PUBLIC NOTICE OF A REGULAR MEETING
OF THE CITY COUNCIL
TUESDAY, OCTOBER 19, 2010 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Charles Murphy, Freewill Baptist Church
3. Consent Agenda
    A. Consider Approval of Minutes on October 5, 2010
4. Action Items:
    A. First Reading of Ordinance concerning amendment to Clinton City Code Section 8-1-5 regarding Excavation and Earth Removal
    B. Consider Resolution 794 regarding State Question 744 regarding Hope Initiative Petition
    C. Consider Approval of Workers Compensation Refund from Oklahoma Municipal Assurance Group
5. City Managers Report
6. Audience Participation
7. Adjournment

Filed this 15th Day of October, 2010. Posted on the bulletin board in the lobby of the Clinton City Hall on October 15, 2010 at 1:00 p.m.

_____

Not recorded

MINUTES OF THE CLINTON CITY COUNCIL
OCTOBER 5, 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, October 5, 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 October 1, 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: Absent
DEPUTY CITY CLERK: Rhonda Williams
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Gerald Green and Jarod Atha
OTHERS: Arnold Adams, Mary Helen Jones, Randy Carpenter, David Crabtree and others.

Doyle Kinney of the First Christian Church opened the meeting with prayer and Councilman John Jordan led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of September 21, 2010
B. Consider

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER STREET CLOSING ON NOVEMBER 11, 2010 FOR VETERAN'S DAY PARADE

City Manager Bottom said a request from Clinton High School ROTC has been received for the closing of Frisco on November 11, 2010 for a Veteran's Day Parade. He said the plans include a change of direction for the parade. He said the request states the parade will start at the Frisco Center and travel west to 10th Street.

Motion was made by Councilman Marcy and seconded by Councilman Jordan to authorize the street closing on November 11, 2010 for Veteran's Day Parade.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4B. CONSIDER STREET CLOSING ON OCTOBER 30, 2010 FOR "TRUNK OR TREAT" AT FIRST UNITED METHODIST CHURCH

Motion was made by Councilman Jones and seconded by Councilman Marcy to close the street on October 30, 2010 for the First United Methodist Church activity.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4C. CONSIDER EXPENDITURE OF FUNDS FOR WILDLAND GEAR FOR FIRE DEPARTMENT

City Manager Grayson Bottom explained that two years ago the City received a BIA grant for wildland gear. He said this year the BIA grant is for $10,780 and the City's expenditure would be $980.00.

Assistant Fire Chief Randy Carpenter said this grant is available to the City every other year. He said there is also a small amount of grant funds available for the purchase of equipment for gear pertaining to wildland gear. He said the grant will provide for the purchased of sixteen sets of gear.

Motion was made by Councilman Marcy and seconded by Councilman Jordan to approve the expenditure of funds for Wildland gear for the Fire Department.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4D. CONSIDER APPROVAL OF DESIGN AND ENGINEERING AGREEMENT FOR RE-ROOF AND WINDOW REPLACEMENT FOR CITY HALL WITH ARC-ARCHITECTS AND ROOF CONSULTANTS, PLLC.

City Manager Grayson Bottom said during the budget work sessions there was discussion regarding the need for replacement of the roof and windows at City Hall. An agreement with ARC-Architects and Roof Consultants, PLLC was presented. Bottom said this firm was highly recommended and that they had worked on the SWODA building.

He said that John Buckley has taken measurements and pictures of the facility and should have figures within a month. He said the cost for the design and engineering work would be zero at this time but would be included as construction cost in the project.

City Manager Bottom said a study of the electric bills over the last two years has shown a savings of $17,000.00. He said this is a result of the new heat/air system and lighting replacement. He said with a new roof and energy efficient windows, the utility bills should continue to be reduced.

Motion was made by Councilman Jones and seconded by Councilman Marcy to approve the Design and Engineering Agreement for Re-Roof and Window Replacement for City Hall with ARC-Architects and Roof Consultants, PLLC.

Mayor Bryson put the motion to a roll call vote:

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

Mayor declared the motion carried.

5. CITY MANAGER'S REPORT

City Manager Grayson Bottom said the street overlay project had been completed by Circle S and they had done a very nice job.

City Manager Grayson Bottom presented a copy of a Resolution adopted by the Oklahoma Municipal League regarding opposing State Questions 744. He said Assistant City Attorney Ryan Meacham would be preparing a resolution for the consideration of City Council for the next meeting.

