PUBLIC NOTICE OF A REGULAR MEETING
OF THE AIRPORT AUTHORITY
TUESDAY, OCTOBER 21, 2014 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

Original source: https://agendas.clintonok.gov/archive/2014/102114/launch.htm
Original authority agenda: https://agendas.clintonok.gov/archive/2014/102114/airport.htm
Original authority agenda: https://agendas.clintonok.gov/archive/2014/102114/council.htm
Original authority agenda: https://agendas.clintonok.gov/archive/2014/102114/industrial.htm
Original authority agenda: https://agendas.clintonok.gov/archive/2014/102114/publicwork.htm

1. Call to Order

2. Opening Prayer /Pledge Dan Day, Ministerial Alliance

3. Consent Agenda

    A. Consider Approval of Minutes on October 7, 2014

4. Action Items:

    A. Consider Change Order #1 with Quality Fence Company for Phase I- Perimeter Fencing and Gate Project at Clinton Regional Airport

5. Trustee's Report

6. City Manager's Report

7. Audience Participation

8. Adjournment

    A. Proceed to Public Works Authority agenda

Filed this 17th day of October, 2014. Posted on the bulletin board in the lobby of the Clinton City Hall on October 17, 2014 at 2:00 p.m.

AA100714

MINUTES OF AIRPORT AUTHORITY MEETING
OCTOBER 7, 2014

Minutes of the regular meeting of the Chairman and Trustees of the Clinton Airport Authority City of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, October 7, 2014, at 5:30 p.m. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on October 3, 2014.

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

MAYOR: Seth Adams
COUNCIL: Don Rodolph, Mustafa Sami, Jason Hulin, Wheeler Lowry
CITY MANAGER: Mark Skiles
CITY CLERK: Lisa Anders
CITY TREASURER: Absent
DEPUTY CLERK: Shona Stermer
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Gerald Green and Mike Smith
OTHERS: Randy Carpenter, Kris Wermy, Jeremy Brush, Gene McCullough, Rick Challis, Julie Menge, Michael Ryburn, Conan Wilson, Henry Caldwell, Donald Webb, Brent Almquest, Monte Goucher, Bob Leonard, Floyd Hoffman, David Crabtree, Dave Thorpe, Taylor Henderson, Keaton Modi Mr. & Mrs. Rico Avery and others.

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

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of September 2, 2014
B. Claims

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

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER AMENDMENT #2 TO OWNER-ENGINEER AGREEMENT WITH CEC INFRASTRUCTURE SOLUTIONS REGARDING PHASE II- CONSTRUCTION PERIMETER FENCING AND GATES AT CLINTON REGIONAL AIRPORT

City Manager Mark Skiles reported that Phase I of the Perimeter Fencing and Gate project at Clinton Regional Airport has been completed. He explained that Amendment #2 to the CEC agreement is for Phase II and is included in the grant for the fencing project.

Motion was made by Trustee Rodolph and seconded by Trustee Lowry to approve Amendment #2 in the amount of $60,700.00 with CEC Infrastructure Solutions for Phase II of the Perimeter Fencing and Gate project at Clinton Regional Airport.

Chairman put the motion to a roll call vote:

Aye: Rodolph, Lowry, Hulin, Sami, 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 Sami and seconded by Trustee Hulin to adjourn the meeting.

Chairman put the motion to a roll call vote:

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

Chairman declared the meeting adjourned at 5:40 pm.

CHANGE ORDER

Project: Construct Perimeter Fence – Phase I AIP 3-40-0021-012-2014	Change Order No. 1
Project Description: Install Chainlink Fencing and Gates	
Requested Changes & Reasons: Recapitulation of Final Quantities	
LOCATION: Clinton Regional Airport	

The above will necessitate the following changes in quantities and estimates, which will be shown as overruns and underruns on future progressive estimates and vouchers.

Item	Description	Quantity	Unit Price $	Amount $	Days Req'd
	Please see attached breakdown of quantities				
	Total this Change Order			**-7,654.17**	**0 W**
	Existing Contract			**187,560.75**	**35 W**
	New Contract			**$179,906.58**	**35W**

The prices for additional items have been compared with other contract prices and are fair for the amount of work involved.

09-13-2014
Date

CEC

Approved by the City of Clinton this _____ day of _____, 2014.

Seth Adams
Mayor

We, **Quality Fence Company** contractor on the above project, do hereby agree to a net decrease in the contract of **$ 7,654.17** and **0 working** days as full compensation for making the above changes in accordance with the governing specifications.

