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

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Ross Foster, Custer Avenue Baptist Church
3. Consent Agenda
    A. Consider Approval of Minutes of Regular Meeting on December 7, 2010
4. Action Items:
    A. Consider request of T.H. Rogers Lumber Company for extension to obtain Occupancy Certificate on structure on North 4 th Street
5. City Managers Report
6. Audience Participation
7. Adjournment

Filed this 17th Day of December, 2010. Posted on the bulletin board in the lobby of the Clinton City Hall on December 17, 2010 at 2:15 p.m.

_____

Not recorded

IA060110

MINUTES OF THE CLINTON INDUSTRIAL AUTHORITY, JUNE 1, 2010

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, June 1, 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 May 27, 2010.

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

CHAIRMAN: Allen Bryson
TRUSTEES: Steve Jones, John Jordan, Terry Wheeler
ABSENT: 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 Mike Smith
OTHERS: Arnold Adams, Wade Anders, David Crabtree, Terry Gathers, Bob Smith, Gene McCullough and others.

Roy Dobbs of the First Church of God opened the meeting with prayer and Trustee John Jordan led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of May 4, 2010 meeting
B. Consider Claims

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

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

None

AGENDA ITEM NO .5: CITY MANAGER'S REPORT

None

AGENDA ITEM NO. 6: AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 7: ADJOURNMENT

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

Chairman put the motion to a roll call vote

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

Chairman declared the meeting adjourned at 5:35 pm.

T.H. ROGERS LUMBER CO.
118 SOUTH 5TH STREET
CLINTON, OKLA. 73601
PHONE 580-323-2841 – FAX 580-323-5604
12/17/2010

To Whom It May Concern:

We are writing to request an extension for our new building on North 4th Street, if it is possible. The construction is taking a little longer than expected. Thank you for your consideration of this matter, as well as your time.

Please feel free to contact for further information,

Brad Winkler

Store Manager

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

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Ross Foster, Custer Avenue Baptist Church
3. Consent Agenda
    A. Consider Approval of Minutes on December 7, 2010
4. Action Items:
    A. Public Hearing regarding rezone of property at 1725 S Highway 183
    B. Consider Ordinance No. 931 regarding rezoning of property at 1725 S Highway 183
    C. Consider Condemnation of Property at 1007 Avant ; Owner: John C. Kindred
    D. Consider Authorizing the Mayor to sign Memo of Understanding with Oklahoma Department of Environmental Quality concerning transfer of title for National Guard Armory Property
5. City Managers Report
6. Audience Participation
7. Adjournment

Filed this 17th Day of December, 2010. Posted on the bulletin board in the lobby of the Clinton City Hall on December 17, 2010 at 2:15 p.m.

_____

Not recorded

MINUTES OF THE CLINTON CITY COUNCIL
DECEMBER 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, December 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 December 3, 2010.

City Clerk Lisa Anders administered the oath of office to Phyllis Smith to serve as representative for Ward Four.

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

MAYOR: Allen Bryson
COUNCIL: Phyllis Smith, 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
OTHERS: Arnold Adams, Mary Helen Jones, Charles Fry, Toby Anders, Russ Meacham, Wade Anders, James Kuykendall, Mr. & Mrs. Henry Caldwell, Jerri Zitterkob, Rev. Billy Mucker, Eugene Ross, Anthony Randle, Mr. & Mrs. James Bray, Rusty Whisenhunt, Gene McCullough, David Crabtree and others.

Everett Crenshaw opened the meeting with prayer and Councilman Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 4: CONSENT AGENDA:

A. Minutes of Regular Meeting of November 16, 2010
B. Consider Claims

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. PRESENTATION AND CONSIDERATION OF 2009-2010 AUDIT

James Kuykendall of Britton, Kuykendall & Miller, presented the 2009-2010 audit. He gave a summary of the audit. He reported a decrease in assets, liability and revenue. He said expenditures had increased primarily in the Parks and Recreation Department. He said this audit is a good reflection of the current economy. He said the notes section verifies the City covered the bond debt service and had adequate internal controls to carry out each required step.