Mayor Bryson reported a Walking for Wellness challenge between the communities of Clinton and Weatherford.

6. AUDIENCE PARTICIPATION

None

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

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

8-1-5: EXCAVATIONS; BORINGS; EARTH REMOVAL

A. Excavations; Borings; Earth Removal: Permit and Other Requirements:

1. It shall be unlawful for any person to cut, dig, bore, blast, excavate, produce or in any other manner make or cause to be made, any hole, opening, ditch, displacement, depression or impairment of the surface of any street, paving, paving curb, crossing or walk, easement, right-of-way in any street, alley or sidewalk within the city without first making written application for a permit so to do on a form prescribed by the city clerk, to be approved by the city engineer or the city manager or his designee; and first making a cash deposit with the city ~~clerk~~ in an amount named by him to guarantee the replacement, repair and restoration thereof to its former condition; and also first securing from the ~~such~~ city permit clerk a written permit ~~therefor~~.

2. The work, repair or replacement shall be done under the supervision and direction of the city engineer or the city manager or his designee. (1991 Code § 19-11)

3. Said repair or replacement will be guaranteed, or warranted by the permitted party for a period of one (1) year from the date of the project completion.

B. Excavations Guarded: All excavations upon the front or side of any lot adjoining a street, avenue, ~~or~~ alley, easement, right-of-way, or under any sidewalk, in the city shall be securely and properly guarded and protected by the person having charge of the same, so as to prevent the same being or becoming dangerous to life or limb. (1991 Code § 19-7)

C. Removing Street, Sidewalk, Other Materials, or Boring By-Products:

1. It shall be unlawful for any person to injure, remove or displace any earth, stone, gravel, sand or other material forming a part of any public highway, street, alley, sidewalk, road, ~~or~~ crosswalk, easement, or right-of-way within the city without permission from the city manager or his designee. ~~to do so.~~ (1991 Code § 19-8)

2. It shall be unlawful for any permitted party to replace pipe, or line without first removing the pipe, or line to be replaced.

D. Plans, Maps, and Inventories:

1. The city requires the following specific information about the permitted excavation, boring, or earth removal site and the applicant's system design for current and future facilities within the corporate boundaries of the city.

   a. An inventory and map of existing facilities that are within the city including specific information about the location, depth, and design of each installation within the easements, and rights-of-way of the city

   b. A vicinity map and scaled set of plans identifying the exact placement of the improvement or replacement within the easement or right-of-way.

c. A report by a properly licensed professional, certifying that the proposed improvement or replacement meets or exceeds the current code of the city.

DRAFT

A RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF CLINTON, OKLAHOMA
RESOLUTION NO. 794
OPPOSING SQ 744 (HOPE INITIATIVE PETITION)

WHEREAS, the City Council of the City of Clinton, Oklahoma supports adequate funding for common education and sustainable sources for that funding; and

WHEREAS, the City Council of the City of Clinton shares a concern with the Oklahoma Education Association (OEA) regarding quality public schools, realizing students today are the leaders of tomorrow; and

WHEREAS, the City Council of the City of Clinton believes State Question 744 is flawed as it does not include a funding source and would fund education at the expense of other needs, and

WHEREAS, the City Council of the City of Clinton further believes that State Question 744 as presented is ill-conceived in that it does not explain that schools will be funded at the expense of other needs including cities, towns, roads, bridges, and water to name a few: and

WHEREAS, the proponents contend the price tag for this Constitutional amendment will cost $800 Million to One Billion Dollars per year; and

WHEREAS, if passed, the practical result would require a tax increase in state income, oil and gas or sales tax or all existing state budgets would be compromised in favor of common education; and

WHEREAS, the City Council of the City of Clinton derives substantial financial resources for infrastructure, and capital improvements from the development programs of the Oklahoma Department of Commerce, Oklahoma Department of Transportation, Oklahoma Department of Agriculture, Oklahoma Water Resources Board, Oklahoma Aeronautics Commission, Oklahoma Department of Emergency Management; and operational support from the Oklahoma Bureau of Investigation, Oklahoma Department of Public Safety, Oklahoma Insurance Department, Oklahoma Tax Commission, and the Oklahoma Department of Environmental Quality; all of which, and many more, would have their budgets adversely affected, and

WHEREAS, many recent attempts have preceded this state question that were also intended to solve the funding crisis for common education including: HB 1017, para-mutual gambling (horse racing), and the lottery; and

WHEREAS, fundamental changes to the existing funding structure for common education must be addressed first.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Clinton, Oklahoma opposes state question 744.