Quality Fence Company

Melanie Mason-Spence

Melanie Mason-Spence
Secretary/Treasurer

Subscribed and sworn before me this 8th day of October, 2014.

My Commission Expires:
04-13-2017

NOTARY PUBLIC State of Okla.
SHERRY WAMPLER
Comm. # 05003587
Expires 04-13-2017

Notary Public

n:\okc\mal\airport\production\clinton regional\2014\construct perimeter fencing and gates - phase i\correspondence\close out\change order no. 1.doc

Change Order No. 1

Quality Fence Company, Inc. 10/8/2014

Construct Perimeter Fencing and Gates - Phase I

AIP PROJECT 3-40-0021-012-2014

Clinton Regional Airport

Item	Description			Original Contract		Change Order No. 1		Final Contract	
		Unit Price $	Unit	Quantity	Amount $	Quantity	Amount $	Quantity	Amount $
Base Bid									
1	Mobilization	$ 7,500.00	LS	1	$ 7,500.00	-	$ -	1	$ 7,500.00
2	Remove Existing Fence and Grade Fence Line	$ 500.00	LS	1	$ 500.00	-	$ -	1	$ 500.00
3	Construction Staking	$ 2,000.00	LS	1	$ 2,000.00	-	$ -	1	$ 2,000.00
4	4' Black Polyvinyl Coated Chain-link Fence	$ 29.42	SY	250	$ 7,355.00	(40.0)	$ (1,176.80)	210	$ 6,178.20
5	6' Galvanized Chain-link Fence	$ 13.99	SY	9,725	$ 136,052.75	(463.00)	$ (6,477.37)	9,262.0	$ 129,575.38
6	24' Motorized Gate (Black PVC) 4' Tall	$ 13,599.00	LS	1	$ 13,599.00	-	$ -	1	$ 13,599.00
7	24' Motorized Gate 6' Tall	$ 13,599.00	LS	1	$ 13,599.00	-	$ -	1	$ 13,599.00
8	4' Wide Pedestrian Gate (Black PVC Coated), 4' Tall	$ 567.00	LS	1	$ 567.00	-	$ -	1	$ 567.00
9	24' Wide Double Swing Gate, 6' Tall	$ 1,597.00	SY	4	$ 6,388.00	-	$ -	4	$ 6,388.00
10	Third Party Insurance Premium	$ -	TN	1	$ -	-	$ -	1	$ -
TOTAL					**$187,560.75**		**-$7,654.17**		**$179,906.58**

Original Contract	**$187,560.75**
Change Order No. 1	**-$7,654.17**
Final Contract	**$179,906.58**

PUBLIC NOTICE OF A REGULAR MEETING
OF THE PUBLIC WORKS AUTHORITY
TUESDAY, OCTOBER 21, 2014 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

Original source: https://agendas.clintonok.gov/archive/2014/102114/launch.htm
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Original authority agenda: https://agendas.clintonok.gov/archive/2014/102114/industrial.htm
Original authority agenda: https://agendas.clintonok.gov/archive/2014/102114/publicwork.htm

1. Call to Order
2. Opening Prayer /Pledge Dan Day, Ministerial Alliance
3. Consent Agenda
    A. Consider Approval of Minutes on October 7, 2014
4. Action Items:
    A. Consider and take action on Engineering Service Agreement with Burns & McDonnell
5. Trustee's Report
6. City Manager's Report
7. Audience Participation
8. Adjournment
    A. Proceed to Industrial Authority agenda

Filed this 17th day of October, 2014. Posted on the bulletin board in the lobby of the Clinton City Hall on October 17, 2014 at 2:00 p.m.

MINUTES OF CLINTON PUBLIC WORKS AUTHORITY MEETING
OCTOBER 7, 2014

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, October 7, 2014, at 5:30 p.m. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on October 3, 2014.

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

MAYOR: Seth Adams
COUNCIL: Don Rodolph, Jason Hulin, Mustafa Sami, Wheeler Lowry
CITY MANAGER: Mark Skiles
CITY CLERK: Lisa Anders
CITY TREASURER: Absent
DEPUTY CLERK: Shona Stermer
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Gerald Green and Mike Smith
OTHERS: Kris Wermy, Jeremy Brush, Gene McCullough, Julie Menge, Michael Ryburn, Conan Wilson, Henry Caldwell, Donald Webb, Brent Almquest, Monte Goucher, Bob Leonard, Floyd Hoffman, David Crabtree, Dave Thorpe, Keaton Modi, Taylor Henderson, Mr. & Mrs. Rico Avery, Randy Carpenter, Rick Challis and others.

