PUBLIC NOTICE OF A REGULAR MEETING
OF THE CITY COUNCIL
TUESDAY, NOVEMBER 20, 2007 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order

2. Opening Prayer Rick Brewster, First Church of the Nazarene

3. Consent Agenda

    A. Consider Approval of Minutes of Regular Meeting on November 6, 2007

4. Action Items:

    A. Consider Bids on 30 acres of minerals on property commonly known as Clinton Cemetery

    B. Consider Change Order #2 to Williams Electric contract for Lighting and Power at Acme Brick Park for $38,236.00

    C. Consider appointment from Governing Board to Local Development Act Review Committee

    D. Consider appointment from Planning and Zoning Board to Local Development Act Review Committee

    E. Consider Condemnation:

5. 408 S 15th- Owner: Romualdo Lopez

6. 119 E. Court- Owner: Manford Olden

    A. Consider Resolution 777 regarding return of one-half cent of state sales tax to cities for road, bridge and transportation improvements

7. City Managers Report

8. Recognition of Registered Audience

9. Adjournment

Filed this 16th Day of November, 2007. Posted on the bulletin board in the lobby of the Clinton City Hall on November 16, 2007 at 3:15 p.m.

MINUTES OF THE CLINTON CITY COUNCIL
NOVEMBER 6, 2007

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 6, 2007 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 2, 2007.

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

MAYOR: Lynn Norman
COUNCIL: Bob Marcy, Mark Hendrickson, Allen Bryson, Terry Wheeler
CITY MANAGER: Grayson Bottom
CITY CLERK: Lisa Anders
CITY TREASURER: Absent
DEPUTY CITY CLERK: Rhonda Williams
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Gerald Green and Mike Smith
OTHERS: Brad Aneshansley, Bob Gauger, Charles Fry, Leroy Livesay, David Crabtree, Wayne & Denice Davis, Barry, Carla & Tamera DeHart, Wade Anders and others.

Councilman Allen Bryson opened the meeting with prayer and Councilman Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of October 16, 2007
B. Consider Claims

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

Mayor put the motion to a roll call vote:

Aye: Marcy, Wheeler, Hendrickson, Bryson, Norman
Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. REQUEST AUTHORIZATION TO PURCHASE SOFTWARE FOR POLICE DEPARTMENT

City Manager Grayson Bottom explained that Assistant City Manager Bob Gauger had researched the software situation for the police department and has presented a recommendation.

Police Chief David Crabtree said the current software keeps in-house information and the new system would allow networking with other agencies. He said there would also be a savings in the streamlining of work. He also said in 2009 the current system would have no technical support.

Assistant City Manager Bob Gauger said there would be a conversion of data to the new system and installation of a server for the Police Department. He estimated it would take four to six weeks for installation and up to three months for data conversion.

Motion was made by Councilman Hendrickson and seconded by Councilman Bryson to authorize the purchase of software for the Police Department.

Mayor put the motion to a roll call vote:

Aye: Hendrickson, Bryson, Marcy, Wheeler, Norman
Nay: None

Mayor declared the motion carried.

4B. REQUEST AUTHORIZATION TO GO TO BID ON 30 ACRES OF MINERALS

City Manager Grayson Bottom explained that a request to lease 30 acres of minerals had been received. He explained that the land is the Clinton Cemetery. He said the last lease agreement executed was for $750.00, 3/16th for a three-year period.

City Manager Bottom recommended if the minerals were leased to include a stipulation regarding drilling. He said Mart Tisdal had presented specifications for bids.

Motion was made by Councilman Wheeler and seconded by Councilman Marcy to authorize staff to advertise for bid of 30 acres of mineral.

Mayor put the motion to a roll call vote:

Aye: Wheeler, Marcy, Hendrickson, Bryson, Norman
Nay: None

Mayor declared the motion carried.

4C. CONSIDER RESOLUTION 776 REGARDING REPAYMENT OF CDBG/LOAN FOR REPLACEMENT OF ROOF ON BUILDING LOCATE AT 2300 SOUTH 13TH

City Manager Grayson Bottom said the proposed resolution establishes repayment process for the CDBG/loan for the replacement of the roof on the building locate at 2300 South 13$^{th.}$

Motion was made by Councilman Hendrickson and seconded by Councilman Bryson to adopt Resolution No. 776 regarding the repayment of CDBG/Loan for replacement of the roof on the building at 2300 South 13th.

