PUBLIC NOTICE OF A REGULAR MEETING
OF THE INDUSTRIAL AUTHORITY
TUESDAY, JULY 21, 2009 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Jacob Baccus, Custer Avenue Baptist Church
3. Consent Agenda
    A. Consider Approval of Minutes of Regular Meeting on July 7, 2009
4. Action Items:
    A. Declare 2001 Ford Taurus as Surplus
    B. Consider Bids for Vehicle for Frisco Center
    C. Discuss and Consider Resolution No. IA09-02 Providing for means to Attract Business and Economic Growth within the Clinton Community
5. City Managers Report
6. Audience Participation
7. Adjournment

Filed this 17th Day of July, 2009. Posted on the bulletin board in the lobby of the Clinton City Hall on July 17, 2009 at 2:30 p.m.

_____

Not recorded

IA070709

MINUTES OF THE CLINTON INDUSTRIAL AUTHORITY, JULY 7, 2009

Minutes of a regular meeting of the Chairman and Trustees of the Clinton Industrial Authority of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, July 7, 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 July 2, 2009.

Vice-Chairman Hendrickson called the meeting to order with the following present;

CHAIRMAN: Absent
TRUSTEES, Terry Wheeler, Mark Hendrickson, Bob Marcy, John Jordan
CITY MANAGER: Grayson Bottom
CITY CLERK: Lisa Anders
CITY TREASURER: Absent
DEPUTY CLERK: Absent
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Gerald Green and Mike Smith
OTHERS: Arnold Adams, Charles Fry, David Crabtree, Alan Burgtorf, Mary Helen Jones, and others.

Trustee John Jordan opened the meeting with prayer and Trustee Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of June 16, 2009 meeting
B. Consider Claims

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

Vice-Chairman put the motion to a roll call vote:

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

Vice-Chairman declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. REQUEST AUTHORIZATION TO GO TO BID FOR A VEHICLE FOR THE FRISCO CENTER

City Manager Grayson Bottom explained that the current vehicle at the Frisco Center was a programmed vehicle when purchased and is beginning to have maintenance issues. The purchase of a programmed/used vehicle was included in the budget for 2009-2010. He said $20,000 had been designated but did not anticipate that it would not cost that much.

Motion was made by Trustee Wheeler and seconded by Trustee Marcy to authorize staff to go to bid for a vehicle for the Frisco Center.

Vice-Chairman put the motion to a roll call vote:

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

Vice-Chairman declared the motion carried.

AGENDA ITEM NO. 5: CITY MANAGER'S REPORT

None

AGENDA ITEM NO. 6: AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 7: ADJOURNMENT

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

Vice-Chairman put the motion to a roll call vote

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

Vice-Chairman declared the meeting adjourned at 6:00 pm.

NOTICE TO BIDDERS

The Clinton Industrial Authority is accepting bids for the purchase of a 2008 or 2009 Program Car for the Frisco Center. A 2001 Ford Taurus with less than 84,000 miles will be traded in on the purchase. All bids are to be submitted in sealed envelopes clearly marked "Frisco Center Car" to the office of the City Clerk, 415 Gary Boulevard P.O. Box 1177, Clinton, OK 73601 no later than 5:30 P.M. Tuesday, July 21, 2009. Specifications can be obtained at the City Clerk's office, City Hall, Clinton, Oklahoma or call 580-323-0217 between the hours of 8:00 a.m. and 5:00 P.M. Monday through Friday. Bids will be publicly opened at 5:30 P.M. on Tuesday, July 21, 2009 at a public meeting of the Clinton Industrial Authority. The Clinton Industrial Authority reserves the right to reject any or all bids.

BID FORM

FOR

PROGRAM CAR
CLINTON INDUSTRIAL AUTHORITY
CITY OF CLINTON, OK

BASE BID TO MEET ALL SPECIFICATIONS $_____

LESS TRADE IN ON 2001 FORD TAURUS WITH LESS THAN 84,000 MILES $_____

TOTAL BASE BID DELIVERED $_____

ALTERNATES OR OPTIONS (DESCRIBE)

1) _____ $_____

2) _____ $_____

3) _____ $_____

The Clinton Industrial Authority reserves the reject to accept or reject any or all options:

Guaranteed Delivery Date: _____ calendar days after notice of award of bid.