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

AGENDA ITEM NO. 3: CONSENT AGENDA

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

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

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER AND TAKE ACTION ON ALLOWING THE WATERING OF NEW TREES, SHRUBS AND SOD

City Manager Mark Skiles explained that due to the water restrictions, the need for flushing of water lines has increased. He said that the Department of Environmental Quality requires a specific level of chlorine residual and flushing of lines helps with this issue. He suggested allowing the watering of new trees, shrubs and sod for a certain period of time which would help with the water restriction issue and hopefully with the chlorine residual. He said the water levels are monitored on a constant basis and if the increase in the daily usage is more than the water

availability will allow, this could be terminated by action of the City Manager.
City Manager Skiles reported that the newly constructed Hutch's facility has been watering their sod with water that was being flushed due to chlorine residual issues. He said this was an opportunity for them to establish the new sod.

Trustee Rodolph liked the ability for flexibility and asked if a thirty day period would be sufficient.

Trustee Hulin said he had discussed this with Steve Beiberich and he was receptive to a 30 day period for one hour per day.

Motion was made by Trustee Rodolph and seconded by Trustee Lowry to amend the current water restriction to allow watering of new trees, shrubs and sod for a thirty day period during the hours of 6 PM to 7 PM at the City Manager's discretion regarding termination of the policy.

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

AGENDA ITEM NO. 5 TRUSTEE REPORT

None

AGENDA ITEM NO. 6: 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.

Chairman put the motion to a roll call vote:

Aye: Hulin, Lowry, Sami, 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, OCTOBER 21, 2014 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

Original source: https://agendas.clintonok.gov/archive/2014/102114/launch.htm
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Original authority agenda: https://agendas.clintonok.gov/archive/2014/102114/industrial.htm
Original authority agenda: https://agendas.clintonok.gov/archive/2014/102114/publicwork.htm

1. Call to Order

2. Opening Prayer /Pledge Dan Day, Ministerial Alliance

3. Consent Agenda

    A. Consider Approval of Minutes on October 7, 2014

4. Action Items:

    A. Consider Memorandum of Understanding regarding property in Commerce Industrial Center with the U.S. Department of Agriculture

    B. Consider Resolution No. IA14-01 regarding commitment to grading, drainage, base and maintenance work for New Industrial Access Road

5. Trustee's Report

6. City Manager's Report

7. Audience Participation

8. Adjournment

    A. Proceed to City Council agenda

Filed this 17th day of October, 2014. Posted on the bulletin board in the lobby of the Clinton City Hall on October 17, 2014 at 2:00 p.m.

MINUTES OF INDUSTRIAL AUTHORITY MEETING
OCTOBER 7, 2014

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 7, 2014, at 5:30 p.m. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on October 3, 2014.

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

MAYOR: Seth Adams
CITY MANAGER: Mark Skiles
CITY CLERK: Lisa Anders
CITY TREASURER: Absent
DEPUTY CLERK: Shona Stermer
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Gerald Green and Mike Smith
OTHERS: Kris Wermy, Randy Carpenter, Jeremy Brush, Gene McCullough, Julie Menge, Michael Ryburn, Conan Wilson, Henry Caldwell, Donald Webb, Brent Almquest, Monte Goucher, Bob Leonard, Floyd Hoffman, David Crabtree, Dave Thorpe, Keaton Modi, Taylor Henderson, Rick Challis, Mr. & Mrs. Rico Avery and others.

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

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of September 2, 2014
B. Consider Claims

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

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER AND TAKE ACTION ON RETAIL STRATEGIES PROPOSAL

City Manager Mark Skiles explained that Matt Petro of Retail Strategies had made a presentation to the Authority in June and it was decided that the agenda item would be delayed until the appointment of a new City Manager. Skiles said he had made several reference calls on communities in Oklahoma that Retail Strategies has contracts with. He said they have a good reputation and commit that they would not contract with a community that would be a competitor. He explained that $25,000 would be required upon execution of the agreement and a second $25,000 during the first year. The second twelve months would be $25,000.00. He said he felt it is important for a community to be represented and on the radar screen.

Trustee Hulin asked if it would be appropriate to make this financial commitment before stabilizing the water issue.