Motion was made by Councilwoman Smith and seconded by Councilman Marcy to approve the 2009-2010 audit as presented.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4B. CONSIDER CONDEMNATION OF PROPERTY IN LOTS 13-14 BLOCK 29 CLINTON ORIGINAL ADDITION: OWNER: BJ. FOX

Toby Anders, Code Enforcement Officer, reported on the condition of the property commonly known as the Pop Hick's property. He said there are living quarters and a boiler room underneath the slab and it has various openings in it. Photos were shown of the site. Anders said there had been a fire at the location in 1999 and again in 2010. He recommended condemning the property and allowing the owner 30 days to bring the property into compliance and if not, the City would remedy the situation following the 30 days.

City Manager Grayson Bottom presented an e-mail that had been received from Jenny R. Armstrong, attorney for BJ Fox Enterprises, in opposition to the condemnation. He reminded the Council that the City does not take property through condemnation. He said following the fire in 1999 the City completed the demolition at a cost of approximately $6,500 whereby a lien was filed on the property. The City received payment for $2,500.00.

Bottom said this property is in an important location due to being at the east entrance of the community. He said the City has been waiting seven years for something to be done to the property and that is long enough. He recommended following the recommendation of the Code Enforcement Officer.

Toby Anders said he had contacted the owner following the fire in 2010 and sent photos to an e-mail address that had been provided but the e-mail was unsuccessful. He said the owner had not ever contacted him to give a new address. Anders said he had estimates on removal of asbestos at $1,800.00 and for demolition of $32,000.00. He said this was just to get an idea of what this project would cost.

Building Inspector Charles Fry said no one has ever inquired for the building, the zoning of the property or anything.

Councilman Marcy asked if the property were condemned, if the City would contact the owner.

Toby Anders said he would notify the owner by certified mail of the condemnation and provide copies of the estimates he has received if they want them.

Motion was made by Councilman Jones and seconded by Councilman Wheeler to condemn the property in Lots 13-14, Block 29 Clinton Original Addition.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4C. CONSIDER ORDINANCE NO. 929 AMENDMENT TO CLINTON CITY CODE SECTION 8-1-5 REGARDING EXCAVATION, BORING AND EARTH REMOVAL

City Manager Grayson Bottom said several weeks ago this ordinance had its first reading and no recommendation had been made regarding amendments. The ordinance is being presented for consideration with no changes. He said following approval notification will be sent to plumbers, fiver optic companies, and utility companies to make them aware of the requirements.

Motion was made by Councilman Wheeler and seconded by Councilwoman Smith to approve Ordinance No. 929 regarding amendments to the City Code regarding excavation, boring and earth removal.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

Motion was made by Councilman Marcy and seconded by Councilwoman Smith to approve the Emergency Clause to Ordinance No. 929.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4D. CONSIDER EXPENDITURE OF FUNDS FOR WATER SLIDE AND STRUCTURE IMPROVEMENTS FROM THE CAPITAL IMPROVEMENT FUND

City Manager Grayson Bottom reported that staff had been unsuccessful at performing in-house repairs to the water slide. He said there is damage to the structure that creates safety hazards to users. He said without the repairs, the waterslide cannot be opened for the summer of 2011. He said he had contacted the manufacturer and they recommended contacting Fischer Brothers out of Wisconsin. A proposal was presented for the necessary repairs to the waterslide and structure totaling $31,250.00. Bottom recommended accepting the proposal and using unencumbered funding in the Capital Improvement Fund.

Councilman Jones asked about a cover to put on the slide during the off season.

Mayor Bryson said he had been asked if the indoor water park were constructed, if the City would continue to operate the pool and waterslide. Bryson said the waterslide/pool would continue to open.

Motion was made by Councilwoman Smith and seconded by Councilman Jones to approve the expenditure of funds for the water slide and structure from the Capital Improvement Fund.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4E. CONSIDER ORDINANCE 930 REGARDING AMENDMENT TO CLINTON CITY CODE REGARDING FLOOD DAMAGE PREVENTION

City Manager Grayson Bottom explained that Rhonda Williams is the Flood Plains Manager for the City of Clinton. She has filed claims with FEMA on behalf of the City of Clinton. He explained that the proposed ordinance makes amendment to the current code that are required to keep the City of Clinton in compliance with regulations.

Rhonda Williams said the Flood Plains maps are dated 1987 but are under review now.

