobby of the Clinton City Hall on September 13, 2013 at 1:30 p.m.

_____

Not recorded

MINUTES OF CLINTON PUBLIC WORKS AUTHORITY MEETING SEPTEMBER 3, 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 Tuesday, September 3, 2013 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 August 29, 2013

Chairman Seth Adams called the meeting to order with the following present;

MAYOR: Seth Adams
COUNCIL: Don Rodolph, Lucas Martinez, Wheeler Lowry, Jason Hulin
CITY CLERK: Lisa Anders
CITY TREASURER: Debra Blanchard
DEPUTY CLERK: Absent
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Mike Smith and Gerald Green
OTHERS: David Crabtree, Jeromy Brush, Kris Wermy, Gene McCullough, Julie Menge , Amber Cox, Heather Waltrip, J.J. Thompson, Mary Helen Jones, Conan Wilson, Curtis Maloy and others.

Dan Day of the Ministerial Alliance opened the meeting with prayer and Trustee Lucas Martinez led the Pledge of Allegiance

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of August 20, 2013 and special meeting of August 19, 2013
B. Consider Claims

Moved by Trustee Hulin and second Trustee Lowry that Consent Agenda Item No. 3 (a) & (b) be approved.

Chairman put the motion to a roll call vote:

Aye: Hulin, Lowry, Martinez, Rodolph, Adams
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. ACKNOWLEDGE RECEIPT OF OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY PERMIT FOR THE CONSTRUCTION OF A POLYPHOSPHATE FEED SYSTEM TO SERVE THE CITY OF CLINTON

City Manager Steve Hewitt reported that the permit from DEQ had been received. He said the system would help alleviate the sediment issues and now the City can move forward with the implementation of the system. He said the installation should be done within 30 days.

Public Works Director Stephen Jones said the pump station is located on Broadway.

City Manager Steve Hewitt said the iron build up is a common problem and that once the system is installed that staff would be trained.

Trustee Wheeler asked if this would affect the whole town.

City Manager Steve Hewitt said it would affect the whole community.

Motion was made by Trustee Hulin and seconded by Trustee Lowry to acknowledge receipt of the Oklahoma Department of Environmental Quality permit for the construction of a polyphosphate feed system to serve the City of Clinton.

Chairman put the motion to a roll call vote:

Aye: Hulin, Lowry, Rodolph, Martinez, Adams
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO. 5 TRUSTEE REPORT

Trustee Rodolph noted that the claims list contains a claim to Foss Master Conservancy District for the overages for the previous month at a rate of $124,177.00.

AGENDA ITEM NO. 6: MANAGER'S REPORT

City Manager Steve Hewitt reported that he has a meeting with the Department of Environmental Quality and the Oklahoma Water Resource Board next Friday to discuss the initial plans for a water treatment plant. He said that work is continuing on the mapping program.

AGENDA ITEM NO. 7: AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 8: ADJOURNMENT

Moved by Trustee Hulin and seconded by Trustee Martinez to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Hulin, Martinez, Lowry, Rodolph, and Adams
Nay: None

Chairman declared the meeting adjourned at 5:40 p.m.

PUBLIC NOTICE OF A REGULAR MEETING
OF THE INDUSTRIAL AUTHORITY
TUESDAY, SEPTEMBER 17, 2013 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer /Pledge Blake Mohling , First Church of the Nazarene
3. Consent Agenda
    A. Consider Approval of Minutes on September 3, 2013
4. Action Items:
    A. Request authorization for asphalt for Parking Area at Fire Station
5. Trustee's Report
6. City Manager's Report
7. Audience Participation
8. Adjournment

Filed this 13th day of September, 2013. Posted on the bulletin board in the lobby of the Clinton City Hall on September 13, 2013 at 1:30 p.m.

_____

Not recorded

MINUTES OF INDUSTRIAL AUTHORITY MEETING
SEPTEMBER 3, 2013

Minutes of the regular meeting of the Chairman and Trustees of the Clinton Industrial Authority City of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, September 3, 2013, 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 August 29, 2013.

Chairman Seth Adams called the meeting to order with the following present;

MAYOR: Seth Adams
COUNCIL: Don Rodolph, Lucas Martinez, Wheeler Lowry, Jason Hulin
CITY CLERK: Lisa Anders
CITY TREASURER: Debra Blanchard
DEPUTY CLERK: Absent
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Mike Smith and Gerald Green
OTHERS: David Crabtree, Jeromy Brush, Kris Wermy, Gene McCullough, Julie Menge, Amber Cox, Stephen Jones, Heather Waltrip, J.J. Thompson, Mary Helen Jones, Curtis Maloy and others.