RESOLUTION NO. IA09-02

A RESOLUTION PROVIDING FOR MEANS TO ATTRACT BUSINESS AND ECONOMIC GROWTH WITHIN THE CLINTON COMMUNITY

WHEREAS, many companies are looking to relocate or expand in today's competitive market; and

WHEREAS, private sector investments create jobs and provide economic benefits to the City; and

WHEREAS, existing businesses which expand also create new jobs and provide economic benefits to the City; and

WHEREAS, the providing of incentives to new and relocating retail businesses must be balanced against fairness to existing retail businesses which have remained and operated in Clinton over a period of time; and

WHEREAS, the City of Clinton needs economic growth for the economic betterment of the City and its residents; and

WHEREAS, the Clinton Industrial Authority is a public trust, organized and operating according to the laws of the State of Oklahoma, 60 O.S. Sec. 176 et seq., which has, for one of its purposes, the economic welfare and betterment of the community, and of which the City of Clinton is its sole benefactor; and

WHEREAS, the City of Clinton collects a permanent sales tax of three (3) cents and

WHEREAS, the City of Clinton collects a fourth cent in Sales Tax, thirty-three hundredths percent (.33%) of which is in excise on gross receipts of certain sales for the purpose of acquiring, constructing, equipping, operating and maintaining the facilities and properties known as Clinton's Acme Brick Park, and for economic development within the City of Clinton, all of which but one/twentieth percent (.05%), expire March 31, 2011; a sixteen hundredths percent (.16%) excise tax on gross receipts of certain sales, the purpose of which is to acquire, construct, and equip educational and training facilities and properties for the economic development within the City of Clinton, and to pay the principal and interest on indebtedness incurred on behalf of the City for such purposes, which shall expire on March 31, 2011; and a fifty-one hundredths percent (.51%) excise tax on gross receipts of certain sales for the purpose of economic development within the City of Clinton, and to pay the principal and interest on indebtedness incurred on behalf of the City for such purposes, which tax shall expire on March 31, 2011; and

WHEREAS, the City Council of the City of Clinton has determined that it would be in the interests of the public health, safety, and welfare to provide the Clinton

Industrial Authority with amounts matching those portions of the amounts of City sales tax paid by the respective businesses not earmarked for other purposes or retained by the Oklahoma Tax Commission, including but not limited to the three (3) cents of permanent sales tax collected for qualifying new retail businesses and expanding existing businesses on a quarterly basis (hereinafter referred to as "Net Tax") for transfer to the respective businesses as an incentive to establish and expand businesses within the corporate boundaries of Clinton; and

WHEREAS, the Trustees of the Clinton Industrial Authority have determined that it would be in the interests of the public health, safety, and welfare to provide qualifying businesses with an amount matching those portions of the amounts of City Net Tax paid by the respective businesses, and collected by the City as an incentive to establish and expand businesses within the corporate boundaries of Clinton.

BE IT THEREORE RESOLVED BY THE CLINTON INDUSTRIAL AUTHORITY:

1. Monies, in the amount of City sales tax monies, collected from the Oklahoma Tax Commission and paid by qualifying new and existing businesses, not otherwise earmarked, including but not limited to the three (3) cents of permanent sales tax; and transferred to the Clinton Industrial Authority.

2. Definitions:

1) Qualifying Business shall mean:

A. Those new retail businesses locating within the corporate boundaries of Clinton after the effective date of this Resolution.

B. Existing retail businesses of at least one year which expand by adding at least 25 percent to the square feet of the interior business premises after the effective date of this Resolution as evidenced by tax or building records or other acceptable proof. The incentive entitlement of such expanding businesses shall be the excess over the average of taxes paid over the past years, of at least one year but not to exceed three. For example, an existing retail business which maintained an establishment of 1000 interior square feet and adds 250 square feet of interior space would be entitled to an incentive from City since the expansion exceeds 25 percent of the pre-existing interior space. If this business paid an average of Net Tax of $5,000.00 per quarter over the past three years, and after the expansion, the business paid $7,500.00 the first quarter, the Incentive amount for the first quarter would be calculated as the difference between $7,500.00 and $5,000.00, or $2,500.00. If that same business paid $8,500.00 the second quarter, the incentive would be $3,500.00 for the second quarter. After the first year, the base year will remain the same for all calculations of eligible incentive funds. The percentage of eligible incentive funds to be paid will be calculated based on the percentages below.

2) Net Tax shall mean:

Monies collected on a Quarterly Basis by the City from the Oklahoma Tax Commission, which have been paid as City Sales Tax by a qualifying business, less monies earmarked, (including but not limited to the three (3) cents of permanent sales tax) and less monies retained by the Oklahoma Tax Commission as collection fees.

