PUBLIC NOTICE OF A REGULAR MEETING
OF THE PUBLIC WORKS AUTHORITY
TUESDAY, MARCH 17, 2009 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Doyle Kinney, First Christian Church
3. Consent Agenda
    A. Consider Approval of Minutes of Regular Meeting on March 3, 2009
4. Action Items:
    A. Request authorization to go to bid for purchase of pipe, pipe fittings, material and labor associated with Northeast Quadrant Waterline Replacement Project
    B. Discussion of letter of resignation of City Manager from Public Works Authority
5. City Managers Report
6. Audience Participation
7. Adjournment

Filed this 13th Day of March, 2009. Posted on the bulletin board in the lobby of the Clinton City Hall on March 13, 2009 at 1:45 p.m.

PW030309

MINUTES OF THE PUBLIC WORKS AUTHORITY MEETING, MARCH 3, 2009

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, March 3, 2009 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 February 27, 2009.

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

CHAIRMAN: Allen Bryson
TRUSTEES: Terry Wheeler, Mark Hendrickson, Bob Marcy, John Jordan
CITY MANAGER: Grayson Bottom
CITY CLERK: Lisa Anders
CITY TREASURER: Debra Blanchard
DEPUTY CLERK: Absent
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Gerald Green and Mike Smith
OTHERS: Arnold Adams, Brad Aneshansley, Charles Fry, Gene McCullough, Cheryl Lowry and others.

Billy Mucker of the Bethany Baptist Church 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 February 3, 2009
B. Consider Claims

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

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. DISCUSSION OF PRELIMINARY DRAFT OF CAPITAL IMPROVEMENT PLAN UPDATE ITEMS

City Manager Grayson Bottom gave an update on his recent trip to Washington, DC to meet with Capital Decisions. He reported on the projects that were presented for consideration. He compared the current projects with the list of projects that were listed in the Capital Improvement Plan prepared in 2006. He said this confirms the City is on target for the five-year completion list. He said the

projects delivered were seriously considered and he said he had a good reception and felt the trip was productive.

Bottom presented the Authority with the list of proposed projects and asked them to contact him with any additional projects. He also reminded them to return their grade sheets. He said "spade ready" projects are needed and in order to know where to dedicated funds for preparation, priorities need to be made for the projects.

Chairman Bryson asked about the wireless broadband in the stimulus package.

Bottom said the Gene McCullough had prepared a submittal for the wireless broadband and that was included in the projects presented last week.

Gene McCullough said two agencies are organizing the rules and guideless for the wireless broadband stimulus package but it is not setup yet. He did say that municipal networks are eligible.

City Manager Grayson Bottom said other projects on the list include roof for City Hall, Dougherty road project, a public safety center and storm water runoff plan.

Cheryl Lowry asked about the City looking at improving and cleaning up the city streets. She said recently the large dumpsters have been removed and she was concerned that trash would not be disposed of property and end up in ditches. She suggested communicating with the public about public places to go with their trash. She asked about enforcement of cleaning up of businesses on Frisco. She said an unkept business front does not leave a positive first impression.

Chairman Bryson said previously city-wide meetings were held and one of the small groups discussed beautification and he thought perhaps this process could be continued.

4B. CONSIDER EXPENDITURE OF FUNDS FOR DREDGING DECANT PONDS AT CLINTON WATER TREATMENT PLANT

City Manager Grayson Bottom explained that every seven to ten years the overflow ponds at Lake Clinton need to be dredged. He said $26,000 had been included in the budget for this project.

Public Works Director Arnold Adams presented three quotes for the project. His recommendation was to accept the quote from E.E. Construction/David Driscoll Trucking for $20,000.00. He said the project would include scraping out the ponds and removing the cat tails and could be completed in less than two weeks.

Motion was made by Trustee Marcy and seconded by Trustee Jordan to approve the expenditure of funds for dredging decant ponds at Clinton Water Treatment Plant and accept the quote from E.E. Construction/David Driscoll Trucking for $20,000.00

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

AGENDA ITEM NO .5: CITY MANAGER'S REPORT

City Manager Grayson Bottom reported on the following projects:

- Gary Boulevard repairs by ODOT for replacement of 3 steel pipes for storm water drainage; City will help on the project by contributing the first $5,000 on concrete
- Clarifier #1 completed, #2 started- originally budgeted $102,000 for this project. Bids came in lower than budget allowing us to complete painting of exterior of clarifiers. Project should be completed by end of the month.
- Completing the rebuilding of ¾ mile of fence at Clinton Lake as required by our lease agreement with surrounding property owners.