Dan Day of the Ministerial Alliance opened the meeting with prayer and Trustee Lucas Martinez led the Pledge of Allegiance

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of August 20, 2013
B. Claims

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

Chairman put the motion to a roll call vote:

Aye: Hulin, Lowry, Martinez, Rodolph, Adams
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. REQUEST AUTHORIZATION TO PURCHASE PROJECTORS FOR FRISCO CENTER

City Manager Steve Hewitt said the 2013-2014 budget included funds for updates to the infrastructure of the Frisco Center. He said that quotes had been obtained on replacement of the projector at the Frisco Center.

I.T.Manager Gene McCullough said the original plans for the Frisco Center called for two projectors in the Exhibit Room and only one was installed. He said it would be cost effective to replace one projector and add an additional project for the Exhibit Room. He said the existing projector would be relocated to the Council Chambers at City Hall. He said the existing projector will need some maintenance but the main issues with it is heat issues and it would not receive as much use at City Hall as it does at the Frisco Center.

Motion was made by Trustee Lowry and seconded by Trustee Hulin to authorize the purchase of projectors for the Frisco Center.

Chairman put the motion to a roll call vote:

Aye: Lowry, Hulin, Martinez, Rodolph, Adams
Nay: None

Chairman declared the motion carried.

4B. CONSIDER REQUEST FROM JUNIOR SERVICE LEAGUE TO EXTEND 10-YEAR WAIVER FOR USE OF FRISCO CENTER

City Manager Steve Hewitt said that during the construction of the Frisco Center, Junior Service League had made a donation in exchange for a 10 year waiver for the use of the facility. The 10 year waiver has been completed and now JSL is requesting that the waiver be extended for an additional 10 year period.

Motion was made by Trustee Hulin and seconded by Trustee Lowry to approve the request from Junior Service League to extend the 10-year waiver for use of the Frisco Center.

Chairman put the motion to a roll call vote:

Aye: Hulin, Lowry, Martinez, Rodolph, Adams
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO. 5 TRUSTEES REPORT

None

AGENDA ITEM NO. 6: CITY MANAGER'S REPORT

City Manager Steve Hewitt said the project would be utilized at City Hall. He said the plans are to put it in the hallway of City Hall to make it friendlier. He also reported that a smart board has been installed in the conference room.

AGENDA ITEM NO. 7: AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 8: ADJOURNMENT

Moved by Trustee Hulin and seconded by Trustee Martinez to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye, Hulin, Martinez Rodolph, Lowry, Adams
Nay: None

Chairman declared the meeting adjourned at 5:45pm.

Clinton
Hub City of Western Oklahoma

Agenda Commentary

Item Title/ Subject: Fire Station Parking Lot & Adjacent Streets

Staff Source: City Manager, Steve Hewitt

Date: Sept 13, 2013

Background/Subject Information:

Fire Station Parking Lot Asphalt was not part of the Contractors contract, City save money working directly with Local Company. Roads adjacent to the Fire Station were on our overlay plan; however we delayed to allow the new curb/gutter construction. Fire Station is near completion, Parking Lot needs installed and rather than wait until next spring for road improvements, the adjacent blocks/streets around the facility should be completed.

Parking Lot is within our Fire Station Construction Budget.

Streets Adjacent (Avant, Hayes, & 5th Street) are part of annual Capital Improvement Fund (Streets)

Circle S has supplied 2" and 1.5" pricing for street asphalt.

Recommendation:

Staff recommends approval of Parking Lot aggregate/3" asphalt. Staff recommends 1.5" asphalt cover over the adjacent streets. Base of the streets is strong; 1.5" improves quality and can support the traffic (including fire trucks).

Fire Station: $26,250

Streets: $18,704 (2" $25,704)

Price/Cost: Total $44,954.00

(see quotes)

300 E. Commerce Rd
P.O. Box 817
Clinton, OK 73601
Phone: 580-323-0514
Fax: 580-323-5681
E-Mail: circles@htswireless.com

CIRCLE S PAVING CO., INC.

