# PUBLIC NOTICE OF A REGULAR MEETING
# OF THE PUBLIC WORKS AUTHORITY
# TUESDAY, NOVEMBER 19, 2013 AT 5:30 PM
# CLINTON CITY HALL

## AGENDA

Meeting status: Completed

1. Call to Order

2. Opening Prayer /Pledge Jeff McDowell, First Christian Church

3. Consent Agenda:

    A. Consider approval of minutes for November 5, 2013

4. Action Items:

    A. Discussion with Legal Counsel regarding pending litigation regarding Wastewater Treatment Plant damages with Superior Construction including an Executive Session as authorized by 25 O.S. ss 307B(4)

5. Trustee Report

6. City Manager's Report

7. Audience Participation

8. Adjournment

Filed this 15th day of November, 2013. Posted on the bulletin board in the lobby of the Clinton City Hall on November 15, 2013 at 1:30 p.m.

# MINUTES OF CLINTON PUBLIC WORKS AUTHORITY MEETING
# NOVEMBER 5, 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, November 5, 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 November 1, 2013

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

**MAYOR**: Seth Adams
**COUNCIL**: Don Rodolph, Wheeler Lowry, Jason Hulin, Lucas Martinez
**CITY CLERK**: Lisa Anders
**CITY TREASURER**: Debra Blanchard
**DEPUTY CLERK**: Rhonda Williams
**CITY ATTORNEY**: Ryan Meacham
**NEWS MEDIA**: Mike Smith and Gerald Green
**OTHERS**: David Crabtree, Randy Carpenter, Jeromy Brush, Kris Wermy, Gene McCullough, Julie Menge, Curtis Maloy, Danny George, Stephen Jones, and others.

Fire Chief Randy Carpenter opened the meeting with prayer and Trustee Wheeler Lowry led the Pledge of Allegiance.

## AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of October 15, 2013
B. Consider Claims

Moved by Trustee Martinez 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: Martinez, Hulin, Lowry, 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 WATER LINE TO SERVE LAQUINTA INN AND OTHER FUTURE DEVELOPMENTS

City Manager Steve Hewitt explained that the Oklahoma Department of Environmental Quality permit for the waterline to serve LaQuinta Inn and other future developments has been received by the Public Works Authority.

Motion was made by Trustee Lowry and seconded by Trustee Hulin to acknowledge receipt of the waterline permit for LaQuinta Inn and future developments.

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

**AGENDA ITEM NO. 5 TRUSTEE REPORT**

Trustee Hulin asked where we are on the process regarding "ice picking".

City Manager Steve Hewitt said he has scheduled for a company to make a presentation at the next meeting and schedule it for the next month.

City Manager Hewitt said the phosphate injection project would start next week.

**AGENDA ITEM NO. 6: MANAGER'S REPORT**

City Manager Hewitt reported that the water probe test well at the golf course has begun. He said there were some diagnostic problems to resolve and they will be back on November 11th and November 12th to continue.

**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.

Chairman put the motion to a roll call vote:

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

Chairman declared the meeting adjourned at 5:50 p.m.

# PUBLIC NOTICE OF A REGULAR MEETING
# OF THE INDUSTRIAL AUTHORITY
# TUESDAY, NOVEMBER 19, 2013 AT 5:30 PM
# CLINTON CITY HALL

## AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer /Pledge Jeff McDowell, First Christian Church
3. Consent Agenda
    A. Consider Approval of Minutes on November 5, 2013
4. Action Items:
    A. Consider bids on Robinson Addition Roadway
    B. Consider Change Order #2 with Mega Contractors for Fire Station
    C. Consider Final Plat for Commerce Industrial Center
5. Trustee's Report
6. City Manager's Report
7. Audience Participation
8. Adjournment

Filed this15th day of November, 2013. Posted on the bulletin board in the lobby of the Clinton City Hall on November 15, 2013 at 1:30 p.m.

# MINUTES OF INDUSTRIAL AUTHORITY MEETING
# OCTOBER 15, 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, October 15, 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 October 11, 2013.

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

**MAYOR**: Seth Adams
**COUNCIL**: Don Rodolph, Wheeler Lowry, Jason Hulin
**ABSENT:** Lucas Martinez
**CITY CLERK**: Lisa Anders
**CITY TREASURER**: Debra Blanchard
**DEPUTY CLERK**: Rhonda Williams
**CITY ATTORNEY**: Ryan Meacham
**NEWS MEDIA**: Jarod Atha and Gerald Green
**OTHERS**: David Crabtree, Jeromy Brush, Kris Wermy, Gene McCullough, Julie Menge, Stephen Jones, Randy Carpenter, Conan Wilson, Curtis Maloy, Mustafa Sami and others.

Dan Day of the Ministerial Alliance opened the meeting with prayer and Trustee Wheeler Lowry led the Pledge of Allegiance

## AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of October 1, 2013

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

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

## AGENDA ITEM NO. 4 ACTION ITEMS

## 4A. CONSIDER AGREEMENT REGARDING CHAPMAN ROAD SUPPLEMENTAL AND MODIFICATION AGREEMENT NO. ONE WITH OKLAHOMA DEPARTMENT OF TRANSPORTATION

City Manager Steve Hewitt explained that typically this agenda item would be on the City Council agenda but the staff recommends covering the overage of $250,000.00 for Chapman Avenue from 28th Street extending east to Neptune Road from the Economic Development Fund. He said this is an appropriate project for funding from the Economic Development Fund.

Motion was made by Trustee Rodolph and seconded by Trustee Hulin to approve covering the overage for Chapman Road from the Economic Development Fund.