AGENDA ITEM NO. 6: AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 7: ADJOURNMENT

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

Chairman put the motion to a roll call vote

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

Chairman declared the meeting adjourned at 6:20 pm.

PUBLIC NOTICE OF A REGULAR MEETING
OF THE CITY COUNCIL
TUESDAY, MARCH 17, 2009 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Doyle Kinney, First Christian Church
3. Consent Agenda
    A. Consider Approval of Minutes of Regular Meeting on March 3, 2009
4. Action Items:
    A. Offer Employment to Grayson Bottom for City Manager
    B. Consider Recessing the meeting to Acme Brick Park to view project progress
5. City Managers Report
6. Audience Participation
7. Adjournment

Filed this 13th Day of March, 2009. Posted on the bulletin board in the lobby of the Clinton City Hall on March 13, 2009 at 1:45 p.m.

MINUTES OF THE CLINTON CITY COUNCIL
MARCH 3, 2009

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, March 3, 2009 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 February 27, 2009.

Mayor Allen Bryson called the meeting to order with the following present;

MAYOR: Allen Bryson
COUNCIL: Terry Wheeler, Mark Hendrickson, Bob Marcy, John Jordan
CITY MANAGER: Grayson Bottom
CITY CLERK: Lisa Anders
CITY TREASURER: Debra Blanchard
DEPUTY CITY CLERK: Absent
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Gerald Green and Mike Smith
OTHERS: Arnold Adams, Brad Aneshansley, Charles Fry, Gene McCullough, Cheryl Lowry and others.

Billy Mucker of the Bethany Baptist Church 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 February 3, 2009
B. Consider Claims

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER APPOINTMENT TO MIDWESTERN OKLAHOMA INDUSTRIAL FOUNDATION

City Manager Grayson Bottom explained that two members of the MOIF foundation have completed their terms. He said the Mayor makes the appointments and both members, Bob Marcy and Kevin Brittain have agreed to serve if appointed.

Mayor Bryson reappointed Bob Marcy and Kevin Brittain to serve on the Midwestern Oklahoma Industrial Foundation.

4B. CONSIDER ORDINANCE 916 AMENDING EMPLOYEE RETIREMENT SYSTEM DEFINED BENEFIT PLAN TO INCORPORATE FINAL INTERNAL REVENUE CODE REGULATIONS AND PROVISIONS OF PENSION FUNDING EQUITY ACT

City Manager Grayson Bottom explained the Oklahoma Municipal Retirement Fund has provided the ordinance that amends the language of the City's retirement plan to incorporate final Internal Revenue Code regulations and provisions of the Pension Funding Equity Act. He said Assistant City Attorney Ryan Meacham has reviewed and approved the ordinance.

Motion was made by Councilman Hendrickson and seconded by Councilman Wheeler to approve Ordinance 916 amending the employee retirement system Defined Benefit Plan to incorporate final Internal Revenue Code regulations and provisions of the Pension Funding Equity Act.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

Motion was made by Councilman Hendrickson and seconded by Councilman Marcy to approve the Emergency Clause to Ordinance No. 916.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4C. DISCUSSION WITH LEGAL COUNSEL REGARDING PENDING LITIGATION INCLUDING AN EXECUTIVE SESSION AS AUTHORIZED BY 25 O.S. ss 307 B.4

Motion was made by Councilman Wheeler and seconded by Councilman Marcy to go into executive session for discussion with Legal Counsel regarding pending litigation.

Mayor put the motion to a roll call vote:

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

Mayor declared the meeting in executive session at 6:30 p.m.

RECONVENE

Motion was made by Councilman Marcy and seconded by Councilman Hendrickson to go enter into regular session

Mayor put the motion to a roll call vote:

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

Mayor declared the meeting in regular session at 6:40 p.m.

No action taken

5. CITY MANAGER'S REPORT

City Manager Grayson Bottom reported that budget worksheets have been passed out in preparation for the annual budget workshops and budget passage.

City Manager Bottom informed the Council of a new reverse 911 system that could contact resident by land-line or cell telephone to make them aware of public announcements. Examples of usage of the system could be notification of water line breaks, schools closings, road closings, weather alerts and other public announcements. He said a survey would be taken of citizens to see if they would be willing to pay the proposed rate of $.20 per month that could be added to the monthly water bills.

6. AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 7: ADJOURNMENT

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

Mayor put the motion to a roll call vote:

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

Mayor declared the meeting adjourned at 6:50 P.M.