Fax

To:	Randy	**From:**	Gary Perkins
Fax:	323-4372	**Pages:**	1
Phone:		**Date:**	5/27/2013
Re:	Clinton Fire Station Parking	**CC:**	
Pricing	3" of asphalt and 3" of aggregate base		

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

1444 Sq Yds of parking

[illegible] Crusher Run (laid)	250 tons	@ $35.00 per ton	$ 8,750.00
S4(64-22 Asphalt (laid)	250 tons	@ $70.00 per ton	$17,500.00
		Total	$26,250.00

Thanks
Gary Perkins

PHONE 580/323-0514
FAX 580/323-5681

P.O. BOX 817

CIRCLE S PAVING COMPANY, INC.

ASPHALT MATERIAL • ASPHALT PAVING
CLINTON, OKLAHOMA 73601

DATE: 7-3-13

NAME: City of Clinton

MAIL ADDRESS:

CITY: Clinton

PHONE:

CONTACT:

Streets Around New Fire Station

ESTIMATE:

MATERIAL: Type C Asphalt

DEPTH: 2"

NO. SQ. YARDS:

NO. TONS: 378 ea

AMT. PER SQ. YARD: $

AMT. PER TON: $ 68.00

TOTAL ASPHALT: $ 25704.00

ESTIMATE:

MATERIAL:

DEPTH:

NO. SQ. YARDS:

NO. TONS:

AMT. PER SQ. YARD: $

AMT. PER TON: $

TOTAL ASPHALT: $

CURB WORK:

LIN FEET:

AMT. PER FOOT: $

DIRT WORK: $

OTHER: $

TOTAL ESTIMATE: $

ESTIMATED START DATE:

SIGNED:

Avent 4th to 5th 960 yds

5th Avent to Hayes 1680 yds

Hayes 4th to 5th 800 yds

3440 yds 2" 378 Tons

DESCRIPTION: 1.5" cuts off $7,000.00

PUBLIC NOTICE OF A REGULAR MEETING
OF THE CITY COUNCIL
TUESDAY, SEPTEMBER 17, 2013 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer /Pledge Blake Mohling , First Church of the Nazarene
3. Consent Agenda
    A. Consider Approval of Minutes on September 3, 2013
4. Action Items:
    A. Consider Tennis Court Agreement with Clinton Public Schools
    B. Request Authorization for surrounding streets of Fire Station
    C. Consider Proclamation regarding “Meet the Blind Month”
5. Council Report
6. City Manager’s Report
7. Audience Participation
8. Adjournment

Filed this 13th day of September, 2013. Posted on the bulletin board in the lobby of the Clinton City Hall on September 13, 2013 at 1:30 p.m.

_____

Not recorded

MINUTES OF THE CLINTON CITY COUNCIL
SEPTEMBER 3, 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 Tuesday, September 3, 2013 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 Thursday, August 29, 2013.

Chairman Seth Adams called the meeting to order with the following present.

MAYOR: Seth Adams
COUNCIL: Don Rodolph, Lucas Martinez, Wheeler Lowry, Jason Hulin
CITY CLERK: Lisa Anders
CITY TREASURER: Debra Blanchard
DEPUTY CLERK: Absent
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Mike Smith and Gerald Green
OTHERS: David Crabtree, Jeromy Brush, Kris Wermy, Gene McCullough, Julie Menge, Amber Cox, Stephen Jones, Heather Waltrip, J.J. Thompson, Mary Helen Jones, Curtis Maloy and others.

Dan Day of the Ministerial Alliance opened the meeting with prayer and Trustee Lucas Martinez led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of August 20, 2013
B. Consider Claims

Moved by Councilman Lowry and second by Councilman Martinez that Consent Agenda Item No. 3 (a-b) be approved.

Mayor put the motion to a roll call vote:

Aye: Lowry, Martinez, Hulin, Rodolph, Adams
Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER REQUEST OF STREET CLOSING, PARADES AND PERMIT WAIVERS FOR 2013-2014

City Manager Steve Hewitt explained that the list of street closings, parades and permit waivers are compiled and presented to the Council for consideration annually.

Motion was made by Councilman Hulin and seconded by Councilman Lowry to approve the list of street closings, parades and permit waivers as presented.

Mayor put the motion to a roll call vote:

Aye:, Hulin, Lowry, Martinez, Rodolph, Adams
Nay: None

Mayor declared the motion carried.