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

## AGENDA ITEM NO. 5 TRUSTEES REPORT

None

## AGENDA ITEM NO. 6: CITY MANAGER'S REPORT

None

## AGENDA ITEM NO. 7: AUDIENCE PARTICIPATION

None

## AGENDA ITEM NO. 8: ADJOURNMENT

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

Mayor put the motion to a roll call vote:

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

Chairman declared the meeting adjourned at 5:50pm.

# SOLICITATION FOR BIDS

**Separate Sealed Proposal will be received by the Clinton Industrial Authority at the location of:**

Clinton City Hall
415 Gary Blvd.
Clinton, OK 73601

**The bid will be held on November 19th, 2013, at 5:00 P.M. for the Bid Packages listed below for furnishing labor and materials for the:**

## Robinson Addition –Roadway

Said bids will be received at the Clinton City Hall. Bids received more than ninety-six (96) hours, excluding Saturdays, Sundays, and holidays, before the time set for opening bids, as well as bids received after the time set for opening bids, will not be considered and will be returned unopened.

Contract Documents will be on file at the offices of Ridley Engineering Group, LLC, Southwest Construction News OKC, and Bid News OKC. Bidders may obtain complete sets of drawings and specifications by applying to the office of:

Ridley Engineering Group, LLC
114 N. Custer
P.O. Box 2147
Weatherford, OK 73096
580-695-0118
joe@ridleyllc.com

**A cashiers check, certified check, or surety bond in the amount of (5%) of the bid shall accompany the submitted proposal of each bidder. The owner reserves the right to reject any or all bids.**

Clinton
Hub City of Western Oklahoma

# *Agenda Commentary*

**Item Title/ Subject:** Change Order 2 Fire Station

**Staff Source:** City Manager, Steve Hewitt

**Date:** Nov. 15, 2013

**Background/Subject Information:**

See Change Order... Discussed Months ago with Architects and Contractor. These items needed to be addressed with the plumbing & electrical change of location for air compressor for packs and trucks. Also, drain needed to be required for an Emergency eye wash. This work was performed and was required.

In addition, weather days were allotted by the Architect on the contract changing the substantial completion date back to August 2nd, 2013.

**Recommendation:**

Staff and Architects support and items were needed/required have been completed, retroactive approval is required.

Note: Building Substantial Completion is determined by Architects. Penalties will be assets to the contractor after Substantial Completion has been determined.

**Price/Cost: $10,046.70**

# AIA® Document G701™ – 2001

## Change Order

| | | |
|---|---|---|
| **PROJECT** *(Name and address)*:<br>City of Clinton Fire Station<br>212 S. Fourth Street<br>Clinton, OK 73601 | **CHANGE ORDER NUMBER:** 002<br>**DATE:** July 9, 2013 | OWNER: ☐<br>ARCHITECT: ☐<br>CONTRACTOR: ☐ |
| **TO CONTRACTOR** *(Name and address)*:<br>Mega Contractors Inc.<br>914 N. Sylvania Ave.<br>Fort Worth, TX 76111 | **ARCHITECT'S PROJECT NUMBER:** 11105.000<br>**CONTRACT DATE:** July 16, 2012<br>**CONTRACT FOR:** General Construction | FIELD: ☐<br>OTHER: ☐ |

**THE CONTRACT IS CHANGED AS FOLLOWS:**
*(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)*

Change Order Request 4: Emergency eye wash Room 111 and add floor drain to Room 111 (Laundry): $5,359.50

Change Order Request 5: Relocate the air compressor and air dryer from Room 201 Mezzanine to Room 130 (Wash Bay Equipment Room): $4,687.20

Add ten days to the Contract Date for Change Order Requests 4 and 5.
Add three days to the Contract Date for weather days in March 2013, and add nine days to Contract Date for weather days in April 2013 without cost impact to the Contract.

| | | |
|---|---|---|
| The original Contract Sum was | $ | 3,451,628.00 |
| The net change by previously authorized Change Orders | $ | 962.70 |
| The Contract Sum prior to this Change Order was | $ | 3,452,590.70 |
| The Contract Sum will be increased by this Change Order in the amount of | $ | 10,046.70 |
| The new Contract Sum including this Change Order will be | $ | 3,462,637.40 |

The Contract Time will be increased by twenty-two (22) days.
The date of Substantial Completion as of the date of this Change Order therefore is August 2, 2013.

**NOTE:** This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.**

| | | |
|---|---|---|
| GLMV Architecture, Inc.<br>**ARCHITECT** *(Firm name)* | Mega Contractors Inc.<br>**CONTRACTOR** *(Firm name)* | City of Clinton, Oklahoma<br>**OWNER** *(Firm name)* |
| 1525 E. Douglas<br>Wichita, KS 67211<br>**ADDRESS** | 914 N. Sylvania Avenue<br>Fort Worth, TX 76111<br>**ADDRESS** | City Hall, 415 W. Gary Boulevard<br>Clinton, OK 73601<br>**ADDRESS** |
| **BY** *(Signature)* | **BY** *(Signature)* | **BY** *(Signature)* |
| Jeffrey W. Weiford, AIA, LEED AP BD+C<br>*(Typed name)* | R. D. Hagan Pres.<br>*(Typed name)* | Steve Hewitt<br>*(Typed name)* |
| July 9, 2013<br>**DATE** | 10-31-2013<br>**DATE** | **DATE** |

Accepted for Pay Purposes only. Time is Disputed
10/31/2013

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User Notes:
(1815566918)