Motion was made by Councilman Jones and seconded by Councilwoman Smith to adopt Ordinance No. 930 regarding amendment to Clinton City Code regarding Flood Damage Prevention.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

Motion was made by Councilman Jones and seconded by Councilman Marcy to approve the Emergency Clause for Ordinance No. 930.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

5. CITY MANAGER'S REPORT

City Manager Grayson Bottom reported that the National Guard Armory building would be donated to the City of Clinton before the end of the year. He said a Memo of Agreement with the Department of Environmental Quality would be presented for Council consideration. He said DEQ would be responsible for asbestos cleanup, lead paint removal and the cleaning up of the gun range. He said they would allow the occupancy of the bay area. He said fire equipment located at the City barn on Marshall Road would be relocated to this facility.

Bottom reported that Assistant City Attorney Ryan Meacham is reviewing sample deeds to be prepared for the Donald Roush Reserve Center.

City Manager Bottom said a Community Survey is on the city's website. He encouraged all citizens to take the survey as this information will be utilized in the Vision Session that will be conducted at the Frisco Center. He said several meetings are scheduled during December, January and February. The survey is on-line and he said if anyone needs access to a computer, there are seventeen computers available at the Clinton Public Library. He said

Librarian Kathy Atchley said if anyone needs help with using the computers at the library to take the survey they could assist.

City Manager Grayson Bottom presented a sample of the color selection of the roof for City Hall.

Phyllis Smith announced that dates for the Vision Sessions at the Frisco Center on December 14, January 11, January 25, February 8 and February 22 at 5:30 P.M.

6. AUDIENCE PARTICIPATION

James Bray asked about improvements to Chapman Road.

City Manager Bottom said funding had been designated for improvements to Chapman Road through the Department of Transportation and addition funding has been applied for. He said the road is a section line and that makes the project eligible for additional funding. He said the balance of the improvements that are not covered by grants will be split between the City of Clinton and Custer County. He said he anticipates having the funding completed within three years.

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, Smith, Bryson
Nay: None

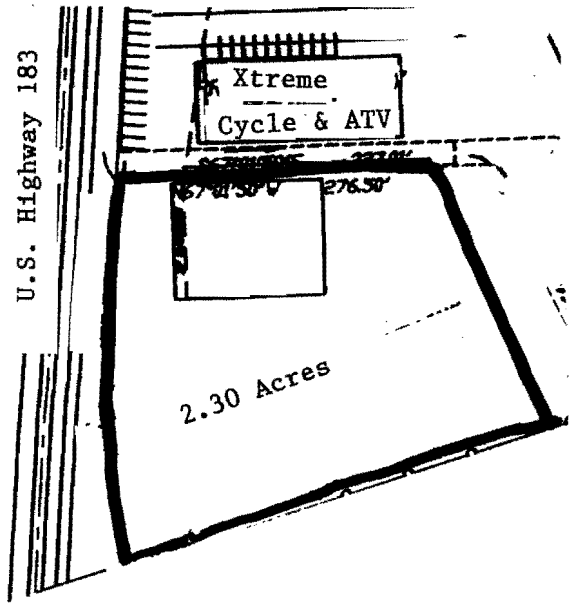
Mayor declared the meeting adjourned at 6:45 P.M.

NOTICE OF REZONING - PUBLIC HEARING

Notice is hereby given that on Tuesday, December 21, 2010, beginning at 5:30 p.m a Public Hearing will be held before the Mayor and City Council of the City of Clinton, Oklahoma in the Council Room of the Clinton City Hall, 415 Gary Boulevard, on the application to rezone a parcel of land located in the Northwest Quarter of Section 26, Township 12 North, Range 17 W.I.M. (1725 S Highway 183) in Clinton, Custer County, Oklahoma.

Requesting that the zoning of said property be changed from R-3 (Multi-Family District) to I-2 (Light Industrial District).

The subject tract is located as shown on the following schematic drawing.



Any person may file protest in writing with the Clinton City Clerk, City Hall, P.O. Box 1177, Clinton, Oklahoma, 73601, at any time before such Public Hearing begins, and/or may appear in person or by representative at the time and place and be heard on this matter.

Dated this 1st day of December, 2010.