B. CONSIDER ORDINANCE NO. 949 AMENDING THE DEFINITION OF OWNER IN 6-3-1 OF THE CLINTON CITY CODE AND AMENDING AND CLARIFYING THE PROHIBITED ACTS ASSOCIATED WITH NUISANCE CATS

City Manager Steve Hewitt said he had worked with the City Attorney regarding an ordinance for a feral cat program. He said the ordinance would allow the City to do its job and allow Ms. Cox to operation her program. He said the calls would be managed and contacts could be made regarding the cats being picked up or processed through the regular procedure.

Motion was made by Councilman Martinez and seconded by Councilman Hulin to approve Ordinance No. 949 regarding amending the definition of owner in 6-3-1 of the Clinton City Code and amending and clarifying the prohibited acts associated with nuisance cats.

Mayor put the motion to a roll call vote:

Aye: Martinez, Hulin, Rodolph, Lowry, Adams
Nay: None

Mayor declared the motion carried.

C.CONSIDER ORDINANCE NO. 950 AMENDING AND MODIFYING ORDINANCE NO. 821 REGARDING THE OKLAHOMA NATURAL GAS FRANCHISE

City Manager Steve Hewitt explained that the current agreement with Oklahoma Natural Gas is not written so that ONG can be in compliance. He said the changes to the agreement would require a municipal election so the adjustment could be made to the franchise agreement. He recommended moving forward with the election.

Motion was made by Councilman Lowry and seconded by Councilman Hulin to adopt Ordinance No. 950 amending and modifying Ordinance No. 821 regarding the Oklahoma Natural Gas Franchise.

Mayor put the motion to a roll call vote:

Aye: Lowry, Hulin, Rodolph, Martinez, Adams
Nay: None

Mayor declared the motion carried.

D.CONSIDER RESOLUTION NO. 820 REGARDING THE OKLAHOMA NATURAL GAS FRANCHISE

Motion was made by Councilman Rodolph and seconded by Councilman Hulin to approve Resolution No. 820 authorizing the Mayor to issue an election proclamation calling for a ballot item on the November 2013 General Election.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Hulin, Lowry, Martinez, Adams
Nay: None

Mayor declared the motion carried.

4E. CONSIDER ELECTION PROCLAMATION REGARDING OKLAHOMA NATURAL GAS FRANCHISE

Motion was made by Councilman Hulin and seconded by Councilman Lowry to approve the Election Proclamation regarding a municipal election in November 2013 regarding the Oklahoma Natural Gas Franchise agreement.

Mayor put the motion to a roll call vote:

Aye: Hulin, Lowry, Martinez, Rodolph, Adams
Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO 5.COUNCIL REPORT

Councilman Hulin reported that the railroad crossing at 13th / Dunn is very rough. He asked that Farmrail be notified before next year's street overlay project is organized.

AGENDA ITEM NO. 6: MANAGER'S REPORT

City Manager Steve Hewitt presented a preliminary plat prepared by Joe Ridley for the industrial park property. He said that Ridley would be at the next meeting and asked that Council members review the plat and can ask questions of Ridley at that time.

Councilman Rodolph asked how many tracts have already been sold.

City Manager Hewitt said that two tracts have already been sold and will remain unplatted. He said that he would enlarge the plat copy and e-mail them to Council members.

A. Municipal Swimming Pool Report

Kris Wermy reported that $22,000 had been collected at the municipal swimming pool for admission this summer. He said the general admissions average per day was 200. He reported that $9,000 was collected from swimming lessons, aerobics classes and other events. He said the cost of operations was $118,000.00 for the 2013 season and of that approximately $20,000 was due to the age of the pool.

Wermy said the pool had three pumps and each year one of the pumps is sent off for servicing. He said parts are no longer available for repairs to the pumps.

Kris Wermy reported that there are 777 active memberships at Acme Brick Park and there are an average of 775 vehicles that travel into the Acme facility per day.

City Manager Steve Hewitt introduced the news employee at Acme Brick Park, Becky Murphy. She reported on a new program she is working on. She said that next week she would have confirmation on a basketball camp scheduled for October 19th and 20th with the Thunder Basketball team. She said that 80

campers could attend.

AGENDA ITEM NO. 7 : AUDIENCE PARTICIPATION

Amber Cox expressed her appreciation to the Council regarding the feral cat ordinance and said she looks forward to working with the City.

AGENDA ITEM NO. 8: ADJOURNMENT

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

Mayor put the motion to a roll call vote:

Aye: Rodolph, Hulin, Lowry, Martinez, Adams
Nay: None

Mayor declared the meeting adjourned at 6:00 p.m.