AN ORDINANCE OF THE CITY OF CLINTON, OKLAHOMA

ORDINANCE NO. 916

AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED BENEFIT PLAN OF THE **CITY OF CLINTON**, OKLAHOMA, TO INCORPORATE THE FINAL IRC SECTION 415 REGULATIONS AND PROVISIONS OF THE PENSION FUNDING EQUITY ACT; AND AMENDING THE DEFINED CONTRIBUTION PLAN OF THE **CITY OF CLINTON**, OKLAHOMA, TO INCORPORATE THE FINAL IRC SECTION 415 REGULATIONS; AND AMENDING THE DEFINED CONTRIBUTION PLAN FOR THE POSITION OF CITY MANAGER OF THE **CITY OF CLINTON**, OKLAHOMA, TO INCORPORATE THE FINAL IRC SECTION 415 REGULATIONS; PROVIDING FOR EMPLOYER PICKUP OF MANDATORY CONTRIBUTIONS FOR THE DEFINED BENEFIT PLAN; 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. The Employee Retirement System, Defined Benefit Plan and Defined Contribution Plan and Defined Contribution Plan for the position of City Managerof the **City of Clinton**, Oklahoma, is hereby amended as shown on the attached Exhibit "A" and "B" and "C", which is incorporated herein by reference.

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

Section 3. Whereas, the Defined Benefit Plan contains provisions which are intended to constitute a pick-up program by the Employer which satisfies the requirements of section 414(h)(2) of the Internal Revenue Code of 1986 (the "Code"); and in accordance with the provisions of the plan, Mandatory Contributions (as defined in the Plan) are designated "picked-up" by the employer so as to not be included in Plan Participants' gross income for Federal income tax purposes as provided in Section 414(h)(2) of the Code. All Mandatory Contributions are to be paid by the employer in lieu of contributions by the Plan Participant. No Participant in the Plan shall have the option of choosing to receive the amounts of Mandatory Contributions directly in lieu of having such amounts paid by the employer to the Trustees of the Plan.

Section 4. 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 5. 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 Clinton City Council on the 3 day of March, 2009, and was duly adopted and approved by the Mayor and City Council of the City of Clinton on the 3 day of March, 2009, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.).

MAYOR

ATTEST:

Lisa Anders

CITY CLERK

Approved as to form and legality on _____.

CITY ATTORNEY

EMPLOYMENT AGREEMENT

Agreement made on this _____ day of _____, 2009, between the City of Clinton, Oklahoma, a municipal corporation, hereinafter referred to as ACITY@, and Grayson Bottom, hereinafter referred to as AMANAGER@.

Recitals:

WHEREAS, the CITY desires to employ a professional MANAGER; and

WHEREAS, MANAGER is qualified through training and experience to provide the professional services; and

WHEREAS, the CITY has offered MANAGER employment in the capacity of City Manager, for such compensation, benefits and under the terms and conditions set forth below, and MANAGER is willing to accept employment on such terms.

NOW THEREFORE for and in consideration of the above, it is mutually agreed as follows:

Section I: Employment and Duties.

A. The CITY hereby employs MANAGER and MANAGER accepts such employment, with the understanding that he shall use his best full time professional effort as MANAGER of the CITY.

B. MANAGER agrees to perform said duties on an as needed, i.e., in a manner that is customary to the profession, including but not limited to, budgetary and fiscal responsibility, department oversight and supervision, community relations, and at all times to exercise the appropriate degree of professional care, to keep the Mayor and Council informed, and to effectively manage all city departments, and employees.

C. MANAGER also understands and agrees that the City Council shall have the power to determine, from time to time, the specific duties to be performed by MANAGER, and the general manner by which those duties shall be performed. MANAGER shall report directly to the City Council and serve at the pleasure of the Council. In furtherance thereof MANAGER understands and agrees that the City Council intends and expects to meet with MANAGER at least quarterly to receive the MANAGERS status report on his administrative accomplishments and recommendations and to candidly discuss and evaluate the same from the standpoint of the Council=s goals and concerns at the discretion of the Council.

D. MANAGER shall devote his full working professional time and attention to the management to the City of Clinton, Oklahoma, and he shall not, without the written consent of the CITY, directly or indirectly render services of a professional nature to or for any other person, firm or entity for compensation, or engage in any practice or professional endeavor that compromises the interest of the CITY. However, the expenditure of reasonable time and resources for civic, community, political or professional activities shall not be deemed a breach of this provision and is expected.

E. MANAGER shall reside within the corporate limits of the City of Clinton, Oklahoma.

Section II: Term.

A. The CITY and MANAGER agree that this contract shall be for an indefinite term and shall renew automatically, subject to the provisions herein after recited.

Section III: Compensation and Benefits.

