PUBLIC NOTICE OF A REGULAR MEETING
OF THE PUBLIC WORKS AUTHORITY
TUESDAY, SEPTEMBER 21, 2010 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Billy Mucker , Bethany Baptist Church
3. Consent Agenda
    A. Consider Approval of Minutes of September 7, 2010
4. Action Items:
    A. Consider Department of Transportation Utility Relocation Agreement for Improvement to U.S. Highway 183
    B. Request Authorization to go to bid for Neptune Water Tower Improvements
5. City Managers Report
6. Recognition of Registered Audience
7. Adjournment

Filed this 16th Day of September, 2010. Posted on the bulletin board in the lobby of the Clinton City Hall on September 16, 2010 at 11:45 a.m.

_____

Not recorded

PW090710

MINUTES OF THE PUBLIC WORKS AUTHORITY MEETING, SEPTEMBER 7, 2010

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, September 7, 2010 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 September 2, 2010.

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

CHAIRMAN: Allen Bryson
TRUSTEES: Steve Jones, John Jordan, Terry Wheeler, Bob Marcy
CITY MANAGER: Grayson Bottom
CITY CLERK: Lisa Anders
CITY TREASURER: Debra Blanchard
DEPUTY CLERK: Rhonda Williams
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Gerald Green and Jarod Atha
OTHERS: Lyle Miller, Curtis & Sharon Lockhart, Arnold Adams, Toby Anders, Gene McCullough, J.D. Lafleur, Charles Fry, Debbie Bryson, Alan Burgtorf, Robert & Judy Graybill, Gay Hamar, Mary Helen Jones, Linda Riley, Buck Nicholson, Donna Burton, Mike Perkins, Tom Snider and others.

Pat Peters of the Church of Christ 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 August 17, 2010
B. Consider Claims

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

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

AGENDA ITEM NO. 4. ACTION ITEMS

4A.CONSIDER APPROVAL OF CONTRACT BETWEEN CLINTON PUBLIC SCHOOLS AND JOE D HALL GENERAL CONTRACTORS, LLC FOR THE CONSTRUCTION OF VARIOUS SCHOOL IMPROVEMENT PROJECTS

City Manager Grayson Bottom explained that the City was not part of the contracts resulting from the Revenue Bonds issued for the school projects. He said it was felt that it would be appropriate for the

contracts to be considered by the City and the expenditures tracked.

City Treasurer Debra Blanchard said the City's Financial Consultants discussed the proper procedures for this type of project.

Motion was made by Trustee Wheeler and seconded by Trustee Jones to approve the contract between Clinton Public Schools and Joe D. Hall General Contractors, LLC for the construction of various school improvement projects.

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

4B. CONSIDER APPROVAL OF GUARANTEED MAXIMUM PRICE AMENDMENT TO CONSTRUCTION MANAGEMENT CONTRACT BETWEEN CLINTON PUBLIC SCHOOLS AND JOE D HALL GENERAL CONTRACTORS, LLC FOR FUNDING OF PACKAGE A

City Manager Grayson Bottom explained that this contract has been approved by the School Board but felt that the Authority should affirm the agreement.

Motion was made by Trustee Jordan and seconded by Trustee Jones to approve the Guaranteed Maximum Price Amendment to Construction Management contract between Clinton Public Schools and Joe D. Hall General Contractors, LLC for the funding of Package A.

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

AGENDA ITEM NO .5: CITY MANAGER'S REPORT

City Manager Grayson Bottom reported that the meter hookups for the Northeast Waterline Replacement project have been completed. He said they would be completing cutting off the old lines and testing soon.

Trustee Jones asked if the old fire hydrants would be marked.

Public Works Director Arnold Adams said they would be painted black as soon as possible.

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.

Chairman put the motion to a roll call vote:

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

Chairman declared the meeting adjourned at 5:45 pm.

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION
UTILITY RELOCATION AGREEMENT

PROJECT NO. NHY-009N(019) JOB PIECE NO. 09278(04) UTILITIES ___ COUNTY Custer

THIS AGREEMENT, made and entered into by and between the Department of Transportation acting for and on behalf of the State of Oklahoma, hereinafter called the "State" and City of Clinton

ADDRESS 415 W. Gary Blvd., Clinton, Oklahoma 73601

hereinafter called the "Utility Owner".