ORDINANCE NO. 949

AN ORDINANCE AMENDING THE DEFINITION OF OWNER IN 6-3-1 OF THE CLINTON CITY CODE AND AMENDING AND CLARIFYING THE PROHBITED ACTS ASSOCIATED WITH NUISANCE CATS

WHEREAS, The City of Clinton has in place, Ordinances which regulate Animal Control.

WHEREAS, The City of Clinton has in place, Ordinances which regulate nuisance cats.

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

I. The definition of "OWNER" in 6-3-1 shall be amended to read as follows:

OWNER: Any person:

A. Possessing legal title to any animal, or
B. Possessing no legal title, who keeps or harbors the animal for more than 10 days.

II. 6-3B-4(A) shall be amended to read as follows:

A. Prohibited: It shall be unlawful for any person to knowingly harbor for more than 10 days, any cat which is a nuisance under this article.

PASSED AND DULY ADOPTED by the Council of the City of Clinton, Oklahoma this 3 day of September, 2013.

MAYOR

ATTEST:

CITY CLERK

(SEAL)

RESOLUTION NO. 820

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF CLINTON, OKLAHOMA, A MUNICIPAL CORPORATION, TO ISSUE AN ELECTION PROCLAMATION CALLING FOR A BALLOT ITEM ON THE NOVEMBER 2013 GENERAL ELECTION IN THE CITY OF CLINTON

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

That the City Council of the City of Clinton, Oklahoma, a municipal corporation, in open session at its regularly scheduled Council Meeting on the 3 day of September, 2013, hereby authorizes the Mayor of the City of Clinton, Oklahoma, to issue and sign a Proclamation calling for an Election on November 12, 2013, for the consideration of the following question:

SHALL ORDINANCE NO. 950, AMENDING AND MODIFYING THE PREVIOUS GRANT BY ORDINANCE NO. 821 OF A FRANCHISE TO OKLAHOMA NATURAL GAS COMPANY, BE APPROVED?

PASSED, APPROVED AND ADOPTED this 3 day of September, 2013.

Mayor

(SEAL)

ATTEST:

Lisa Anders
City Clerk

APPROVED AS TO FORM AND LEGALITY
THIS 3 DAY OF September, 2013

City Attorney

{1168959;}

ORDINANCE NO. 950

AN ORDINANCE AMENDING AND MODIFYING ORDINANCE NO. 821, PROVIDING FOR AN AMENDMENT OF THE FRANCHISE GRANTED BY THE CITY OF CLINTON, OKLAHOMA TO OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONEOK, INC., TO ALLOW THE CITY OF CLINTON DISCRETION IN THE COLLECTION OF VOLUMETRIC RATE FEES FOR TRANSPORT GAS CUSTOMERS, AND PROVIDING ADDITIONAL AMENDMENTS TO IMPLEMENT SUCH AMENDMENT; DEFINING THE WORDS AND PHRASES THEREIN; PROVIDING FOR THE RETROACTIVE APPLICATION OF THIS AMENDMENT; PROVIDING FOR THE SEVERABILITY OF PROVISIONS; PROVIDING FOR THE SUBMISSION OF THIS ORDINANCE TO AN ELECTION OF THE QUALIFIED ELECTORS OF THE CITY; AND PROVIDING FOR AN ACCEPTANCE OF SUCH AMENDMENT BY OKLAHOMA NATURAL GAS COMPANY, AND AN OPERATIVE DATE THEREOF.

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

SECTION 1. DEFINITIONS

As used in this ordinance, the capitalized words and phrases shall have the same meanings as set forth in Ordinance No. 821, passed and approved on June 14, 1999 and subsequently approved by the electors of the City of Clinton, Oklahoma, except as expressly amended hereby.

SECTION 2. AMENDMENT OF FRANCHISE GRANT

The grant to the Grantee by the Grantor of the Franchise represented by Ordinance No. 821 is hereby amended and modified in the following particulars:

A. Section 1 of Ordinance No. 821 is hereby amended, to replace the specified definitions set forth in the subsections identified below with the following definitions:

L. "Settlement Prices" shall mean the settlement prices for natural gas futures contracts traded on the New York Mercantile Exchange (NYMEX), or any successor

exchange or index, on the 15th day of each month as published daily in *The Wall Street Journal* (or a similar national publication in which such prices are regularly published) on the following business day or the next day in which a Settlement Price is published for each month of the twelve-month period immediately following.