City Manager Skiles said that Retail Strategies would not be pursuing manufacturing businesses but rather retail businesses that would not be high volume water users.

Motion was made by Trustee Rodolph and seconded by Trustee Sami to approve the proposal from Retail Strategies.

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

4B. CONSIDER AND TAKE ACTION FOR ACCEPTANCE OF ECONOMIC DEVELOPMENT ADMINISTRATION AWARD NO. 08-79-04999 FOR THE INDUSTRIAL PARK INFRASTRUCTURE IMPROVEMENT

City Manager Mark Skiles reported that the original grant application submitted for the Economic Development grant had been denied. He said that SWODA staff found another funding source and reapplied for the grant which has been awarded.

Michael Ryburn, Director of Business Development for SWODA, said the funding is from disaster funds that were not awarded. He said the combination of city funds and grant funds will go for infrastructure improvements such as water lines, sewer lines and roads.

Motion was made by Trustee Rodolph and seconded by Trustee Lowry to accept the Economic Development Administration Award No. 08-79-04999 for the Industrial Park infrastructure improvements.

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

4C. CONSIDER AND TAKE ACTION ON AGREEMENT AUTHORIZING SOUTHWESTERN OKLAHOMA DEVELOPMENT AUTHORITY TO ACT AS ADMINISTRATOR FOR EDA AWARD NO. 08-79-04999

City Manager Mark Skiles reported that the agreement presented would designate SWODA as the administrator of the EDA grant for the industrial park infrastructure improvement. The administration fee is $20,000 and would cover from pre-bid to project closeout.

Mr. Ryburn said SWODA has worked with EDA on many projects and are fully aware of the requirements and submittals that are necessary for a project such as this.

Motion was made by Trustee Lowry and seconded by Trustee Hulin to approve the agreement authorizing SWODA to act as Administrator for EDA Award No. 08-79-04999.

Chairman put the motion to a roll call vote:

Aye: Lowry, Hulin, Rodolph, Sami, 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 Mark Skiles reported that he had contacted Joe Ridley regarding proceeding with the engineering for the Industrial Park.

AGENDA ITEM NO. 7: AUDIENCE PARTICIPATION

Floyd Hoffman requested the Authority to reconsider bringing in additional businesses to town until with water situation is resolved.

AGENDA ITEM NO. 8: ADJOURNMENT

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

Chairman put the motion to a roll call vote:

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

Chairman declared the meeting adjourned at 5:55 pm.

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM is made and entered into this _____ day of _____, 2014, by and between The Clinton Industrial Authority, an Oklahoma Municipal Trust, and the United States Department of Agriculture.

WHEREAS, in 2011 the Custer County Conservation District #88 (CCCD #88) and the United States Department of Agriculture (USDA) solicited offers for real property on which to construct the Custer County USDA Service Center;

WHEREAS, the Clinton Industrial Authority (Authority) committed to convey approximately five (5) acres in the NW 1/4 of 34-12-17 WIM, Custer County to CCCD #88 and the USDA;

WHEREAS, the Authority did convey the subject tract to the USDA, for no compensation by Quit Claim Deed, in February of 2011, subject to the right of revertier;

WHEREAS, the USDA destroyed the Quit Claim Deed from the Authority;

WHEREAS, the CCCD #88 relocated their facility to an existing building on Highway 183;

WHEREAS, the CCCD #88 and the USDA again desire to acquire property for the construction of a new facility;

NOW THEREFORE, the parties agree as follows:

1. **Property.** In consideration of good and valuable consideration, the sufficiency of which is mutually acknowledged, Authority agrees to convey the below described real property to the USDA, within sixty (60) days of a Notice to Proceed, issued by the USDA:

   > Surface and surface rights only to Lot 3 of the Commerce Industrial Center, a part of the NW 1/4 of Section 34, Township 12, Range 17 W.I.M., Custer County, Oklahoma.

2. **Title Requirements.** Within ten (10) days of a Notice to Proceed from USDA, Authority shall furnish USDA an abstract of title certified, at least to the date hereof, showing marketable title to the property in Authority, subject only to reasonable utility easements and building restrictions of record, if any, covering the property. Within thirty (30) days from the date the abstract is delivered to USDA (Inspection Period), USDA shall submit to Authority a Statement of any objections USDA has to the status of title. In the event objections are raised to the title by USDA, Authority shall have thirty (30) days after receipt of said objections within which to cure such objections and, if requested by USDA, to have the same abstracted at Authority=s sole cost and expense. No matter shall be construed as a valid objection to title under this agreement, unless it is so construed under the Real Estate Title Examination Standards of the Oklahoma Bar Association, where applicable.