WITNESS TO THAT

WHEREAS, the State proposed to improve U.S. Highway No. 183 and such improvements will necessitate rearrangement of facilities by said Utility Owner (state scope and nature of work on reverse side), and

WHEREAS, it is understood that if said project is to be financed in part from funds appropriated by the United States and expended under its regulations, that acceptance of work and procedure in general are subject to Federal Laws, Rules, Regulations, Orders, and Approvals applying to it as a Federal Project, and that costs for items entering into the improvement are reimbursable to the State in such amounts and forms as are proper and eligible for payment from Federal Funds. Reference is made to U.S. Department of Transportation, Code of Federal Regulations, Title 23, Parts 645A and 645B, included in the Utilities Manual and

WHEREAS, it is understood that Title 69, O. S., § 1205 and 1403 each as amended, define the extent to which the State and the Utility Owner may be obligated in the costs of utility rearrangements, and the utility locations on all highways are governed by Regulations and Policies adopted by the State Transportation Commission for the protection and maintenance of the highways, and for the safety of the highway users, and

WHEREAS, the State reserves the right to cancel this Agreement at any time prior to the beginning of the adjustment or relocation of the facilities of this Utility Owner, and

WHEREAS, the State agrees to pay the Utility Owner for the proportionate share of the actual cost to prepare approved preliminary engineering plans and estimates at the State's request, if for any reason the State cancels this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Utility Owner agrees:

1. To prepare a detailed estimate of the cost of work to be performed in accordance with the Department's Utilities Manual and Accommodation Policy, and such estimate of cost must be attached and be a part of this Agreement. The estimate will include: (1) The accounting system to be used in computing the relocation costs; (2) Credit for Expired Service Life setting forth therein the conditions on which such credit was determined or complete justification if the credit is not applicable; and; (3) Whether equipment costs are developed from experience records.

2. To include the costs for backfill and compaction of any trenches or holes within the right-of-way limits in the estimate of costs. The backfill will be placed and compacted to a density as directed by the Resident Engineer/Manager, but will not be compacted to less than that of the adjacent soil.

3. To prepare drawings showing the present, temporary and proposed location of its facilities with reference to the centerline of survey and/or the new or existing right-of-way lines using highway stationing in both plan and profile. Delineate details, including date of installation, class, and type of present facility. To comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (DEQ) requirements for pollution prevention, including discharges from storm water runoff on this project. Further, agrees to secure a Storm Water Permit from the DEQ, when required. It is agreed that the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plans and the appropriate location map contained in the plans constitute the Storm Water Management Plan for the project previously described in the document. Agrees to have daily operational control of those activities, at the site, necessary to ensure compliance with plan requirements and permit conditions. Agrees to file the Notice of Intent (NOI), when required, for a general construction Oklahoma Pollutant Discharge Elimination System Permit with DEQ, which authorizes discharges of storm water associated with construction activity from the project site identified in this document. Such drawings will be attached to and become a part of this agreement.

4. To begin the process of adjustment or relocation of the facilities as shown on the plans and covered by this Agreement within a reasonable time, depending on the availability of material and work forces, but the actual time must not exceed thirty (30) days after receipt of notice from the state to do so, and in no event proceed with any adjustment or relocation work until such notice is received. To inform the State's Resident Engineer/Manager of: (1) The proposed starting date, prior to commencing work, and continually maintaining liaison with his/her office for the duration of the physical relocation; (2) The materials to be disposed of by scrapping, or sale, and to inform him/her of a time and place for his/her inspection thereof; (3) The date work is completed.

5. a. That no contract with any individual will be entered into without meeting the requirements of the Department's Utilities Manual.

   b. That contract work for technical services, professional services or other labor classifications involved in the rearrangement of the facility proposed under this Agreement will be supported by a statement to the effect that, "The Utility Company is not adequately staffed or equipped to perform such work with its own forces." **Proper approval must be obtained in accordance with the Utilities Manual prior to executing a contract with any outside firm or continuing contractor.**

6. To submit to the State, within six (6) months after satisfactory completion of rearrangement of their facilities under this Agreement, a claim using *ODOT Claim Form 324A,* with a certified statement of costs in accordance with the provisions of the aforementioned memorandums.