3. Businesses must request this Incentive each fiscal year, which shall run from July 1, through June 30, by making application with the Clinton City Clerk on or before May 1 of the preceding year. New businesses which begin operations during the fiscal year or existing businesses which expand during the fiscal year may apply for the next quarter of the current fiscal year, by making application at least 30 days prior to the beginning of the succeeding quarter. New businesses will not be entitled to additional incentives for expansion.

4. Incentives will be calculated at sixty percent (60%) of the permanent sales tax collection, at the Qualifying business, and paid to the Qualifying businesses quarterly within 30 days of receipt of the funds from the City of Clinton.

5. Loss of Incentives: Businesses which abandon or close business operations for a period of 30 calendar days or which fail to maintain minimum square footage interior expansion for a period of 30 calendar days shall lose their Incentive qualification for the quarter during which the abandonment or closing or reduction of interior square footage occurred and for the remainder of that fiscal year. If the business is reopened or the expansion is re-established before the application date of May 1, then, the business may apply for Incentives for the succeeding fiscal year; however, it will only be eligible for Incentives at the percentage rate for the next year. For example, if an expanded business qualifying for Year 1 Incentives closes for 30 days, it will lose Incentives for the remaining quarters of the fiscal year. If the business is reopened during the fiscal year, it may apply for the next year, but will only qualify for Incentives at the Year 2 amount. Exceptions may be made by the City Manager for natural disasters and circumstances beyond the control of the business.

6. Qualifying businesses agree to submit to the City necessary documentation, as required, to support the qualification status.

7. Any abuse of these provisions will subject the business to immediate revocation of Incentive Qualification status by the City Manager who will notify the business of the revocation within 10 days of revocation. Within 10 days after the notice of revocation, business may appeal to the City Council, whose decision shall be final.

8. Upon satisfactory proof of qualification, the City shall forward City sales tax collected less amounts earmarked in the amounts determined to be correct for the

respective qualifying businesses to the Clinton Industrial Authority for appropriate distribution to the businesses within 30 days of transfer of funds from the City. Such transfers of funds from the City will be made each quarter within 30 days of collection from the Oklahoma Tax Commission.

9. The Clinton Industrial Authority will maintain complete and accurate records of all monies paid and the recipients of all funds which records will be kept at City Hall and shall be available to the City Manager and City Council and other interested persons upon request. The Clinton Industrial Authority will maintain all such funds, and will take no action contrary to the terms of this Resolution. The Clinton Industrial Authority will provide an annual audit to the City of Clinton.

10. This Resolution will automatically renew at the end of the fiscal year unless Resolution No. IA09-02 is terminated by the Clinton Industrial Authority of the City of Clinton in which case this Resolution shall automatically and simultaneously terminate after seven years from the date of its adoption. However, any business which is entitled to receive benefits under the provisions of this resolution, which meets those requirements within the seven year existence of the resolution, shall be entitled to the full five years of benefits, per the terms of this resolution.

This Resolution shall become effective upon passage and approval by the Trustees of the Clinton Industrial Authority.

Any Resolution or parts thereof inconsistent with this Resolution are hereby repealed.

Passed and Approved by the Chairman and Trustees Clinton Industrial Authority this _____ day of _____, 2009.

_____
Chairman

ATTEST:

_____
Secretary

Approved as to form this _____ day of _____, 2009.

_____
Attorney for the Clinton Industrial Authority

PUBLIC NOTICE OF A REGULAR MEETING
OF THE CITY COUNCIL
TUESDAY, JULY 21, 2009 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Jacob Baccus, Custer Avenue Baptist Church
3. Consent Agenda
    A. Consider Approval of Minutes on July 7, 2009
4. Action Items:
    A. Request Authorization to Apply for a Boating/Fishing Access Facility Development grant for Acme Brick Park
    B. Request Authorization to expend funds for the purchase of equipment and certain Capital improvements for the Soccer Fields at Acme Brick Park not to exceed $42,000.00
    C. Consider and Discuss the Purchase or Appraisal of Real Property including an Executive Session as authorized by 25 O.S. ss 307B(3)
5. City Managers Report
6. Audience Participation
7. Adjournment

Filed this 17th Day of July, 2009. Posted on the bulletin board in the lobby of the Clinton City Hall on July 17, 2009 at 2:30 p.m.

_____

Not recorded

MINUTES OF THE CLINTON CITY COUNCIL
JULY 7, 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, July 7, 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 July 2, 2009.