Lisa Anders

Lisa Anders, City Clerk
City of Clinton, OK

ORDINANCE NUMBER 931

AN ORDINANCE CHANGING THE ZONING
FROM R-3(MULTI-FAMILY DISTRICT) TO I-2 (LIGHT INDUSTRIAL DISTRICT) FOR PROPERTY LOCATED IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 12 NORTH, RANGE 17 W.I.M. (1725 S HIGHWAY 183)
IN CLINTON, CUSTER COUNTY, OKLAHOMA;
AND DECLARING AN EMERGENCY.

WHEREAS, the owners of a tract of land located in the Northwest Quarter of Section 26, Township 12 North, Range 17 W.I.M. in Clinton, Custer County, Oklahoma request that the zoning of said land be changed from R-3 (Multi- Family District) to I-23 (Light Industrial District); and

WHEREAS, the Planning and Zoning Board of said City of Clinton, Oklahoma met on November 30, 2010, after due legal notice thereof to all owners of property situated within a radius of 300 feet of subject tract of land and has reviewed the said application and has recommended to this Council that the zoning of such property be approved as requested; and

WHEREAS, the City Council did conduct a Public Hearing on this matter on this date in the Council Room of the Clinton City Hall pursuant to due legal notice thereof published in the Clinton Daily (Oklahoma) News on December 21, 2010; and

WHEREAS, the matter was discussed in open forum at this Public Hearing before and by the members of the Council and the Council being fully informed in the premises does find that the interest of the City of Clinton will be served best by establishing the subject zoning district as requested in the subject application and as recommended by the Clinton Planning and Zoning Board; and

NOW THEREFORE, be it ordained by the City Council of the City of Clinton, Oklahoma that the following described property in the Northwest Quarter of Section 26, Township 12 North, Range 17 W.I.M. (1725 S Highway 183) in Clinton, Custer County, Oklahoma be and the same is hereby zoned I-2 (Light Industrial District).

WHEREOF, an emergency is hereby declared to exist and the Ordinance shall be in full force and effect from and after its passage and proof of publication.

PASSED AND APPROVED this _____ day of _____, 2010.

_____
Allen Bryson, Mayor

ATTEST:

_____
Lisa Anders, City Clerk

MINUTES OF A SPECIAL MEETING OF THE PLANNING AND ZONING BOARD TUESDAY, NOVEMBER 30, 2010

A special meeting of the Planning and Zoning Board of the City of Clinton, Oklahoma, was held on Tuesday, November 30, 2010 at 9:00am in the City of Clinton Council Room, City Hall. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on November 23, 2010.

Members Present were: Julie Strong, Mariela Acosta, Jay Wyer, Doyce Walker and Corky Heard
Others Present: Lisa Anders, Charles Fry, Teresa Krewall, Toby Anders, Bran Hartsell, Kent Powell, O.B. Williams and others

2. **CONSIDER MINUTES OF THE NOVEMBER 9, 2010 MEETING**

Motion was made by Jay Wyer and seconded by Mariela Acosta to approve the minutes of the previous meeting.

Chairman put the motion to a roll call vote:

Aye: Wyer, Acosta, Strong, Walker, Heard
Nay: None

Chairman declared the motion carried.

3. **CONSIDER REQUEST OF O.B. WILLIAMS TO REZONE TRAC OF LAND DESCRIBED AS THE NW/4 OF SECTION 26, TOWNSHIP 12 NORTH, RANGE 17 W.I.M. TO THE CITY OF CLINTON, CUSTER COUNTY, OKLAHOMA AND CONSIDER A USE PERMITTED ON REVIEW FOR THE HOUSING OF OFFICE SPACE (1725 S HIGHWAY 183)**

Chairman Heard reviewed the request for rezoning of the property at 1725 S Highway 183.

Building Inspector Charles Fry asked about the purpose of the building.

Bran Hartsell said the reason I-2 had been requested is because all the property around it is zoned I-2.

Kent Powell said the adjoining property is I-2.

Chairman Heard said he preferred to keep the zoning the same as the adjoining property.

Hartsell said when Elmer Smith had rezoned his property, Mr. Williams had been asked if he wanted to rezone to I-2 so he thought that would be the appropriate zoning.

Jay Wyer said he would like to keep the I-2 since the surrounding property is zoned I-2.