It is understood this Agreement does not change the rights or obligations of the Utility Owner as they exist in accordance with present State Law.

In consideration of the faithful performance by the Utility Owner of the foregoing, the State agrees:

To reimburse the Utility Owner for the actual costs of work completed, prorated on the basis of the following percentage or for the lump sum as proposed:

(1) Utility Owner Share of Cost 0 %. Estimated Utility Owner Cost $ 0

(2) State Share of Cost 100 %. Estimated State Cost $ 265,000

OR

(3) Lump Sum Proposal State Cost $ _____

Nothing herein shall in any way be construed to relieve the Utility Owner from its liability, if any, for payment of a portion of these costs pursuant to 69 O.S. 2001 § 1205, as amended.

IN WITNESS WHEREOF, the parties hereto have caused this Utility Relocation Agreement to be executed by their duly authorized officers on the day and year last below written.

APPROVAL RECOMMENDED:

Resident Engineer/Manager Date

Division Engineer Date

Chief, Right-of-Way & Utilities Division Date

Name: Utility Owner

Signature: Utility Owner/Agent Date

Title: Utility Owner/Agent

DEPARTMENT OF TRANSPORTATION FOR THE STATE OF OKLAHOMA (ACTING FOR AND ON BEHALF OF THE STATE OF OKLAHOMA)

By: Director Date

(State scope and nature of work in space provided below)

Due to the Oklahoma Department of Transportation (ODOT) widening of U.S. Highway 183, an existing 8-inch City of Clinton waterline will need to be relocated. ODOT has designated a new 16-foot utility easement on the west side of US 183 for the utility relocation. This new utility easement is west and adjacent to the new proposed Right-Of-Way. The 8-inch waterline will need to be relocated from the existing location to approximately 8 feet west in the new proposed utility easement from station 100+38 to 116+00. At station 116+00, a new waterline crossing will be bored with steel casing to the east side of the highway reconnecting to the existing waterline. The existing waterline highway crossing at approximately station 111+23 will be abandoned. All waterline service connection will be disconnected from the existing waterline and reconnected to the new waterline. The water meters and boxes will be relocated and reconnected to the new waterline. The waterline will be tested and disinfected prior to connecting to the City of Clinton water system.

PUBLIC NOTICE OF A REGULAR MEETING
OF THE CITY COUNCIL
TUESDAY, SEPTEMBER 21, 2010 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Billy Mucker , Bethany Baptist Church
3. Consent Agenda
    A. Consider Approval of Minutes on September 7, 2010
4. Action Items:
    A. Consider Confirmation of Expenditure of Funds for Street Overlay Project
    B. Consider approval of Expenditure of Funds for the purchase and equipping of a County Assistance Brush Truck
5. City Managers Report
6. Audience Participation
7. Adjournment

Filed this 16th Day of September, 2010. Posted on the bulletin board in the lobby of the Clinton City Hall on September 16, 2010 at 11:45 a.m.

_____

Not recorded

MINUTES OF THE CLINTON CITY COUNCIL
SEPTEMBER 7, 2010

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, September 7, 2010 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 September 2, 2010.

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

MAYOR: Allen Bryson
COUNCIL: John Jordan, Steve Jones, Terry Wheeler, Bob Marcy
CITY MANAGER: Grayson Bottom
CITY CLERK: Lisa Anders
CITY TREASURER: Debra Blanchard
DEPUTY CITY CLERK: Rhonda Williams
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Gerald Green and Jarod Atha
OTHERS: Lyle Miller, Arnold Adams, Charles Fry, Mary Helen Jones, Curtis & Sharon Lockhart, Toby Anders, Gene McCullough, J.D. Lafleur, Debbie Bryson, Alan Burgtorf, Robert & Judy Graybill, Gay Hamar, Mike Perkins, Donna Burton, Buck Nicholson, Rheubin Brinkley, Linda Riley, Tom Snider, Bryan Atchley, Bill Waldrop and others.