Vice-Mayor Mark Hendrickson called the meeting to order with the following present;

MAYOR: Absent
COUNCIL: Mark Hendrickson, Bob Marcy, John Jordan, Terry Wheeler
CITY MANAGER: Grayson Bottom
CITY CLERK: Lisa Anders
CITY TREASURER: Absent
DEPUTY CITY CLERK: Absent
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Gerald Green and Mike Smith
OTHERS: Arnold Adams, David Crabtree, Charles Fry, Alan Burgtorf, Mary Helen Jones and others.

Councilman John Jordan 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 June 16, 2009
B. Consider Claims

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

Vice-Mayor put the motion to a roll call vote:

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

Vice-Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. REQUEST AUTHORIZATION TO EXPEND FUNDS FROM THE CAPITAL IMPROVEMENT FUND FOR THE BARN ROOF AT RIVERSIDE GOLF COURSE

City Manager Grayson Bottom explained that the barn used for cart storage is on leased grown but the City uses the facility. He said the roof needs to be replaced. He explained that only one quote was obtained due but he felt comfortable with the quote.

Public Works Director Arnold Adams said during the review of the roof, it was determined that the roof is in rough shape but the structure is in decent shape. He explained that the west end of the structure had to be rebuilt after a recent storm.

Councilman Jordan asked to confirm that the City is paying for improvements to a building that is not owned by the City.

City Manager Bottom said yes and that the building is not for sale.

Motion was made by Councilman Jordan and seconded by Councilman Wheeler to authorize the expenditure of funds from the Capital Improvement Fund for the barn roof at Riverside Golf Course.

Vice-Mayor put the motion to a roll call vote:

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

Vice-Mayor declared the motion carried.

4B. REQUEST AUTHORIZATION TO EXPEND FUNDS FOR THE REQUIRED 10% DOWN PAYMENT FOR MASTER LEASE PURCHASE AGREEMENT

City Manager Grayson Bottom presented quotes received on each of the pieces of equipment that have been identified for each of the departments in the General Fund. The following list was presented:

Golf Course: Greens Mower, Trim Mower and Utility Tractor

Acme Brick Park Playing Fields: Large Material Handler, 72" Front Deck Mower- 2 WD, 72" Front Deck Mower- 4 WD, 60" Zero Turn Radius

Acme Brick Park Recreation Center: 4 Treadmills, 4 Elliptical Stair Steppers, 4 recumbent bicycles, Rowing Machine, 5 single channel transmitters, 12 wireless receivers, seated leg curl, seated rowing machine, and triceps pushdown.

Street Department: 2- 5 yd Dump Trucks, Front End loader and Tracked Skid Steer

City Manager Bottom said the 10% down payment would be approximately $45,000.

Motion was made by Councilman Jordan and seconded by Councilman Wheeler to authorize the expenditure of funds for the required 10% down payment for the Master Lease Purchase Agreement

Vice-Mayor put the motion to a roll call vote:

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

Vice-Mayor declared the motion carried.

4C. REQUEST AUTHORIZATION TO EXPEND FUNDS UNDER THE MASTER LEASE PURCHASE AGREEMENT

Motion was made by Councilman Wheeler and seconded by Councilman Marcy to authorize the expenditure of funds for not to exceed $405,000.00 under the Master Lease Purchase Agreement for the General Fund.

Vice-Mayor put the motion to a roll call vote:

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

Vice-Mayor declared the motion carried.

5. CITY MANAGER'S REPORT

City Manager Grayson Bottom reported that a survey regarding Reverse 911 system has been on the City's website and there have been three responses and 1 in-person response.

Bottom also reported that Oklahoma Department of Transportation has contracted for the stripping on Gary Boulevard from Lexington to I-40 east. He said the work should being in the next few weeks.

Bottom said he was please with the aggressive position the City had taken regarding fireworks.

6. AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 7: ADJOURNMENT

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

Vice-Mayor put the motion to a roll call vote:

Aye: Wheeler Marcy, Jordan, Hendrickson
Nay: None

Vice-Mayor declared the meeting adjourned at 6:40 P.M.

COOPERATIVE AGREEMENT BETWEEN
OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION
AND
City of Clinton, OK

This Cooperative Agreement, made in Duplicate this ____ day of _____,__ 20___, by the Oklahoma Department of Wildlife Conservation, hereinafter called the Department, and the City of Clinton_____ hereinafter called the Cooperator.