In the event Authority is unable or unwilling to comply with or satisfy USDA=s objections to title, USDA shall have the right, at USDA=s election: (i) to waive such objection or requirement and to proceed to closing, without any abatement of the purchase price, or (ii) to terminate this agreement. Should USDA elect to terminate this agreement, USDA shall do so by giving Authority written notice of the election, whereon this agreement shall become null and void and of no further force and effect at law and in equity.

3. **Closing.** This transaction shall be closed at City Hall, Clinton, Oklahoma, or at such other place as may be agreed upon by USDA and Authority, after all conditions of Closing and other requirements have been satisfied, waived or otherwise provided for on or before October 1, 2016, unless the date of closing is accelerated or extended in a written instrument signed by Authority and USDA. If the agreement is not extended in writing, the agreement to convey shall become null and void and of no further force and effect.

4. **Deliveries at Closing**. At the time of closing, Authority shall execute and deliver a good and sufficient Quit Claim Deed conveying all right, title and interest thereto, free and clear of all liens and encumbrances whatsoever. USDA shall pay all closing costs.

   The deed shall contain provisions, which shall read as follows:

   (1) If at any time USDA desires to sell the subject property, then USDA shall, at least thirty (30) days prior to any sell, submit a written offer to sell the property to the Authority on the terms and conditions, including price, not less favorable to the Authority than those on which USDA proposes to sell the subject property.

   (2) Construction on the subject property shall commence within ninety (90) days of closing. If construction is not commenced, the Authority may recover and take possession thereof and this deed shall be of no force or effect.

5. **Proration of Taxes and Assessments.** All ad valorem taxes and special assessments thereon for the current year shall be prorated to date of closing. If the amount of ad valorem taxes or special assessments for the current tax year has not been fixed by the date of closing, the proration of such taxes shall be based upon the rate of levy for the preceding year.

6. **Possession and Construction.** Possession of the property shall be delivered to USDA at closing and construction shall commence within ninety (90) days of closing.

7. **Default/Remedies.** In the event that USDA breaches any term or condition contained herein, Authority shall be entitled to terminate this agreement and recover all attorney's

fees and costs associated with the USDA=s breach.

8. **Assignment.** This agreement shall be binding upon the parties hereto, their respective heirs, successors and assigns, but shall not be assigned by any party hereto without the written consent of the other party.

9. **Choice of Law.** This agreement shall be governed, construed and interpreted in accordance with the laws of the State of Oklahoma.

10. **Counterparts.** This agreement may be executed in counterparts, each of which will be deemed an original and all of which together will constitute one instrument.

11. **Severability.** If any one or more of the provisions of this agreement shall, for any reason, be held to be invalid, illegal or unenforceable under applicable law, this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein. The remaining provisions of this agreement shall be given effect to the maximum extent then permitted by law.

12. **Forbearance; Waiver.** Failure to pursue any legal or equitable remedy or right available to a party shall not constitute a waiver of such right, nor shall any such Forbearance, failure or actual waiver imply or constitute waiver of subsequent default or breach. No waiver of a breach of any provision of this agreement shall be construed to be a waiver of any breach of any other provision of this agreement or any succeeding breach of the same provision. No delay in acting with regard to any breach of any provision of this agreement shall be construed to be a waiver of such provision.

13. **Authority.** Each party warrants and represents that with respect to entry into and consummation of this agreement and the transaction contemplated hereby, all necessary approvals and authorizations required have heretofore been obtained and satisfied; Authority covenants to maintain such authority to and until closing and agrees to furnish the other party with indicia of such authority upon request.

14. Each party is hereby released, acquitted and forever discharged, along with any agent, servant or employee, of and from any and all action, causes of action, claims, demands, damages, costs, expenses and compensation or account of the conveyance of real property afore described in the NW 1/4 of 34-12-17 WIM, Custer County, Oklahoma, which was conveyed by Quit Claim Deed in 2011 by Authority to USDA. This release shall survive termination of this agreement, whether by closing the transaction or any other provision in this contract.

IN WITNESS WHEREOF, the parties have hereunto set their hands this _____ day of _____, 2014.