A. Salary: For all services rendered by MANAGER under this agreement, CITY shall pay MANAGER $87,550.00 for the period from January 1, 2009 to December 31, 2009, payable in the same manner as is customary for other City employees.

B. For all service rendered by Manager under this agreement, CITY shall pay MANAGER $93,050.00 for the period from January 1, 2010 to December 31, 2010, payable in the same manner as is customary for other City employees.

C. For all service rendered by MANAGER under this agreement, CITY shall pay MANAGER $93,050.00 for the period from January 1, 2011 to December 31, 2011, provided there shall be an adjustment for the current Consumer Price Index, payable in the same manner as is customary for other City employees.

D. For all service rendered by MANAGER under this agreement, CITY shall pay MANAGER a salary that will remain the same as the salary for 2011 for the period from January 1, 2012 to June 30, 2012, provided there shall be an adjustment for the current Consumer Price Index, payable in the same manner as is customary for other City employees.

E. Car Allowance: The CITY shall pay to MANAGER in addition to his salary the sum of $500.00 per month for MANAGERS auto expenses

within the local area. The local area being defined as Custer and Washita Counties. Travel outside of the local area will be reimbursed according to the Travel Policy as set forth in the employee manual. Said MANAGER shall maintain insurance on the vehicle in compliance with Oklahoma Law in a sum not less than 250/500.

F. Vacation: MANAGER shall be entitled to a paid vacation each year, which will accrue at the same rate and manner as is customary for other City employees. Such vacation time shall be effectively coordinated with the City Council and City Departments to ensure effective management of the CITY during MANAGERS vacation.

G. Sick Leave: MANAGER shall be entitled to accrue sick leave in the manner customary and routinely extended to other City employees.

H. Insurance: MANAGER shall be entitled to insurance coverage, including health and life, in the same manner and fashion customary to other City employees, subject to the provision for continuation stated in paragraph B above. Provided, however, CITY shall pay both MANAGERS and his dependents health insurance.

I. Retirement: In addition to the CITY=s normal retirement contributions for the MANAGER, the CITY shall contribute additional funds, if necessary, to the Oklahoma Municipal Retirement Fund Master Defined Benefit Plan, as amended March 3, 2009, for said MANAGER.

J. Travel and Business Expenses: The CITY shall compensate MANAGER for all reasonable travel and business expenditures of MANAGER in accordance with the general personnel policies of the CITY including but not limited to the payment of professional associations dues, membership fees and expenses in civic organizations, one annual international City Management Association Conference or another appropriate national meeting, and appropriate State professional conferences all subject to the prior approval of the CITY.

K. Indemnification: The CITY shall maintain a comprehensive general liability, errors and omissions and general liability policy which protects MANAGER from any and all claims associated with the reasonable performance of MANAGERS duties.

Section IV:

A. Termination or Suspension: CITY may terminate this contract at any time pursuant to the provisions of the ordinances of the CITY.

B. Without Cause: If this Contract or MANAGER=S employment is terminated by the CITY, without cause, as hereafter provided, or MANAGER is asked to resign by a majority vote of the City Council, MANAGER shall be given a minimum of six (6) months severance pay/consulting fee based upon the then stated annual salary and in addition to said severance pay during said six (6) month period MANAGER and his spouse shall be entitled to an extension of benefits for up to six (6) months, in accordance with the CITYS Personnel Rules and Regulations, including health insurance coverage. Provided however, that during said six (6) month period MANAGER shall be required to use his best effort to find and accept new employment and upon beginning the same said severance pay including benefits shall terminate.

C. With Cause: If MANAGER is terminated with cause, which shall include but not be limited to malfeasance or gross misfeasance in the performance of his duties, the commission of any illegal act involving personal gain or of a crime against the CITY, or State, the CITY shall have no obligation to pay or provide severance/consulting pay as stated in Section III, paragraph A above, or any other compensation or benefits except as may be required under State and Federal Law.

D. Resignation: In the event MANAGER voluntarily resigns his position with the CITY, then MANAGER shall give the CITY ninety (90) days notice in advance, unless the parties otherwise agree, and in such event MANAGER shall not be entitled to any severance pay or continuation of benefits as provided above.

E. Suspension: An affirmative vote of a majority of the Council may suspend MANAGER from his duties as MANAGER with full pay and benefits at any time during the term of this Agreement.

Dated this _____ day of _____, 2009.

CITY OF CLINTON, OKLAHOMA,
A Municipal Corporation

_____
BY ALLEN BRYSON, Mayor

_____
CITY CLERK

_____
GRAYSON BOTTOM