Mayor put the motion to a roll call vote:

Aye: Hendrickson, Bryson, Wheeler, Marcy, Norman
Nay: None

Mayor declared the motion carried.

5. CITY MANAGER'S REPORT

City Manager Grayson Bottom reported that Ryan Meacham and Russ Meacham are reviewing the City's purchasing policy. He said during this review, concerns were brought to light regarding the City Charter. The City Charter contains specific dollar amounts that are no longer appropriate and it is recommended that the Charter set policy and ordinances or resolutions would set specific dollar amounts that can be changed when necessary.

Bottom said if it is determined that the Charter is in need of amendments, the presentation of the Purchasing Policy along with the ordinance would be brought to Council following the Charter amendment election.

Assistant City Attorney Ryan Meacham said that spending dollars are rarely seen in City Charters and that due to inflation rates, it is necessary to change the Charter spending limits.

6. RECOGNITION OF REGISTERED AUDIENCE

None

AGENDA ITEM NO. 7: ADJOURNMENT

Moved by Councilman Wheeler and seconded Councilman Marcy, to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Wheeler, Marcy, Hendrickson, Bryson, Norman
Nay: None

Mayor declared the meeting adjourned at 6:10 P.M.

NOTICE OF MINERAL LEASE
BY SEALED BID TO BE OPENED NOVEMBER 20, 2007

Sealed bids will be accepted at the City Clerk's Office, City Hall, Clinton, Oklahoma not later than 5:30 P.M., Tuesday, November 20, 2007 for the lease of approximately 30.0 acres of land located in Custer County. Bids need to be marked on the outside of the envelope **"MINERAL BIDS".** Bids may be mailed to the Office of the City Clerk at P.O. Box 1177 Clinton, OK 73601. Bidders submitting sealed bids by the stated time may raise their written bid orally at the time the bids are opened provided that bidder is present in person. If additional information is need regarding this property, you may call the Clerk's Office at City Hall at 580-323-0265.

Legal: Section 34, Township 12 North, Range 17 West, approximately 30 acres in the NW corner of the NW/4 of the section in Custer County, Oklahoma

Terms of Lease: Lease will be on a form prescribed by the Clinton City Council. The minimum terms of the lease will be $1,000 per acre and 3/16th of gross production at the wellhead for three years. Companies should be prepared to submit an amount equal to 10% of the sealed bid price to the City Clerk on the night of the bid auction. Checks will be held for 30 days in anticipation of completion of the contract terms. Should the contract not be completed within 30 days, the City of Clinton, at its sole discretion, may return the above-mentioned check and declare the auction null and void and advertise for bids at a later date.

This property is more specifically known as The Clinton Cemetery. No drilling will be allowed in the cemetery nor the 10 acres to the South of the cemetery.

The City of Clinton reserves the right to waive any irregularities in bids received and reserves the right to reject any and all bids and the right to accept the best bid submitted.

Dated: Friday, November 9, 2007
Grayson Bottom
City Manager
Clinton, OK

AIA® Document G701/CMa™ – 1992

Change Order - Construction Manager-Adviser Edition

PROJECT *(Name and address):*
Acme Brick Park
Modelle Ave.
Clinton, OK 73601

TO CONTRACTOR *(Name and address):*
Williams Electric
PO Box 515
Clinton, OK 73601

CHANGE ORDER NUMBER: 2
INITIATION DATE: 9/27/2007

PROJECT NUMBERS: 0522B /
CONTRACT DATE: 11/07/2007
CONTRACT FOR: Bid Package 5

OWNER: ☐
CONSTRUCTION MANAGER: ☐
ARCHITECT: ☐
CONTRACTOR: ☐
FIELD: ☐
OTHER: ☐

THE CONTRACT IS CHANGED AS FOLLOWS:

Install empty 3/4" pvc conduit from the scorer's table to Lighting Poles on Fields 5, 6, & 7. Provide a junction box at both the table and outside of pole base and a pulling mens in the conduit for future speaker wiring. Install weatherproof scoreboard on/off switch and a weatherproof 120 volt receptacle at each score table (7 tables) and provide 120V power installed in conduit from each score table to each score board as required (7 score boards). Provided weatherproof disconnect at each score board (7 locations). Install conduit and wire required for the 32 security fixtures on 16 different field lighting poles thru out the park. All additional circuits (16) will be connected to LC1, LC2, or LC3 as required. Install conduit and wire required at the three irrigation control centers located in three different locations in the park.