APPROVED AND ADOPTED this _____ day of _____, 2010 by the City Council of the City of Clinton, Oklahoma.

_____
Allen Bryson, Mayor

ATTEST:

_____
Lisa Anders, City Clerk

Oklahoma Municipal Assurance Group

An Interlocal Cooperation Act Agency of Cities and Towns Providing:
Group Life & Health Benefits Plan • Municipal Liability Protection Plan • Workers' Compensation Plan • Municipal Property Protection Plan

2007-2008 WORKERS' COMPENSATION PLAN REFUND VOUCHER AGREEMENT

This Agreement made and entered into this 6th day of October, 2010, shall remain in full force and effect between the **City of Clinton,** hereinafter referred to as the "Member," and the Oklahoma Municipal Assurance Group, hereinafter referred to as the "Group," witnesseth:

WHEREAS, as a result of favorable workers' compensation claims activity on the part of the member, the Board of Trustees of the Group has authorized the refund of the unused portion of your 2007-2008 Loss Fund in the amount of **$6,002.24;** and

WHEREAS, the Group Workers' Compensation Plan was created pursuant to 74 O.S. § 1001 et seq., thereby enabling cities and towns to cooperate with others on the basis of mutual advantage and to exercise and enjoy all of their powers, privileges and authority to the extent that laws of the state permit such joint exercise or enjoyment; and

WHEREAS, the Member by adopting and subscribing to the said Workers' Compensation Plan for the Fiscal Year ending June 30, 2008, hereinafter referred to as the "Fiscal Year," made payment of an annual fee to the Group for statutory benefits under 85 O.S. § 1 et seq., the Workers' Compensation Act of the State of Oklahoma; and

WHEREAS, the Board of Trustees of the Group has authorized the distribution of the whole or part of said annual fee paid by the Member to the Group and identified as the Member's Loss Fund for the Fiscal Year; and

WHEREAS, the Member hereby makes application for a distribution of the whole or part of the Loss Fund it paid to the Group for the Fiscal Year subject to the following terms and conditions.

NOW, THEREFORE, the Member does hereby declare and agree as considered under this Agreement:

1. The Member hereby acknowledges, affirms, and states, upon acceptance of the amount stated above as a conditional distribution of a whole or part of its Loss Fund paid to the Group for the Fiscal Year; that it may be liable for a whole or part of said amount to the Group for benefits payable under 85 O.S. § 1 et seq. contingent upon notification to the Group by the CompSource Oklahoma that benefits are due and payable for claims against the Member made for the Fiscal Year.

2. Upon notice by the CompSource Oklahoma to the Group as described herein, the Member shall make payment of the distribution described herein to the Group within sixty (60) days receipt of written notice from the Group.

(over)

OMAG
Oklahoma Municipal Assurance Group

3. In the event the Member fails to make payment to the Group as set forth in paragraph 2 herein, Member agrees and authorizes the Group to debit the amount due for benefits from either the Member's Loss Fund, Escrow or Rate Stabilization Reserve Account.

4. This refund can be processed in one of three different ways. You may select one of the following options:

** NOTE: **If we do not receive notification of your selection prior to December 31, 2010 your refund will automatically be transferred to your escrow account.** **

PLEASE INITIAL YOUR SELECTION

_____ a. We wish to place the full amount in Escrow with the Group to be used at any time at our request. We understand that we will receive interest earnings on any amounts so held.

_____ b. We wish to apply the full amount as credit toward the current quarterly payments for the 2010-2011 Workers' Compensation Premium. *(Only choose this option if your city or town's annual premium is greater than $5,000 or you are currently making quarterly payments for the 2010-2011 Plan.)*

_____ c. Please issue a refund check for the entire amount.

This Agreement shall be construed and enforced according to the laws of the State of Oklahoma.

In witness whereof, signed as designated below.

_____ Patricia Parsons
Mayor — For the Oklahoma Municipal Assurance Group

_____ **October 6, 2010**
Attested: City/Town Clerk — Date

_____
Date

(Select and initial your refund option above. **Return with original signatures of Mayor and Clerk to the Oklahoma Municipal Assurance Group**, 4130 N. Lincoln Blvd., Oklahoma City, OK 73105-5209).