# CHANGE ORDER

April 12, 2013
March 29, 2013

GLMV Architecture
1525 E. Douglas
Wichita Kansas 67211

Ref: Clinton Fire Station
212 S. 4th St.
Clinton, Ok. 73601

Mike Morris
Steve Hewitt

Ref: Change Order Request No. 4

| | | |
|---|---|---|
| Electrical | $ ~~812.50~~ | 12.50 |
| Plumbing | 4,950.00 | |
| 8% Oh/P | ~~461.00~~ | 397.00 |
| 2.5% Bond | ~~155.59~~ | ~~124.24~~ |
| | | 5,359.50 |
| Total | $ ~~6,379.09~~ | ~~5,483.50~~ |

Change Order Request No. 5

| | |
|---|---|
| Electrical | $ 4,340.00 |
| 8 % OH/P | 347.20 |
| 2.5 % Bond | ~~117.18~~ |
| Total | $ ~~4,804.38~~ 4,687.20 |

Add 10 days for performance

BJ Goode

Estimator

GLMVArchitecture

# Transmittal Letter

Date: July 9, 2013

To: Mr. Richard Hogan, Sr.
President
Mega Contractors, Inc.
914 N. Sylvana Avenue
Fort Worth, TX 76111-2431

Project: City of Clinton
Fire Station
212 S. Fourth Street
Clinton, Oklahoma

We Transmit:

_x_ herewith ____ under seporate cover

via: mail

For Your:

____ approval ____ use ____ review & comment ____ information

____ record _x_ distribution _x_ signature

| Copies | Date | Description |
|---|---|---|
| 3 | 7-9-13 | Change Order 002 |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Remarks:

Please sign, date, and return all three copies to our attention. We will forward to the City of Clinton for their signature. Once fully executed, you will receive a final copy.

Copies to:

11105.000/4.4/RJS
11105.000/1.6

| With Enclosures Yes | No |
|---|---|
| x | |
| | x |
| | |
| | |
| | |
| | |

If enclosures are not as noted, please inform us immediately.

By: Jeffrey W. Weiford, AIA, LEED AP BD+C
Vice President

JWW/bb

1525 E Douglas · Wichita, KS 67211 · T (316) 265-9367 · F (316) 265-5646 · architects@glmv.com · www.glmv.com

# FINAL PLAT
## OF
# COMMERCE INDUSTRIAL CENTER

### A PART OF THE NW 1/4 OF SEC. 34 T-12-N, R-17-W, I.M. CUSTER COUNTY, OKLAHOMA

KNOW ALL MEN BY THESE PRESENTS:

[illegible]

In witness whereof the undersigned has caused this instrument to be executed on the ___ day of __________ 2013

_______________
Chairman

STATE OF OKLAHOMA )
) SS
COUNTY OF CUSTER )

[illegible]

My Commission Expires __________ Notary Public __________

BONDED ABSTRACTOR'S CERTIFICATE

[illegible]

ATTEST

[illegible] ___ day of __________ 2013

By __________

Custer County Abstract
[illegible]

STATE OF OKLAHOMA )
) SS
COUNTY OF CUSTER )

[illegible]

My Commission Expires __________ Notary Public __________

REGISTERED PROFESSIONAL LAND SURVEYOR'S CERTIFICATE

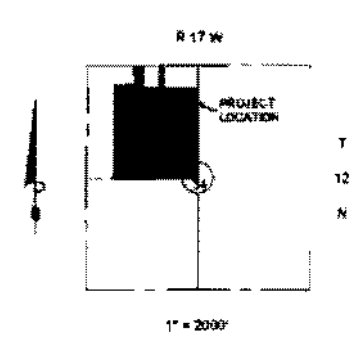
[illegible]

Darrell McCarther __________ Professional Land Surveyor [illegible]

STATE OF OKLAHOMA )
) SS
COUNTY OF CUSTER )

[illegible]

My Commission Expires __________ Notary Public __________




COMMERCE INDUSTRIAL CENTER
BOUNDARY DESCRIPTION

A tract of land lying in the Northwest Quarter (NW1/4) of Section 34, Township 12 North, Range 17 West of the Indian Meridian, Custer County, Oklahoma, described by metes and bounds as follows:

Beginning at a point 800.00 feet West of the Northeast Corner of said NW1/4, said point being on the North line of said NW1/4, thence S 0°25'20" W a distance of 550.00 feet; thence S 89°31'11" E a distance of 800 feet to a point on the East line of said NW1/4, thence S 0°25'20" W along said East line a distance of 2105.11 feet to a point on the South line of said NW1/4, thence N 89°35'31" W along said South line a distance of 1977.01 feet; thence N 0°12'29" E a distance of 2190.94 feet, thence
S 89°31'11" E a distance of 466.59 feet, thence N 0°12'30" E a distance of 466.89 feet to a point on the North line of said NW1/4, thence S 89°31'11" E along said North line a distance of 204.25 feet, thence S 0°25'20" W a distance of 550.00 feet, thence S 89°31'11" E a distance of 396.00 feet, thence
N 0°25'20" E a distance of 550.00 feet to a point on said North line, thence S 89°31'11" E along said North line a distance of 100.00 feet to the point of beginning, containing 100.55 acres, more or less

COUNTY TREASURER'S CERTIFICATE

[illegible]

[illegible] ___ day of __________ 2013

County Treasurer __________

REGISTERED PROFESSIONAL ENGINEER'S CERTIFICATE

[illegible] has been designed in accordance with State and Local Laws and Regulations.