The original Contract Sum was	$	255,773.00
Net change by previously authorized Change Orders	$	29,567.00
The Contract Sum prior to this Change Order was	$	285,340.00
The Contract Sum will be increased by this Change Order in the amount of	$	38,236.00
The new Contract Sum including this Change Order will be	$	323,576.00

The Contract Time will be increased by Zero (0) days.
The date of Substantial Completion as of the date of this Change Order therefore is .

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

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

Value Added Management, LLC
CONSTRUCTION MANAGER *(Firm name)*
PO Box 834, Clinton, OK 73601
ADDRESS

BY *(Signature)*
Monte Goucher, P.E. 10/11/07
(Typed name) **DATE:**

Architects in Partnership, P.C.
ARCHITECT *(Firm name)*
3220 Marshall, Norman, OK 73072
ADDRESS

BY *(Signature)*
Frank Vogel 10/19/07
(Typed name) **DATE:**

Williams Electric
CONTRACTOR *(Firm name)*
PO Box 515 Clinton, OK 73601
ADDRESS

BY *(Signature)*
Louis E Williams 10-11-07
(Typed name) **DATE:**

City of Clinton
OWNER *(Firm name)*
PO Box 1177, Clinton, OK 73601
ADDRESS

BY *(Signature)*

(Typed name) **DATE:**

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User Notes: (1012936346)

Memorandum

To: Grayson Bottom, City Manager and Clinton City Council

From: Toby Anders, Code Enforcement Officer

Date: 11/07/2007

Re: Properties to be considered for condemnation

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119 E. Court

This property has sat empty for numerous years. The water meter was removed March 24, 1994 and at that time no water had been used in several years. Attempts have been made for the owner to make contact with my office and the owner has failed to do so. The property is dilapidated, unsecured, & deteriorated to a point that my recommendation is to condemn the property and remove all contents from the property. Notice of Hearing was sent by certified mail and posted on October 26, 2007, and Notice of hearing was published in the Clinton Daily News of October 28, 2007.

408 S. 15th

This property has been empty for several years and has continued to deteriorate. Water was turned off on June 27, 2003. The property is dilapidated, unsecured, & deteriorated several attempts have been made to contact the owner, but all notices have been returned unable to locate. It is my recommendation that the structure and all contents be condemn and removed. Notice of Hearing was posted on October 26, 2007 and published in the Clinton Daily News on October 28, 2007.

RESOLUTION 777

A RESOLUTION OF THE CITY OF CLINTON TO SUPPORT THE RETURN ONE-HALF CENT (1/2 CENT) OF THE STATE SALES TAX TO CITIES AND TOWNS TO INVEST IN ROAD, BRIDGE, AND TRANSPORTATION IMPROVEMENTS.

WHEREAS, eighty-eight percent (88%) of STATE sales tax is generated from sales within town and city boundaries.

WHEREAS, municipalities spend local funds to provide for public safety, water, sewer, roads, bridges, stop lights, tax incentives and more as well as to develop business within their respective communities, counties, and Oklahoma in general, and

WHEREAS, the State has a diversified revenue base which causes it to reply on sales tax for less than one-fourth of total revenues; while in contrast towns and cities do not have a diversified revenue base causing cities to rely on sales tax for one-half or more of their general fund revenues; and

WHEREAS, the proposal would extend county road dollars by providing small communities with new funds to help with local roads, and

WHEREAS, good roads and streets reduce injuries and death, decrease damage to vehicles, and attract increased economic development, all of which benefit the state, schools, counties, cities and towns; and

WHEREAS, the State has allocated additional funds to build state and county roads but has not allocated funds to help towns and cities, therefore,

NOW BE IT RESOLVED, that the City of Clinton, Custer County, Oklahoma supports the return of one-half cent (1/2 cent) of the current state sales tax to cities and towns for road, transportation, and maintenance improvements.