UNITED STATES DEPARTMENT OF AGRICULTURE

By:_____

Its_____

THE CLINTON INDUSTRIAL AUTHORITY

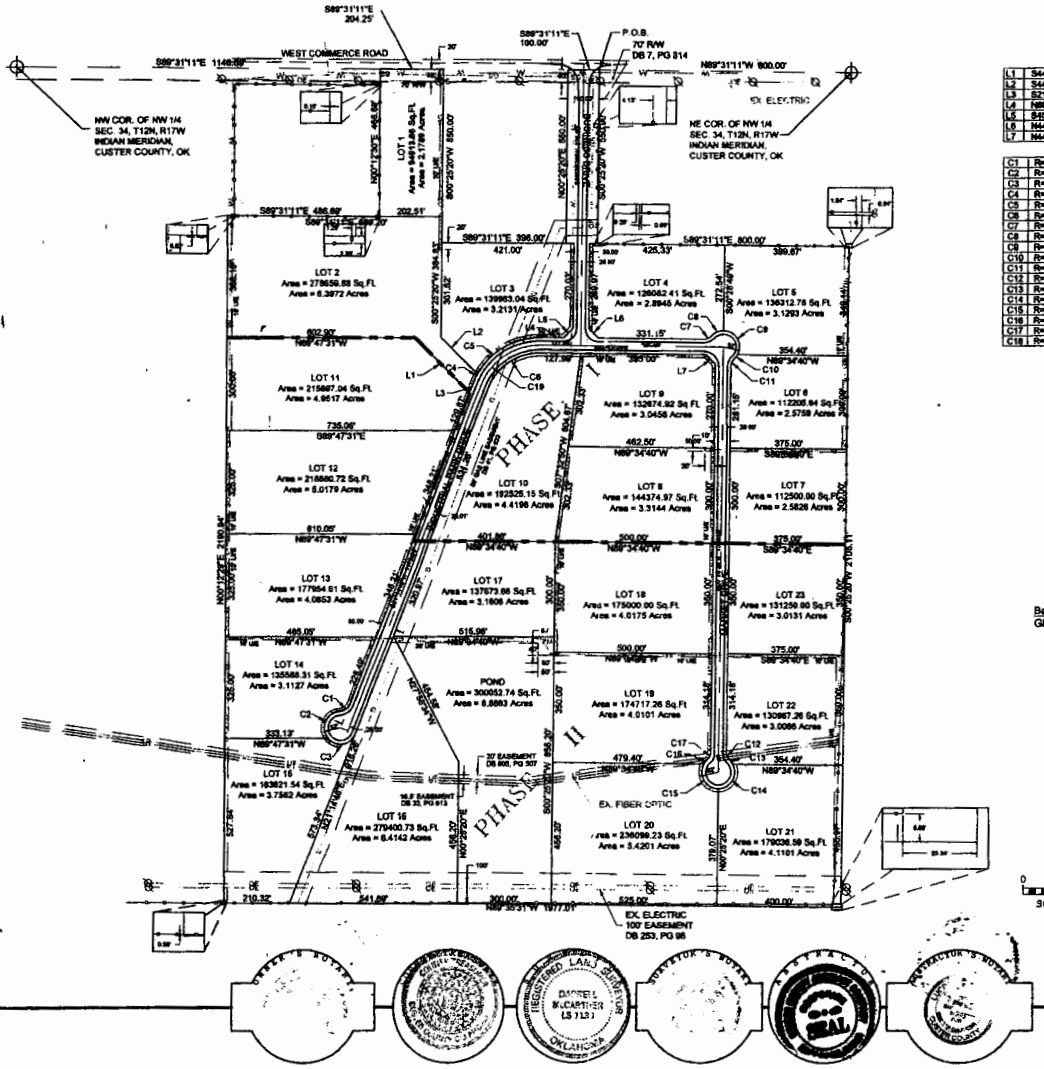
By:_____

Its_____

0583 Book 1621 Pg: 525
4 8:58 am Pg 0525-0526
15.00 Doc: $ 0.00
Fry - Custer County Clerk
State of Oklahoma

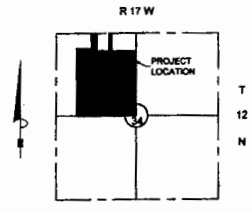
FINAL PLAT
OF
COMMERCE INDUSTRIAL CENTER