Witness my hand and seal this ___ day of ______, 2013

_______________
Joseph [illegible] Ridley, Professional Engineer #19123


Surveyor
Darrell McCarther
Certificate of Authorization is 1466, Expires 6-30-14
1113 Blackstone, Clinton, OK 73601
Phone Number: 580-323-0018
Email Address: big_mac18@sbcglobal.net



Final Plat of - Commerce Industrial Center
Joe Ridley
P.E. 19123 Exp. 11-30-14
CA 6565, Exp. 6-30-15
P.O. Box 2147
Weatherford, Oklahoma 73096
Phone 580-695-0116
e-mail joeridley2@sbcglobal.net


Sheet 1 of 2

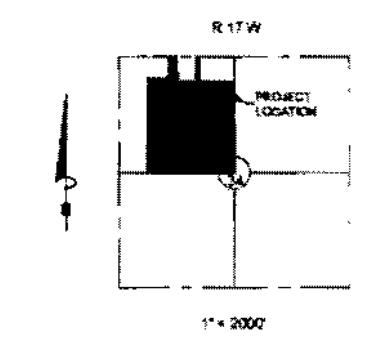
RIDLEY

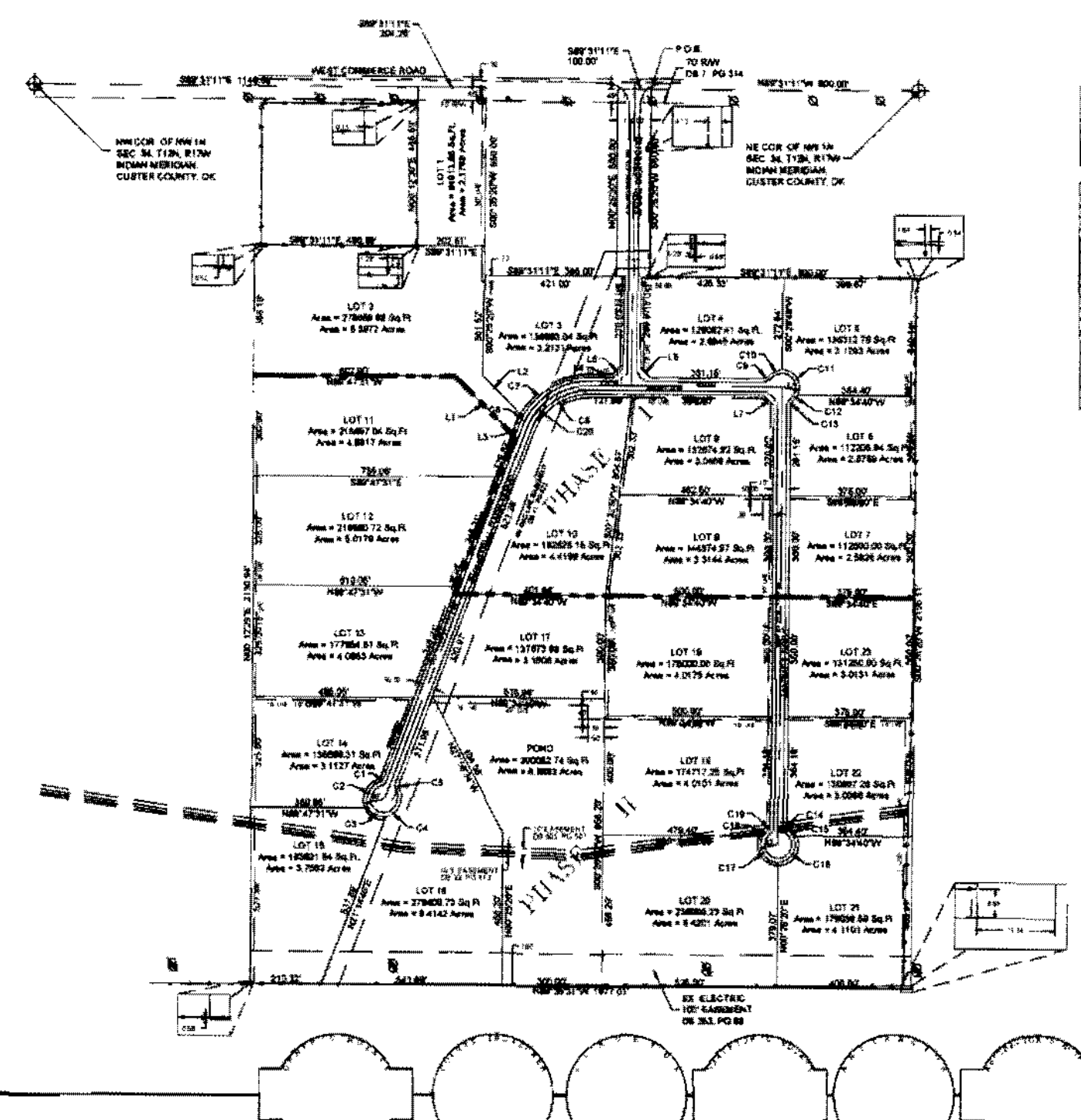
# FINAL PLAT

OF

# COMMERCE INDUSTRIAL CENTER

A PART OF THE NW 1/4 OF
SEC. 34 T-12-N, R-17-W, I.M
CUSTER COUNTY, OKLAHOMA




| | | |
|---|---|---|
| L1 | S44°47'31"E | 282.84' |
| L2 | S44°47'31"E | 199.08' |
| L3 | S21°18'46"W | 36.98' |
| L4 | N88°34'40"W | 72.89' |
| L5 | S46°36'20"W | 42.43' |
| L6 | N44°34'40"W | 42.43' |
| L7 | N44°34'40"W | 42.43' |