Pat Peters of the Church of Christ 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 August 17, 2010
B. Consider Claims

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER BIDS FOR STREET OVERLAY PROJECT

Staff had advertised for bids for the 2010-2011 Street Overlay Project. Two bids were received:

Circle S Paving Co.	Hornbuckle Combs Asphalt Cons.
Clinton, OK	Wagoner, OK
$178,596.00	$254,163.04

City Manager Grayson Bottom said the budget included $110,000.00 for street overlay.

Motion was made by Councilman Marcy and seconded by Councilman Jordan to refer the bids to staff and award the best and lowest bid.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4B. CONSIDER BIDS FOR BASEBALL AND SOFTBALL PLAYING FIELDS SHADING

Staff had advertised for bids for shading at the baseball and softball playing fields. Three bids were received.

City Manager Grayson Bottom explained that a mandatory Pre-Bid Conference was held on August 31, 2010. All bidders were required to attend and were aware that if they were not represented at the Pre-Bid Conference they would not be eligible to submit a bid. He said there was not a representative of Mueller, Inc at the meeting so their submittal could not be considered.

Mueller, Inc.	Buddy's Sheet Metal	D & R Welding
El Reno, OK	Clinton, Ok	Arapaho, OK
Alt.: $14,464.oo	$35,399.00	$42,900.00

Motion was made by Councilman Jones and seconded by Councilman Wheeler to refer the bids to staff and award to the best and lowest bid.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4C. CONSIDER CONDEMNATION OF PROPERTY OWNED BY RHEUBIN BRINKLEY ON NORTH 6TH

City Manager Grayson Bottom said that Code Enforcement Officer Toby Anders has submitted the recommendation to condemn property along North 6th Street.

Code Enforcement Officer Toby Anders presented a powerpoint presentation of information regarding property along North 6th owned by Rheubin Brinkley. He said this involves several lots with four houses on the property. He said all the structures are open and unsecure. He said there is a basement that is open and the property has trash, debri and is overgrown by trees, vines and vegetation.

Mr. Brinkley said that one of the structures is brick and has two garages and that he would like to be able to keep that structure for storage.

Anders said the windows in this structure are all broken and the doors are open. He said the structure would need to be secured within 30 days.

Mayor Bryson said the condemnation process would give the owner 30 days to bring the property into compliance with the city code. He recommended that Mr. Brinkley work with Toby on the necessary repairs and clean up.

Mr. Brinkley said he would board up the brick building and the rest of the property would be up to the City.

Motion was made by Councilman Jones and seconded by Councilman Wheeler to approve the condemnation of property owned by Rheubin Brinkley on North 6th

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4D. CONSIDER ACCEPTANCE OF MURPHY PROPERTY AT 103 EAST COURT

City Manager Grayson Bottom explained that the property at 103 East Court had been condemned. He said the owner, Max and robin Murphy, had submitted a deed in lieu to the City. He said the property needs to have the structures cleared. He recommended the acceptance of the property by the City.

Motion was made by Councilman Marcy and seconded by Councilman Jordan to accept the property at 103 East Court.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4E. AUTHORIZE EXPENDITURE OF FUNDS FOR PLATTING OF A HOUSING ADDITION

City Manager Grayson Bottom submitted a estimate of cost for platting 35 acres of the 110 acres south of Oklahoma Natural Gas. He said the estimate of $122,480 includes four surveys and engineering up to the Department of Environmental Quality approval of plans. He said this would get us to the point of turning dirt.

Mayor Bryson asked about the future plans of stripping dirt off the property.

City Manager Bottom said this would be east of that area. He said this property currently has an agriculture lease on it. He said if this project were to move forward, damages would be made to the lease.

Councilman Marcy asked if the funding for the platting would come from economic development funds.

City Manager Bottom said yes.

Councilman Marcy asked what the next step would be if the platting is approved.

City Manager Bottom said the market would determine the next step. He said studies have shown that the City of Clinton is in need to a lot of homes but the market would determine what that number would be. He said the proposal is for 150 lots but the City could go a certain distance and then stop.