Adopted this _____day of _____, 2007.

_____
Lynn E. Norman, Mayor

ATTEST:

_____
Lisa Anders, City Clerk

PUBLIC NOTICE OF A REGULAR MEETING
OF THE PUBLIC WORKS AUTHORITY
TUESDAY, NOVEMBER 20, 2007 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Rick Brewster, First Church of the Nazarene
3. Consent Agenda
    A. Consider Approval of Minutes of Regular Meeting on November 6, 2007
4. Action Items:
    A. Consider renewal of contract with Clinton Community Foundation through June 30, 2008
5. City Managers Report
6. Recognition of Registered Audience
7. Adjournment

Filed this 16th Day of November, 2007. Posted on the bulletin board in the lobby of the Clinton City Hall on November 16, 2007 at 3:15 p.m.

PW110607

MINUTES OF THE PUBLIC WORKS AUTHORITY MEETING, NOVEMBER 6, 2007

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 6, 2007 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 6, 2007.

Chairman Norman called the meeting to order with the following present;

CHAIRMAN: Lynn Norman
TRUSTEES: Bob Marcy, Mark Hendrickson, Allen Bryson, Terry Wheeler
CITY MANAGER: Grayson Bottom
CITY CLERK: Lisa Anders
CITY TREASURER: Absent
DEPUTY CLERK: Rhonda Williams
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Gerald Green and Mike Smith
OTHERS: Brad Aneshansley, Charles Fry, Leroy Livesay, Wade Anders, Bob Gauger, David Crabtree and others.

Trustee Allen Bryson opened the meeting with prayer and Trustee Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of the Regular Meeting of October 2, 2007
B. Consider Claims

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

Chairman put the motion to a roll call vote:

Aye: Marcy, Wheeler, Bryson, Hendrickson, Norman
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER BIDS ON PICKUP FOR WATER DEPARTMENT

Staff had advertised for bids on a pickup for the Water Department. Three bids were received.

David Howe Motors	Dusty Ballard Motors	McKinsey Motors
Clinton, OK	Clinton, OK	Clinton, OK
$25,550	$29,546.00	$21,284.00

Motion was made by Trustee Wheeler and seconded by Trustee Marcy to award the bid to the low bidder contingent on staff approval.

Chairman Norman put the motion to a roll call vote:

Aye: Wheeler, Marcy, Bryson, Hendrickson, Norman
Nay: None

Chairman declared the motion carried.

4B. ACKNOWLEDGE WATER LINE PERMIT #WL000020070240 ISSUED BY OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY.

City Manager Grayson Bottom said the permit is for the Highway 183 project and the application had been applied for before construction began.

Public Works Authority acknowledge the receipt of the Water Line Permit #WL000020070240 issued by the Oklahoma Department of Environmental Quality for the Highway 183 Project.

4C. ACKNOWLEDGE SEWER LINE PERMIT #SL000020070241 ISSUED BY OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY.

City Manager Grayson Bottom said the permit is for the Highway 183 project and the application had been applied for before construction began.

Public Works Authority acknowledge the receipt of the Sewer Line Permit #SL000020070241 issued by the Oklahoma Department of Environmental Quality for the Highway 183 Project.

4D. REQUEST AUTHORIZATION TO SEEK CDBG GRANT FOR ENGINEERING/SURVEY SERVICES

City Manager Grayson Bottom explained that before water improvement can be made to the northeast quadroon that more detailed survey and engineering services would be required. The estimated cost for survey services alone would be $35,000.00. He explained that the Department of Commerce had recommended the City making application for a plan grant to pay for these services. Staff requested authorization to seek the grant for planning.

Motion was made by Trustee Marcy and seconded by Trustee Hendrickson to authorize staff to seek CDBG grant for engineering/survey services for water improvements.

Chairman put the motion to a roll call vote:

Aye: Marcy, Hendrickson, Wheeler, Bryson, Norman
Nay: None

Chairman declared the motion carried.