N. "Volumetric Rate" shall mean Three Percent (3%) of the Calculated Value of Transport Gas as determined by Grantee in accordance with the provisions of this definition. The Volumetric Rate Calculation Form incorporated herein as Exhibit "A" shall be used for the calculation of the Volumetric Rate; provided, that if the Grantor enacts an ordinance as described in Section 3.B.2., the three percent (3%) multiplier labeled "3% Bundled Franchise Fee Rate" set forth on "Exhibit A" shall be completed by Grantee and filed with the City Clerk of the City annually by each July following Grantee's acceptance of this franchise. The calculation filed by Grantee on July 31 in each year following the year of acceptance of this franchise shall be effective on January 1 of the next succeeding calendar year through and including December 31 of such calendar year. The calculation shall be subject to review by the City for mathematical correctness, and the City shall notify Grantee in writing within forty-five (45) calendar days after submission if the City deems such calculation to be incorrect. The volumetric rate calculation shall be based on the average of the average Settlement Prices for the twelve-month period beginning in July of the immediately preceding year and ending in June immediately preceding the July 31 calculation. The average Settlement Prices for each month during said twelve-month period shall be calculated by adding the Settlement Prices for such month and the previous eleven (11) months as published and dividing by twelve. The average Settlement Prices for each of the twelve months shall then be summed and divided by twelve to determine the average of the average Settlement Prices, and the quotient shall then be multiplied by three percent (3%) to obtain the Volumetric Rate; provided, in the event the then-current average of the average Settlement Prices, as calculated above and entered on the Volumetric Rate Calculation Form attached as Exhibit A (see line designated on Exhibit "A" as "settlement price average"), exceeds the Index price for ONEOK Gas Transportation,

L.L.C., that is listed in the issue of Platt's "Inside FERC's Gas Market Report" published on the first business day of the respective month ("Platt's Index price"), then the Platt's Index price shall be used to calculate the Volumetric Rate for that delivery month in lieu of the average of the average Settlement Prices entered on the Volumetric Rate Calculation Form (Exhibit "A") (*i.e.*, for that respective delivery month, the Volumetric Rate shall be determined by taking the Platt's Index price and multiplying that price by 3% or the then applicable increased percentage determined in the same manner set out in Subsection 11.A(2) of this franchise).

Attached to this ordinance as "Exhibit 'A'" is the Volumetric Rate Calculation Form referred to herein, which shall be deemed to be appended to Ordinance No. 821 as amended by this ordinance.

B. Section 1 of Ordinance No. 821 is hereby further amended to add the following definitions:

O. "Calculated Value" shall mean the total Transport Gas measured in Dekatherms (Dth), delivered to a Transport Gas Consumer for a billing period, multiplied by the Settlement Price to arrive at the value of the Transport Gas transported by Grantee for that Transport Gas Consumer.

P. "Dekatherm" or "Dth" shall mean a measurement of natural gas equal to 1,000,000 British Thermal Units ("BTU"), or 1 MMBTU, on a dry basis. BTU shall be computed on a temperature base of 60 degrees Fahrenheit and a pressure base of 14.73 PSIA.

Q. "Transport Gas Consumer" shall mean a Consumer which uses Transport Gas.

R. "Volumetric Rate Fee" or "Volumetric Rate Fees" shall mean the fee or fees based on the Volumetric Rate to be collected and remitted to the City by Grantee as required by Section 11.A(2) of this franchise upon the enactment of an ordinance as described in Section 3.B.2.

C. Section 3.B.1. of Ordinance No. 821 is repealed retroactively.

D. Section 3.B.2. of Ordinance No. 821 is replaced by the following:

After the operative date of this ordinance, Grantor shall have the elective right, by enacting a separate ordinance, to require compensation to be paid to Grantor by Transport Gas Consumers and other parties using Grantee's Distribution System for the Distribution of Transport Gas. If such separate ordinance is enacted, then Grantee agrees to act as agent for Grantor to collect such sums for Grantor and to submit such payments in the manner provided in Section 11.

E. Section 11.A(2) of Ordinance No. 821 is replaced by the following:

(2) In the event that Grantor, pursuant to Section 3.B.2. of this ordinance, requires Transport Gas Consumers or other parties using Grantee's Distribution System for the Distribution of Transport Gas to pay compensation to Grantor for use of the public ways in connection the sale, transportation or distribution of Transport Gas, said compensation shall be calculated as a Volumetric Rate Fee for such Transport Gas, which shall be the amount equal to the then current Volumetric Rate multiplied by the number of Dth of Transport Gas reported or distributed through Grantee's facilities within the corporate city limits of the City by grantee or by any third-party to transport customers for consumption within the city. Grantee will in that event collect such Volumetric Rate Fees from Transport Gas Consumers and remit the same to Grantor.