Motion was made by Councilman Marcy and seconded by Councilman Wheeler to authorize the expenditure of funds for platting of a housing addition.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

5. CITY MANAGER'S REPORT

City Manager Grayson Bottom said he had received information regarding the Roush Army Reserve Center and the Armory. He said the Armory is slated to be given to the City of Clinton after it has been cleaned of contaminants. He said it is scheduled for transfer sometime after July 1, 2011. He said the Army Reserve building is under the control of the Oklahoma Department of Environmental Quality.

Councilman Marcy asked about the intended use of the building.

City Manager Bottom said an Adult Education Center could be created. He said it could be utilized by Southwestern Oklahoma State University, Clinton Public Schools and the Vocational Technology School.

6. AUDIENCE PARTICIPATION

Mayor Bryson acknowledged Mike Perkins. Mr. Perkins said he represented homeowners in the Sights Acres Addition and said they are concerned about the island park on Corbin Lane/Sandra Road. He said they preferred the property not be sold and asked that if the City kept the property that an agreement could be made for the homeowners to maintain the property.

Mayor Bryson suggested two representatives contact City Manager Grayson Bottom and determine a plan to bring back to the Council.

Mr. Perkins said the property was deeded to the City in 1967 and since that time a sprinkler system and trees have been planted there.

Donna Burton said she lives on Rawlings Drive across the street from the apartments and she wanted to express her appreciation for the prompt attention by the Solid Waste Department to calls made regarding the need to empty the dumpsters and pick up debri.

City Manager Grayson Bottom reported that Public Service has supplied a grant to the City of Clinton for services of the Oklahoma Community Institute for community planning.

Tom Snider said he is having a water problem at Acme Brick Park. He said the water ways have been changed and now water is being forced onto his land and something needs to be done.

Mayor Bryson said the road has added to this problem.

Mr. Snider asked Ryan Meacham if he had looked at the topographic map.

Mr. Meacham asked if he had provided the City with a topographic map. He said a meeting needs to be set up between Mr. Snider, the City and Steve Kelley to review the situation.

Mary Helen Jones asked about the ability of the community notification system to make Silver Alerts.

City Manager Bottom said the notification system does have that capability but that there are legal issues. He said the City cannot pick and choose the services and that residents would have to enroll for the program.

Mayor Bryson asked that we contact the City of Chickasha for information on their system.

Ms. Jones also asked about a "Children at Play" to be installed in her yard at the intersection of South 12th and Modelle.

AGENDA ITEM NO. 7: ADJOURNMENT

Moved by Councilman Wheeler and seconded by Councilman Jones to adjourn the meeting.

Mayor put the motion to a roll call vote:

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

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

CITY OF CLINTON

MEMO

DATE: September 14, 2010 **FROM:** Arnold Adams, Public Works Director

TO: Grayson Bottom, City Manager **RE:** Street Overlay Additions

I would like to request funds in addition to those funds approved by the City Council on 9/7/2010 to complete the Street Overlay Project. The following outlines the additional areas to be overlaid and the costs associated with each area:

- Frisco/2nd to 3rd – 62 x 365 = 22,630sf: $18,282.00
- Hayes/24th to 28th – 28 x 950 = 26,600sf: $21,450.00
- 20th/JC Lane to N of Opal – 26 x 715 = 18,590sf: $15,058.00
- For a total additional cost of: **$54, 790.00**

Thank you,

Arnold Adams

Memorandum

To: Grayson Bottom, City Manager

From: Wade Anders, Fire Chief

Date: 09/07/2010

Re: County Assistance Brush Truck

It is my recommendation that we purchase the brush truck from Cooper Creek Mfg. Inc. This unit is priced approximately $3,000.00 less than the next closest quote. This is not based solely on price, but also on workmanship and service after the sale on the previous truck that we had built by them in 2008. They have also rebuilt our tuck #8 in which we were very pleased.

This is the truck that was discussed during budget works session that the county is guaranteeing the initial $50,000.00 toward purchase. This would leave the City of Clinton owing $15,975.00 out of capitol budget.