WHEREAS, the Department has a cooperative **boating and/or fishing access facilities** development program to construct and/or repair certain boating/fishing (circle one) access facilities, and

WHEREAS, the Cooperator is the owner and/or operator of the lake and/or other real property described in Attachment A, and thereby made a part of this agreement, and

WHEREAS, the Cooperator has herein entered into this cooperative agreement with the Department to construct or repair the boating/fishing (circle one) access facility as specifically described in Attachment A, and

WHEREAS, the Department has available Federal Aid in Sport Fish Restoration Act Funds (Wallop-Breaux) to share up to 75% of total cost on a reimbursable basis for construction or repair of said facility described in attachment A, and

WHEREAS, the Cooperator has available matching local, state, or other non-federal funds or in-kind services for cooperating in completing work as described in Attachment A, and

WHEREAS, the Cooperator hereby agrees to be totally responsible for the construction and subsequent maintenance, as described herein, of the said access facility.

NOW THEREFORE, it is mutually agreed as follows:

1. The Department agrees to fund up to, but not to exceed, 75 % of the total cost of the access facilities development(s) specifically described in Attachment A with Federal Aid in Sport Fish Restoration Act (Wallop-Breaux) Funds apportioned to the Department.
2. The Cooperator agrees to perform the work on the access facility as described in Attachment A, and to provide to the Department adequate records of all costs incurred, both cash encumbrances and in-kind services, so that accurate total costs are documented.
3. The Cooperator agrees to provide up to, but not to exceed $500.00 non-federal matching funds (25% of actual costs), for the ODWC architect or engineer to review plans and specifications for conformance to ODWC guidelines, constructability and ADA compliance.
4. The Cooperator agrees to allow public access and to maintain said facility at own expense for 20 years. Minimum maintenance includes mowing vegetation, removing trash, restrooms sanitation, and repairing minor damages to structures.
5. The Cooperator agrees not to prohibit or discourage any boater from launching boats based on sizes and horsepower ratings. Boat speed limits may be imposed.
6. The Cooperator agrees not to discriminate against any user or potential user on the basis of race, creed, color, gender, ancestry, age or disability. Furthermore, the developments described in Attachment A will be constructed so as to be accessible to persons with disabilities in adherence

to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and Uniform Federal Accessibility Standards (UFAS).

7. The Cooperator agrees not to charge any kind of boat launching fee(s) for use of said facility; however, fishing, boating, camping and/or picnicking permits on the property owned by City of Clinton_____are allowed.
8. The Cooperator agrees that all activities conflicting with or discouraging public fishing and recreational boating use on subject lake water body will be prohibited. The access facility will remain open for inspection and compliance reviews at all times by the U.S. Fish & Wildlife Service and the Department to fulfill responsibilities in monitoring uses of Federal Aid acquired and developed properties.
9. The cooperator agrees to use the facilities described in Attachment A only for the intended purposes provided and to prohibit all activities or use that interferes with, conflicts with or discourages use by boaters and anglers. If such conflicting use is not prevented the cooperator agrees to refund the Department's share of the project cost.
10. The Cooperator agrees to accept all responsibility and liability for the construction, maintenance and operation of said facility and will not hold the Department liable for any damage or injury to any persons during it's construction, operation or use.
11. The Cooperator agrees to install and maintain in perpetuity a sign(s) supplied by the Department stating that Department Sport Fish Restoration Funds were used to develop said facility.
12. Failure to comply with the terms of this agreement by either party shall allow the other party to withdraw any interest they have at the time and terminate the agreement.

Dated the_____day
_____,20___

Oklahoma Department of Wildlife Conservation

For the Department:

_____

Subscribed and sworn to me____,20__
My commission expires_____,20___

Director O.D.W.C.

_____

Notary

Dated the_____day
_____, 20____

For the Cooperator:

Grayson Bottom, City Manager

Subscribed and sworn to me___20___
My Commission expires_____20___

_____

Signature

_____

Notary

CITY OF CLINTON

MEMO

DATE: July 16, 2009

FROM: Arnold Adams, PW Director

TO: Grayson Bottom

RE: Soccer Goals, Bleachers, Etc.

I am requesting to expend funds to purchase equipment for the Soccer Fields at Acme Brick Park. The equipment to be purchased would include soccer goals, field markers, bleachers, portable fencing, concession stand construction, and permanent safety fencing.. Not to exceed $42,000.00 the amount allotted in the 2009/2010 Budget.

Sincerely,

Arnold Adams