| | | | | |
|---|---|---|---|---|
| C1 | R=30.00' | L=25.07' | CB=N46°11'06"E | CH=24.35' |
| C2 | R=62.00' | L=88.82' | CB=S28°17'51"W | CH=78.28' |
| C3 | R=62.00' | L=62.58' | CB=S85°00'21"E | CH=59.86' |
| C4 | R=62.00' | L=98.68' | CB=N27°59'34"E | CH=88.74' |
| C5 | R=30.00' | L=26.07' | CB=N82°41'31"W | CH=24.38' |
| C6 | R=225.00' | L=28.08' | CB=S24°16'09"W | CH=28.04' |
| C7 | R=225.00' | L=243.89' | CB=N69°38'25"E | CH=231.87' |
| C8 | R=175.00' | L=211.29' | CB=S54°58'03"W | CH=198.69' |
| C9 | R=37.00' | L=28.92' | CB=N67°30'38"E | CH=28.82' |
| C10 | R=62.00' | L=41.88' | CB=N67°31'47"W | CH=40.95' |
| C11 | R=62.00' | L=187.71' | CB=S89°18'51"E | CH=[illegible] |
| C12 | R=62.00' | L=15.53' | CB=N13°42'41"E | CH=15.47' |
| C13 | R=37.50' | L=28.82' | CB=S20°30'37"W | CH=28.82' |
| C14 | R=38.30' | L=26.07' | CB=N25°30'38"W | CH=24.35' |
| C15 | R=62.00' | L=17.37' | CB=N37°50'20"W | CH=17.28' |
| C16 | R=62.00' | L=102.78' | CB=S31°05'19"W | CH=89.49' |
| C17 | R=62.00' | L=107.78' | CB=N30°17'38"W | CH=89.48' |
| C18 | R=62.00' | L=17.37' | CB=S38°45'42"W | CH=17.28' |
| C19 | R=30.00' | L=26.07' | CB=S24°21'38"W | CH=24.35' |
| C20 | R=200.00' | L=241.47' | CB=N58°50'53"E | CH=227.07' |

Basis for Bearing
GPS Observation



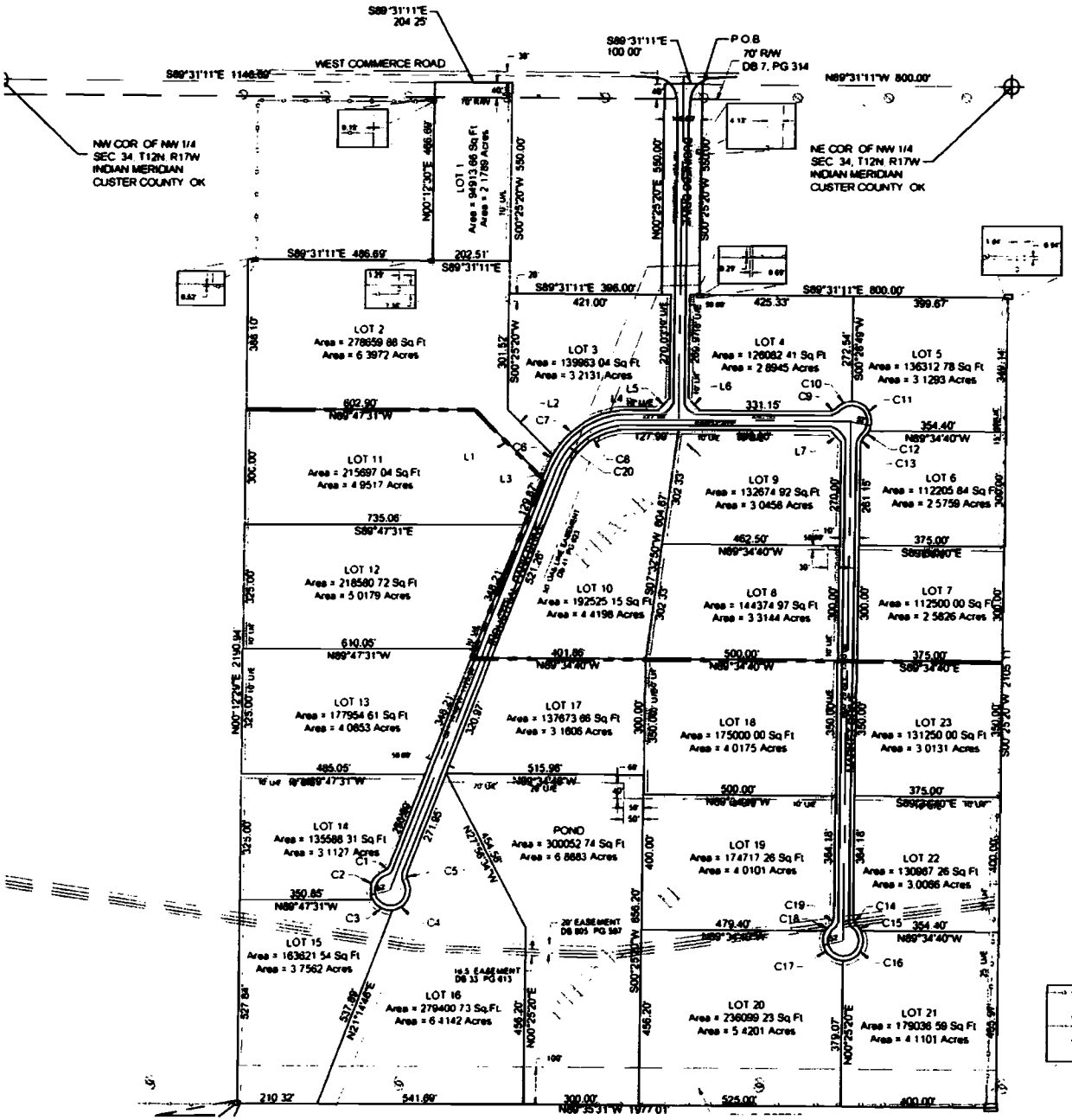

Surveyor:
Darrell McCarther
Certificate of Authorization is 1886 Expires 6-30-14
1113 Blackstone, Clinton OK 73601
Phone Number 580-323-0019
Email Address big_mac18@sbcglobal.net