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

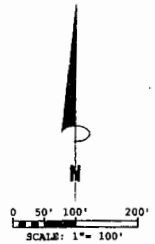


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L2	S44°47'31"E	189.06'
L3	S21°14'48"W	36.99'
L4	N89°34'40"W	72.89'
L5	S45°28'20"W	42.43'
L6	N44°34'40"W	42.43'
L7	N44°34'40"W	42.43'

C1	R=40.00'	L=45.39'	CB=N57°42'18"E	CH=42.94'
C2	R=82.00'	L=118.61'	CB=S22°31'34"W	CH=93.18'
C3	R=52.00'	L=98.58'	CB=S85°41'40"E	CH=83.27'
C4	R=226.00'	L=28.06'	CB=S24°49'08"W	CH=28.04'
C5	R=225.00'	L=243.59'	CB=N59°47'25"E	CH=231.83'
C6	R=175.00'	L=211.29'	CB=S62°30'09"W	CH=198.69'
C7	R=37.00'	L=29.60'	CB=N67°30'03"E	CH=28.82'
C8	R=52.00'	L=41.99'	CB=S67°31'47"W	CH=40.90'
C9	R=52.00'	L=107.71'	CB=S30°10'51"E	CH=89.48'
C10	R=82.00'	L=15.63'	CB=N57°42'11"E	CH=15.47'
C11	R=37.00'	L=29.60'	CB=S22°20'37"W	CH=28.82'
C12	R=30.00'	L=26.07'	CB=S29°30'58"W	CH=24.36'
C13	R=52.00'	L=17.37'	CB=N37°30'06"W	CH=17.29'
C14	R=82.00'	L=107.78'	CB=S31°10'16"W	CH=99.49'
C15	R=82.00'	L=107.78'	CB=N30°12'36"W	CH=99.49'
C16	R=52.00'	L=17.37'	CB=S38°43'42"W	CH=17.29'
C17	R=30.00'	L=26.07'	CB=S24°21'36"W	CH=24.36'
C18	R=200.00'	L=241.47'	CB=N58°50'03"E	CH=227.07'



Basis for Bearing
GPS Observation



0 50' 100' 200'
SCALE: 1"= 100'

Surveyor
Darrell McCarther
Certificate of Authorization is 1686, Expires 6-30-14
1113 Blackstone, Clinton, OK 73601
Phone Number: 580-323-0019
Email Address: big_mac16@sbcglobal.net

Final Plat of - Commerce Industrial Center
Joe Ridley
P.E. 19123, Exp: 11-30-14
CA 6565, Exp: 8-30-15
P.O. Box 2147
Weatherford, Oklahoma 73096
Phone: 580-695-0118
e-mail: joeridley2@sbcglobal.net
Sheet 2 of 2

RESOLUTION NO. IA14-01

RESOLUTION OF THE CITY OF CLINTON COMMITTING TO PERFORM GRADING, DRAINAGE, BASE AND MAINTENANCE WORK FOR A NEW INDUSTRIAL ACCESS ROAD AT Commerce Industrial Center .

WHEREAS, the City of Clinton (City) and the Oklahoma Department of Transportation (ODOT) are working in conjunction in order to explore the construction of a new industrial access road project;

WHEREAS, as a part of the application process, ODOT requires a resolution, whereby the City commits to the performance of grading, drainage, base and maintenance work for the new roadway;

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

1. In conjunction with ODOT's construction of a new Industrial Access Road at Commerce Industrial Ctr, the City agrees to perform all grading, drainage, base and maintenance work as required by the plans and specs for the subject project.

PASSED AND APPROVED at the special meeting of the City Council of the City of Clinton and duly signed by the Mayor this 21 day of October, 2014.

THE CITY OF CLINTON, OKLAHOMA

By:

_____

MAYOR

ATTEST:

_____

CITY CLERK

Approved as to form and legality this _____ day of _____, 2014.