F. Section 11 of Ordinance No. 821 is further amended to add the following Subsection 11.F.:

F. The Mayor or his designee may waive the Volumetric Rate Fee or any part thereof due from a Transport Gas Consumer, but such waiver shall only be granted if:

(1) The Transport Gas Consumer could otherwise obtain its energy needs from another source that would not be subject to the fees imposed in Subsection 11.A(2) above and sufficient evidence is produced by the Consumer so as to substantiate such alternative source; and

(2) Such alternative source, including all other fees, would be less than the cost of utilizing Grantee to furnish and transport the gas or transport alone, as the case may be.

SECTION 3. RETROACTIVE APPLICATION OF AMENDMENT

This ordinance and the amendments of Ordinance No. 821 described in Section 2 herein shall be retroactive and shall apply to all Transport Gas Consumers that fell under the auspices of Ordinance No. 821, in order to ensure the fair and uniform application thereof.

SECTION 4. SEVERABILITY

If any clause, sentence, or section of this ordinance shall be held to be invalid, it shall be severed herefrom and shall not affect the remaining portions of this ordinance.

SECTION 5. ELECTION REQUIRED

This ordinance shall not become effective until it shall be approved by a majority of the qualified electors voting thereon residing within the corporate limits of the City of Clinton at an election called for that purpose, and a special election is hereby called for the purpose of submitting to the qualified electors residing in said City of Clinton, the question of approval or disapproval of this ordinance, which election shall be held on November 12, 2013, between the hours prescribed by law. The Mayor of the City of Clinton is hereby authorized and directed to issue a proper and lawful call and proclamation of such special election to be held on such date as aforesaid for said purposes, and the executive officers of the City of Clinton are hereby directed to give due and lawful notice of such election and submission of said question to the electors of the City of Clinton, prescribing in said proclamation and notice of the proposition to be voted upon, the time of opening and closing the polls, the number and location of the polling places and the names of the precinct election officers who shall conduct said election, and all other things prescribed by law, or the ordinances of the City of Clinton, Oklahoma.

SECTION 6. ACCEPTANCE AND EFFECTIVE DATE

In the event this ordinance is approved by a majority vote of said electors voting thereon at said election, the Grantee shall file with the City Clerk of the City of Clinton, within ten (10) days after the official canvass of the votes and declaration by the City Commission of the results thereof, a written acceptance hereof. This ordinance shall become operative on the date of filing of such acceptance.

PASSED and approved this 3 day of September, 2013.

Mayor

ATTEST:

City Clerk

APPROVED:

City Attorney

Clinton
Hub City of Western Oklahoma

Agenda Commentary

Item Title/ Subject: Tennis Court Agreement

Staff Source: City Manager, Steve Hewitt

Date: Sept 13, 2013

Background/Subject Information:

Tennis Courts were built in the 1970's under the Water Conservation Grant. This was a partnership between the School and the City of Clinton. School owned the land and City applied for the grant with an agreement between both parties. This has been an ongoing 10 year contract since the initial construction.

The agreement has expired this past June 30th. This returns all control of the courts back to the possession of the school. However, after multiple conversations with the Superintendent, we both believe the partnership should continue with some minor adjustments.

The courts are aging and need some repairs that will be costly. Some of you may recall I recommended some improvements in the spring of 2012; however some Councilmembers expressed concerns with the contractor and a previous improvement project. Those dollars were then spent in other park areas of need. Knowing the contract was expiring, staff again budgeted some dollars for needed repairs (two courts are not fit for competitive play due to deterioration). Staff sees a partnership that would share improvements equally.

Agreement increases the Schools payments up to $500 (from $200). City will do regular maintenance and school district will keep are clean and orderly. City will continue to pay utilities for lights. The biggest adjustment is the capital improvement. School and City would split capital costs. City currently has $20,000 budgeted for improvements. We have estimates nearly $40,000 to repair the current issues.

Recommendation:

Staff recommends approval of new contract. School Board approved this contract at their last Board Meeting.

Price/Cost: Continued annual maintenance costs, capital pending approval each fiscal year.