Final Plat of - Commerce Industrial Center
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CA 6685 Exp. 6-30-15
P.O. Box 2147
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Phone 580-695-0118
e-mail jceridley2@sbcglobal.net
Sheet 2 of 2

RIDLEY

# FINAL PLAT
## OF
# COMMERCE INDUSTRIAL CENTER

A PART OF THE NW 1/4 OF
SEC. 34 T-12-N, R-17-W, I.M.
CUSTER COUNTY, OKLAHOMA




| | | |
|---|---|---|
| L1 | S44°47'31"E | 252.84' |
| L2 | S44°47'31"E | 168.06' |
| L3 | S21°14'46"W | 36.89' |
| L4 | N89°34'40"W | 72.99' |
| L5 | S45°25'20"W | 42.43' |
| L6 | N44°34'40"W | 42.43' |
| L7 | N44°34'40"W | 42.43' |

| | | | | |
|---|---|---|---|---|
| C1 | R=30.00' | L=25.07' | CB=N45°11'04"E | CH=24.35' |
| C2 | R=52.00' | L=88.62' | CB=S20°17'51"W | CH=78.26' |
| C3 | R=52.00' | L=62.58' | CB=S63°00'31"E | CH=58.88' |
| C4 | R=52.00' | L=99.05' | CB=N27°56'24"E | CH=84.74' |
| C5 | R=30.00' | L=25.07' | CB=N02°41'31"W | CH=24.35' |
| C6 | R=225.00' | L=28.06' | CB=S24°49'08"W | CH=28.04' |
| C7 | R=225.00' | L=243.59' | CB=N59°24'25"E | CH=231.87' |
| C8 | R=175.00' | L=211.29' | CB=S55°50'03"W | CH=198.69' |
| C9 | R=37.00' | L=29.60' | CB=N67°30'03"E | CH=28.82' |
| C10 | R=52.00' | L=41.66' | CB=S67°31'47"W | CH=40.55' |
| C11 | R=52.00' | L=107.71' | CB=S30°10'51"E | CH=89.46' |
| C12 | R=52.00' | L=15.53' | CB=N37°42'41"E | CH=15.47' |
| C13 | R=37.00' | L=29.60' | CB=S23°20'37"W | CH=28.82' |
| C14 | R=30.00' | L=25.07' | CB=N23°30'58"W | CH=24.35' |
| C15 | R=52.00' | L=17.37' | CB=N37°53'02"W | CH=17.29' |
| C16 | R=52.00' | L=107.76' | CB=S31°05'16"W | CH=89.46' |
| C17 | R=52.00' | L=107.76' | CB=N30°12'36"W | CH=89.46' |
| C18 | R=52.00' | L=17.37' | CB=S38°43'42"W | CH=17.29' |
| C19 | R=30.00' | L=25.07' | CB=S24°21'38"W | CH=24.35' |
| C20 | R=200.00' | L=241.47' | CB=N55°50'03"E | CH=227.07' |

Basis for Bearing
GPS Observation

SCALE: 1" = 100'


Surveyor
Darrell McCarther
Certificate of Authorization is 1686, Expires 6-30-14
1113 Blackstone Clinton, OK 73601

# PUBLIC NOTICE OF A REGULAR MEETING
# OF THE CITY COUNCIL
# TUESDAY, NOVEMBER 19, 2013 AT 5:30 PM
# CLINTON CITY HALL

## AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer /Pledge Jeff McDowell, First Christian Church
3. Consent Agenda
    A. Consider Approval of Minutes on November 5, 2013
4. Action Items:
    A. Consider appointment to fill unexpired term on the Planning and Zoning Board
    B. Consider proposal with Fetch, Inc. regarding a new animal shelter
    C. Discussion with Legal Counsel regarding pending litigation regarding Joshua Kelley claim including an Executive Session as authorized in 25 O.S. ss 307B(4)
    D. Consider Resolution No. 821 regarding results from November 12, 2013 election amending and modifying franchise agreement granted to Oklahoma Natural Gas
5. Council Report
6. City Manager's Report
7. Audience Participation
8. Adjournment

Filed this 15th day of November, 2013. Posted on the bulletin board in the lobby of the Clinton City Hall on November 15, 2013 at 1:30 p.m.

# MINUTES OF THE CLINTON CITY COUNCIL
# NOVEMBER 5, 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, November 5, 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 Friday, November 1, 2013.

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

**MAYOR**: Seth Adams
**COUNCIL**: Don Rodolph, Wheeler Lowry, Jason Hulin, Lucas Martinez
**CITY CLERK**: Lisa Anders
**CITY TREASURER**: Debra Blanchard
**DEPUTY CLERK**: Rhonda Williams
**CITY ATTORNEY**: Ryan Meacham
**NEWS MEDIA**: Mike Smith and Gerald Green
**OTHERS**: David Crabtree, Randy Carpenter, Jeromy Brush, Kris Wermy, Gene McCullough, Julie Menge, Stephen Jones, Curtis Maloy, Danny George and others.

Fire Chief Randy Carpenter opened the meeting with prayer and Councilman Wheeler Lowry led the Pledge of Allegiance.

## AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of October 15, 2013
B. Consider Claims

Motion was made by Councilman Hulin 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: Hulin, Martinez, Lowry, Rodolph, Adams
Nay: None

Mayor declared the motion carried.

## AGENDA ITEM NO. 4 ACTION ITEMS

## 4A. CONSIDER APPOINTMENT TO FILL UNEXPIRED TERM ON THE PLANNING AND ZONING BOARD

City Manager Steve Hewitt reported that Jay Wyer has submitted his letter of resignation from the Planning and Zoning Board. His term does not expire until July 1, 2014. He reported that Aaron Hemmingway has submitted an application of interest in serving on the Planning and Zoning Board.