4E. CONSIDER RESOLUTION PW07-02 REGARDING CDBG-EDIF GRANT/LOAN FROM OKLAHOMA DEPARTMENT OF COMMERCE FOR ROOF IMPROVEMENTS TO BUILDING AT 2300 SOUTH 13TH STREET

City Manager Grayson Bottom explained that the purpose for the resolution presented was to identify the borrower and the lender regarding the grant/loan from the Oklahoma Department of Commerce for the roof improvements at 2300 South 13th Street.

Trustee Marcy asked when the project would begin.

City Manager Bottom said it depends on finding a certified roofer for the project.

Motion was made by Trustee Wheeler and seconded by Trustee Bryson to approve Resolution PW07-02 regarding CDBG-EDIF grant/loan from the Oklahoma Department of Commerce for roof improvements to the building at 2300 South 13th Street.

Chairman put the motion to a roll call vote:

Aye: Wheeler, Bryson, Hendrickson, Marcy, Norman
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO .5: CITY MANAGER'S REPORT

City Manager Grayson Bottom reported that the ramps and bridge construction is ongoing. He said the shoring was causing delays at the intersection of Locust and 4th Street.

AGENDA ITEM NO. 6: RECOGNITION OF REGISTERED AUDIENCE

None

AGENDA ITEM NO. 7: ADJOURNMENT

Moved by Trustee Hendrickson and seconded by Trustee Bryson that the meeting adjourn.

Chairman put the motion to a roll call vote

Aye: Hendrickson, Bryson, Marcy, Wheeler, Norman
Nay: None

Chairman declared the meeting adjourned at 5:45 pm.

AGREEMENT

THIS AGREEMENT, made this 20th day of November, 2007, by and between The Clinton Public Works Authority of the City of Clinton, hereinafter referred to as "CITY" and Clinton Community Foundation, Inc., a non-profit corporation organized under the laws of the State of Oklahoma, hereinafter referred to as the "FOUNDATION". The terms of this agreement shall commerce on November 18, 2007 and terminate June 30, 2008.

RECITALS

1. FOUNDATION is a non-profit community foundation established for the purpose of applying for, receiving and distributing grant funds for projects to enhance the community known as the City of Clinton and the Clinton region;
2. The City of Clinton and the Clinton region can benefit the pursuit of additional funding sources for community projects;
3. This agreement is wholly contingent upon the continued participation and cooperation of the Clinton Industrial Foundation.

NOW THEREFORE, for and in consideration of the mutual covenants herein, the parties agree as follows:

SECTION 1.

OBLIGATIONS OF CLINTON COMMUNITY FOUNDATIONS, INC.

The FOUNDATION agrees to utilize funds provided under this agreement to hire and support a grant writer for the City of Clinton and the Clinton region.

The FOUNDATION agrees to make written quarterly progress reports detailing grant application activities to the Clinton City Council.

The FOUNDATION agrees to coordinate, as needed, with any agencies or groups in Clinton or the Clinton region concerning any "matching funds" requirements for all grant applications.

The FOUNDATION agrees to employ sound fiscal practices, keep accurate accounts and records of receipts and expenditures, and submit an annual audit prepared by the certified public account to the Trustees of the City of Clinton Public Works Authority.

SECTION 2.

OBLIGATIONS OF THE CITY OF CLINTON PUBLIC WORKS AUTHORITY

The CITY agrees to provide the FOUNDATION the sum of Twenty Two Thousand Five Hundred ($22,500) for the contract term for the purpose of employing and supporting a grant writer.

The CITY shall pay the FOUNDATION the above sum in equal monthly installments.

In partnership with the Clinton Industrial Foundation, the City will provide office space for the grant writer.

SECTION 3.

Either party may terminate this agreement by providing thirty (30) days written notice to the other party.

The CITY may terminate this agreement with the FOUNDATION immediately upon the event of default in any of the terms of this agreement. In the event of default, this contract shall be null and void. Events of default include, but are not limited to, failure to provide progress or audit report, neglect of duty, fraud, misappropriation, embezzlement or the like of any funds, or the performance of any willful or intentional act, which reflects unfavorably on the reputation of the CITY.

THE CLINTON PUBLIC WORKS AUTHORITY

OF THE CITY OF CLINTON

_____

Lynn E. Norman, Chairman

CLINTON COMMUNITY FOUNDATION, INC.

_____