RIGHT OF USE CONTRACT

THIS CONTRACT made and entered into this ___ day of _____, 20___ by and between BOARD OF EDUCATION OF INDEPENDENT SCHOOL DISTRICT NO. 99 OF CUSTER COUNTY, OKLAHOMA ("School District"), a municipal corporation, party of the first part, and CITY OF CLINTON, OKLAHOMA, ("City") a municipal corporation, party of the second part, is as follows:

School District hereby grants to City the right to use the following described property:

> Beginning at the point where the North boundary line of the Southwest Quarter of Section 22, Township 12 North, Range 17, W.I.M., Custer County, Oklahoma, intersects the East boundary line of Gary Freeway, Clinton, Oklahoma, thence North along said East boundary line of said Gary Freeway 175 feet, thence East 300 feet, thence South 175 feet, more or less, to said North boundary line of said Southwest Quarter, thence West along said North boundary line 300 feet more or less, to the point of beginning.

for a period of ten (10) years from this date, for maintenance, and use of tennis courts, together with landscaping and spectator installations in connection therewith. Siad tennis courts will have a chain link fence with gates around said courts and electric lights. It is further agreed that in consideration for the granting of the right to use said property as hereinabove set forth by School District and City, that said courts shall be available for the use of all students in said Independent School District No. 9 as well as for all patrons of said School District and all the citizens of said City, subject only to reasonable regulations imposed on such use by the parties hereto.

It is further agreed that School District will remove debris and keep said premises neat and orderly, that City will pay for all regular maintenance of said courts and installations except that School District will contribute Five Hundred Dollars ($500.00) as needed each fiscal year for such maintenance for a period of ten (10) years commencing on July 1, 2013.

All improvements on the above described real estate shall become the property of School District upon the expiration of this lease unless the parties mutually agree upon an extension of such right to use.

Parties agree to split any Board approved capital improvement costs 50/50. Including but not limited to: court overlay, fence replacement and landscaping.

City shall be responsible for utility costs at the subject property, as currently constructed.

NOW, THEREFORE, it is agreed by and between the undersigned for a good and valuable consideration, that all the terms and provisions of this Right to Use Contract by and between the parties, dated this ___ day of _____, 20___, shall cover the heretofore described additional

property which School District has granted City the right to use until July 1, 2023, for the maintenance and use of tennis courts.

The undersigned President and Secretary of the first party hereby warrant and certify that they have been authorized to execute this instrument by said BOARD OF EDUCATION and the undersigned Mayor and Clerk of the second party warrant and certify that they have been authorized by the governing body of the second part to execute this agreement.

BOARD OF EDUCATION OF
INDEPENDENT SCHOOL DISTRICT
OF CUSTER COUNTY, OKLAHOMA

By: _____
Its President

(Seal)

ATTEST:

By: _____
Its Secretary

CITY OF CLINTON, OKLAHOMA

By: _____
Its Mayor

(Seal)

ATTEST:

By: _____
Its Clerk

MEET THE BLIND MONTH PROCLAMATION

NATIONAL FEDERATION OF THE BLIND MEET THE BLIND MONTH

WHEREAS, the National Federation of the Blind (NFB) was founded in 1940 to end discrimination against the blind and to secure first-class citizenship for all blind persons; and

WHEREAS, today the Federation, representing more than fifty thousand members across the country, continues to work to secure equal rights and opportunities for the blind; and

WHEREAS, the NFB works to change attitudes about blindness by providing information about blindness to parents, teachers, school administrators, and business, political, social and civic leaders; and

WHEREAS, since blind people and blindness are still frequently misunderstood, the National Federation of the Blind has developed a public education campaign, Meet the Blind Month, to create opportunities for the people of Oklahoma to learn firsthand that blind people are basically like everyone else; and

WHEREAS, the Oklahoma affiliate of the National Federation of the Blind, now invites neighbors, coworkers, and classmates to join them at various Meet the Blind events throughout the month of October to learn how blind people lead full and active lives.

NOW, THEREFORE, I, Seth Adams, Mayor of the City of Clinton, Oklahoma, do hereby proclaim the month of October 2013 as: National Federation of the Blind MEET THE BLIND MONTH and urge all citizens of the City of Clinton and surrounding areas to accept this invitation to meets members of the National Federation of the Blind, the voice of the nation's blind.

Signed and Sealed this 17th day of September, 2013.

_____

Seth Adams, Mayor of City of Clinton, OK

ATTEST:

_____

Lisa Anders, City Clerk