Mayor Adams said he would contact him to discuss the position.

Motion was made by Councilman Rodolph and seconded by Councilman Lowry to table this item for the next meeting.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

**B. CONSIDER OKLAHOMA MUNICIPAL RETIREMENT FUND LUMP SUM RETIREMENT REQUEST FOR CHARLES ACKLEY**

City Manager Steve Hewitt explained that Chuck Ackley has made application for retirement and is asking that the retirement be made in a lump sum. The plan requires that the City Council who serves as the Retirement Committee must rule on the request.

Motion was made by Councilman Rodolph and seconded by Councilman Martinez to authorize the Lump Sum Retirement Benefit to Charles Ackley.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

**AGENDA ITEM NO 5.COUNCIL REPORT**

Councilman Rodolph said he is pleased with the pricing for the quotes on the various projects.

City Manager Steve Hewitt said he has discussed this with engineer, Joe Ridley and as long as the projects remain under the $50,000, the City can use quotes and keep the money local.

Councilman Hulin asked about the study regarding the audible signals.

City Manager Steve Hewitt said Public Works Director Stephen Jones is getting prices, data and gathering information. He plans to have the installation after the first of the year since this was already included in the 2013-2014 budget.

**AGENDA ITEM NO. 6: MANAGER'S REPORT**

City Manager Steve Hewitt reported that work has begun on the tennis courts. It has been found that the far west court is in need of more extensive work and would require an additional $60,000.00. He recommended closing the court and wrapping up the five courts now. He said the west court would require a new pour and he would work with Clinton Public Schools on it later.

City Manager Steve Hewitt announced that the Employee Safety Banquet has been scheduled for Friday, November 22nd at 11:30 and invited the Mayor and Council.

City Manager Steve Hewitt said they are gaining on the fire station. He said staff would be preparing a punch list and that substantial completion should be confirmed soon. He said the contractor would incur some penalties since the project contract is in excess of 90 days over.

## AGENDA ITEM NO. 7 : AUDIENCE PARTICIPATION

None

## AGENDA ITEM NO. 8: ADJOURNMENT

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

Mayor put the motion to a roll call vote:

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

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

Clinton
Hub City of Western Oklahoma

# *Agenda Commentary*

**Item Title/ Subject:** Appointment of Unexpired term to Planning and Zoning Board

**Staff Source:** City Clerk Lisa Anders

**History/Background Information:** Jay Wyer has submitted his resignation from the Planning and Zoning Board. This is a three-year term that would expire on July 1, 2014. Previous inquiries have been Aaron Hemingway for Planning and Zoning and Burk Covey in City Council.

**Item/Subject Summary:** The Planning and Zoning Board consists of five members and meets the second Tuesday of each month. The person being appointed would be completing the unexpired term.

**Price/Cost:**

**Recommendation:** Appointment of member to the Planning and Zoning Board

**Lisa Anders**

**From:** Mr JAY WYER <jnp1@swbell.net>
**Sent:** Wednesday, October 23, 2013 11:41 PM
**To:** Lisa Anders
**Subject:** Re: Planning and Zoning Board

October 23, 2013

To who it may concern,

I am resigning my position as a member of the zoning board. I have enjoyed the time I spent on the board. At this time, my job and other activities are taking priority, and I feel I cannot give the attention needed to this position. Thank you for the opportunity.

Sincerely,

Jay Wyer

RE071713

# APPOINTIVE BOARD MEMBERS AND TERMS

## WESTERN PLAINS LIBRARY- TERM

| | |
|---|---|
| Juan Garcia (7-1-11) | 6-30-14 |

## PLANNING & ZONING BOARD – 3 YR TER

| | |
|---|---|
| Julie Strong (7/08) | 7-1-14 |
| Jay Wyer (7/05) | 7-1-14 |
| Corky Heard | 7-1-15 |
| Mariela Acosta | 7-1-16 |
| Bryan Foster | 7-1-16 |

## FOSS CONSERVANCY DIST 4 YR TERM

| | |
|---|---|
| Dr. Bill Jackson | 7-31-15 |
| David Berrong | 7-31-15 |
| Roger Snider | 7-31-15 |

## BOARD OF ADJUSTMENT – 3 YR TERM

| | |
|---|---|
| Matt Graybill | 7-1-14 |
| David Mosburg | 7-1-14 |
| Corky Heard (7/2/02 Chairman) | 7-1-15 |
| Brian Aneshansley | 7-1-16 |
| Mariela Acosta | 7-1-16 |

## GOLF ADVISORY BOARD 3 YR TERM

| | |
|---|---|
| Jack Abbott (10/11) | 12-20-13 |
| Luke Adams | 12-20-13 |
| Doyle Kinney (Vice) | 12-20-14 |
| Mike Scott(10/11) Pres | 12-20-14 |
| Bret Matlock | 12-20-14 |

## PERSONNEL BOARD – 6 YR TERM

| | |
|---|---|
| Sharon James (7/08) | 7-1-14 |
| Sharon Hull | 7-1-16 |
| Paul Adams (8-21-01) | 7-1-18 |

## MOIF BOARD – 3 YR TERM

| | |
|---|---|
| Steve Hewitt | 2/2013 |
| Curtis Constein | 2/2013 |
| Chris Jones | 2/2014 |
| Bob Marcy | 2/2015 |
| Phyllis Smith | 2/2015 |