_____

CITY ATTORNEY

PUBLIC NOTICE OF A REGULAR MEETING
OF THE CITY COUNCIL
TUESDAY, OCTOBER 21, 2014 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

Original source: https://agendas.clintonok.gov/archive/2014/102114/launch.htm
Original authority agenda: https://agendas.clintonok.gov/archive/2014/102114/airport.htm
Original authority agenda: https://agendas.clintonok.gov/archive/2014/102114/council.htm
Original authority agenda: https://agendas.clintonok.gov/archive/2014/102114/industrial.htm
Original authority agenda: https://agendas.clintonok.gov/archive/2014/102114/publicwork.htm

1. Call to Order
2. Opening Prayer /Pledge Dan Day, Ministerial Alliance
3. Consent Agenda
    A. Consider Approval of Minutes of October 7, 2014
4. Action Items:
    A. Consider and take action on recommendation of staff regarding Aerial Fire Apparatus
    B. Consider request for road closing of Opal Street from 12 th Street to 13 th Street on October 30 th through November 1st
5. Council Report
6. City Manager's Report
7. Audience Participation
8. Adjournment

Filed this 17th day of October, 2014. Posted on the bulletin board in the lobby of the Clinton City Hall on October 17, 2014 at 2:00 p.m.

MINUTES OF THE CLINTON CITY COUNCIL
OCTOBER 7, 2014

Minutes of the regular meeting of the Mayor and City Council of the City of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, October 7, 2014 at 5:30 p.m. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on Friday, October 3, 2014.

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

MAYOR: Seth Adams
COUNCIL: Don Rodolph, Jason Hulin, Mustafa Sami, Wheeler Lowry
CITY MANAGER: Mark Skiles
CITY CLERK: Lisa Anders
CITY TREASURER: Absent
DEPUTY CLERK: Shona Stermer
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Gerald Green and Mike Smith
OTHERS: Randy Carpenter, Kris Wermy, Jeremy Brush, Gene McCullough, Julie Menge, Michael Ryburn, Conan Wilson, Henry Caldwell, Donald Webb, Brent Almquist, Monte Goucher, Bob Leonard, Floyd Hoffman, David Crabtree, Dave Thorpe, Keaton Modi, Rico Avery, Kenny Hutchinson, Taylor Henderson, Rick Challis and others.

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

AGENDA ITEM NO. 3: CONSENT AGENDA

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

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

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

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

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4B. CONSIDER PROCLAMATION REGARDING WHITE CANE SAFETY DAY

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

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

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

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

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4D. CONSIDER BIDS FOR FIRE AERIAL APPARATUS

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

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

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

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

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

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

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

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

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

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

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

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

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

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

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

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

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

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

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

Councilman Sami asked who would pay for the construction costs.

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

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

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

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

AGENDA ITEM NO 5.COUNCIL REPORT

None

AGENDA ITEM NO. 6: MANAGER'S REPORT

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

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

AGENDA ITEM NO. 7 : AUDIENCE PARTICIPATION

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

AGENDA ITEM NO. 8: ADJOURNMENT

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

Mayor put the motion to a roll call vote:

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

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

AN ORDINANCE OF THE CITY OF CLINTON, OKLAHOMA

ORDINANCE NO. 953

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

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

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

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

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

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

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

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

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

END

The foregoing ordinance was introduced before the City of Clinton City Council on the 7 day of October, 2014, and was duly adopted and approved by the Mayor and City Council of the City of Clinton on the 7 day of October, 2014, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.).

ATTEST:

Lisa Anders
CITY CLERK

MAYOR

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

CITY ATTORNEY

Memorandum

To: Mark Skiles, City Manager

From: Randy Carpenter, Fire Chief

Date: 10-14-2014

Re: Aerial Apparatus

It is my opinion, after researching both bids, that we go with the Brindlee Mountain bid on a 1999 Pierce, Dash.
The reasons being are,

1) The ability to reach some of the larger 2-story houses, from the street, in the Rolling Hills addition. (100ft. vs. 85ft)
2) This truck has the original paint on it.
3) Central States Manf. has sold out to Rosenbaugher. (this is the other truck)
4) Larger generator. (over twice the kw)
5) Much lower miles. (15,000 vs. 71,000)
6) Pierce has just opened a new service center in west OKC, vs. Rogersville, MO
7) They have graciously allowed us to use this truck as we need for the past month at no cost.

City of Clinton/Parks & Recreation

Memo

To: Mark Skilies

From: Kris Wermy

cc: Lisa Anders

Date: July 28, 2014

Re: Opal Street Closing

I am requesting to close a portion of Opal St. from 12th St. to 13th, the nights we will be having the haunted house at the Armory. The nights the haunted house will be going on are Oct. 30th-Nov. 1st and I would like for the street to be closed from 6pm -12am or until complete.

This will mitigate any vehicle accidents involving pedestrians in front of the Armory where we anticipate high volume of foot traffic. With no residents in the corridor we are blocking off, this shouldn't impact the neighborhood.

Kris Wermy
Parks & Recreation Director