## LIBRARY ADVISORY BOARD – 3 YR TERM APPOINTED BY CITY MANAGER

| | | | |
|---|---|---|---|
| Pat Miskel (9/07) | 7-1-14 | Sally Sappington 8/03 Chrmn | 7-1-15 |
| Jerri Hough | 7-1-14 | Marcia Wheeler | 7-1-16 |
| Heather Livingston(1/12) | 7-1-15 | Darla Johnson | 7-1-16 |

Clinton
Hub City of Western Oklahoma

# *Agenda Commentary*

**Item Title/ Subject:** Agreement with Fetch, Inc

**Staff Source:** City Manager, Steve Hewitt

**Date:** Nov. 15, 2013

**Background/Subject Information:**

It has become well known our Animal Shelter/Pound is inadequate and has reached a limit. The facility severely needs to be replaced, however the priority and funding is always a challenge regarding projects. Staff has been researching Animal Shelters and costs. New facility in Weatherford costs were approximately around $300,000 (hard & soft costs). Fetch, Inc. is an organization that is non-profit 501c3 status and helps adopt animals from our current facility.

See their proposal attached....

If we would move to more humane efforts, they are willing to help create/raise half the funding for a facility. Also, they want to help us develop a better adoption process that includes spay and neuter. (The facility would need to have a room dedicated for spay/neuter procedures)

Police Chief Crabtree is currently in the plan mood to change to a more humane euthanasia, process prior to this proposal.

**Recommendation:**

Staff recommends the proposal. Realizing the dog & cat population is an issue and our facility is an issue, this is a great partnership. Another public-private project enables us to do more with our funds.

Our proposed facility is not a "sanctuary" as the Friends for Life project and group are looking to create. Friends for Life was consulted about this proposal with Fetch, Inc. All parties had a meeting and see the need for a new City Pound/Shelter and their need for a "sanctuary" for animals.

**Price/Cost: Approximately $150,000**

# PROPOSED PROJECT-CLINTON ANIMAL SHELTER

Fetch, Inc. is a 501c3 non-profit corporation dedicated to helping animal shelters more humanely care for the animals in their charge and increase the number of adoptions from their facilities. As such, Fetch, Inc. would like to make the following proposal for partnership with the City of Clinton to build a new animal shelter.

Fetch, Inc. will agree to raise building capital in the amount of $150,000 using our 501c3 status to apply for appropriate grants and through tax deductible public donations.

In return, Fetch, Inc. would like the City of Clinton to agree to the following terms:

1. The City of Clinton agrees to match or exceed the amount raised by Fetch, Inc. for purpose of building a new Animal Shelter in Clinton, Ok.
2. Construction should begin within a reasonable amount of time once the funds have been raised.
3. Approximately 1/3 of the total square footage would be dedicated to a 3 room low cost spay and neuter facility to be operated by Fetch, Inc. This facility would require a surgical room, recovery room and a small intake area to prevent breach of sterile environments. We would require a storage area that could be locked due to the nature of the medications used for anesthesia. Fetch, Inc. would be responsible for raising the funds to furnish the surgical tables, tools and medications needed. Also, the recruitment of a trained and licensed Veterinarian and Vet Tech. The daily operations would be the responsibility of Fetch, Inc.
4. Fetch, Inc. would provide spay/neuter and vaccinations to the City of Clinton Animals adopted through the Animal Shelter at our cost.
5. All euthanasia done by the City of Clinton will be the humane method of Euthanasia by Injection.
6. The City of Clinton will devise an adoption plan with help from Fetch, Inc. that includes mandatory spay/neuter and rabies vaccinations on all adopted dogs and Petpoint software provided free to the City of Clinton. Petpoint tracks all animals that enter the shelter, provides low cost microchips (current cost $6.35 each) and provides free health insurance to the adopter for a period of 30 days. The only cost to the City would be microchips, this cost to be recovered from adoption fees.

We believe this partnership would be a great advantage to citizens of Clinton and a very progressive endeavor. Our current shelter is in very bad shape and beginning to cost the City money in necessary repairs. It is no longer large enough to serve the demands of Clinton. A low cost spay and neuter facility would help those that cannot afford to have their animals altered without financial aid. This would help decrease the large numbers coming into the shelter in the first place. An increase in adoptions would build revenue for the City as well.

Cindy Fe
Fetch Project Manager

**RESOLUTION NO. 821**

A RESOLUTION CANVASSING RETURNS OF THE ELECTION HELD IN THE CITY OF CLINTON, OKLAHOMA ON NOVEMBER 12, 2013, ON ORDINANCE NO. 950, AMENDING AND MODIFYING ORDINANCE NO. 821 PROVIDING FOR AN AMENDMENT TO THE FRANSHISE AGREEMENT GRANTED TO OKLAHOMA NATURAL GAS, AND DECLARING THE APPROVAL OF THE FRANSHISE.

WHEREAS, the County Election Board of Custer County, Oklahoma, has certified the results of the election held in the City of Clinton, Oklahoma, on November 12, 2013, on the proposition amending and modifying Ordinance No. 821 providing for an Amendment to the Franchise granted to Oklahoma Natural Gas.

WHEREAS, The Mayor and Council of the City of Clinton, Oklahoma, have canvassed the returns and find that at said election so held as aforesaid, a total of 124 votes were cast for the proposition and 42 votes were cast against the proposition.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE CITY OF CLINTON, OKLAHOMA:**

That a canvass of the election returns of the election held in the City of Clinton on November 12, 2013, shows that a total of 124 votes were cast in favor of the granting of said Franchise, and 42 votes were cast against the proposition, resulting in a majority of votes cast at said election in favor of amending and modifying said Franchise. The proposition is declared to have been passed.

PASSED, APPROVED AND ADOPTED this ___ day of _____, 2013.

By:_____
Its: MAYOR

(SEAL)

ATTEST:

By:_____

CITY CLERK