Chairman Heard said he felt future development would benefit from I-2 zoning.

Motion was made by Doyce Walker and seconded by Jay Wyer to rezone the property at 1725 S Highway 183 from R-3 to I-2.

Chairman put the motion to a roll call vote:

Aye: Walker, Wyer, Acosta, Strong, Heard
Nay: None

Chairman declared the motion carried.

Chairman Heard reviewed the plans for the Change in Use for the building from a furniture store to the housing of office spaces. In review the Plot Plan, it was noted there is plenty of room for the additional parking.

Motion was made by Julie Strong and seconded by Mariela Acosta to approve the Use Permitted on Review for the housing of office space at 1725 S Highway 183.

Chairman put the motion to a roll call vote:

Aye: Strong, Acosta, Walker, Wyer, Heard
Nay: None

Chairman declared the motion carried.

4. CONSIDERATION AND POSSIBLE ACTION ON A RESOLUTION OF THE CLINTON PLANNING AND ZONING BOARD DECLARING THE "PROJECT PLAN RELATING TO INCREMENT DISTRICT NUMBER ONE, CITY OF CLINTON, OKLAHOMA (CLINTON WATER PARK INCREMENT DISTRICT)" TO BE IN COMPLIANCE WITH THE COMPREHENSIVE PLAN OF THE CITY OF CLINTON; AND RECOMMENDING APPROVAL OF THE PROJECT PLAN BY THE CLINTON CITY COUNCIL

Jay Wyer, representative of the Planning and Zoning Board for the City of Clinton Local Development Act Review Committee, reported on the latest meeting of the committee. He explained that the TIF district had been determined and placed on a fifteen year term with hopes of a payout in five to seven years.

City Manager Grayson Bottom reviewed the projected number for the Clinton Water Park Increment District Project. He explained that the three types of taxes are ad valorem tax, sales tax and lodging tax. He explained that the consensus of the committee was to use the excess revenue in debt reserve account to pay off the debt early.

Chairman Heard asked about the purpose of the resolution.

City Manager Grayson Bottom said the Comprehensive Plan for the City of Clinton that had been prepared by SWODA several years ago is the Comprehensive Plan mentioned in the resolution. He said the Planning and Zoning Board had been involved in the preparation of the plan and the approval of the resolution means that in the Board's opinion, this development of the Water Park Increment District Project is in compliance with the Capital Improvement Plan.

Motion was made by Jay Wyer and seconded by Doyce Walker to approve Resolution No. 1.

Chairman put the motion to a roll call vote:

Aye: Wyer, Walker, Acosta, Strong, Heard
Nay: None

Chairman declared the motion carried.

5. ADJOURN

Motion was made by Julie Strong and seconded by Mariela Acosta to adjourn the meeting.

Chairman put the motion to a roll call vote:

Aye: Strong, Acosta, Walker, Wyer, Heard
Nay: None

Chairman Heard declared the meeting adjourned at 9:30 a.m.

Memorandum

To: Mayor Allen Bryson, City Council & City Manager

From: Toby Anders Code Enforcement Officer

Date: 12/17/2010

Re: 1007 Avant

The property that I am bringing to you was up for condemnation on November 16, 2010 no action was taken at that time. The City Council gave the son of the property owner an additional 30 days to work on the property and to bring this property back to City Council in 30 days. As of December 14, 2010 it appeared that minimal work had been done to the property. On December 15, 2010 the resident Mr. Kindred called and asked if I had a different telephone number for the gentleman that was helping him because he could make contact with him I informed him that I did not. I also informed Mr. Kindred that he needed to attend the City Council meeting on Tuesday December 21, 2010 at 5:30 p.m. because it is back on the agenda for consideration of Condemnation and he stated "I guess I need to get back to work on trimming the trees". On Friday December 17, 2010 at 9:30 a.m. I went by 1007 Avant for a follow up inspection I could tell some work had been done at that time.

It is my recommendation that the City of Clinton City Council that this property be condemned due to the fact that the resident has failed to remove the nuisances in the time frame that was given to him by the City Council.

Toby Anders Code Enforcement Officer

MEMORANDUM OF AGREEMENT
BETWEEN
THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY AND
CITY OF CLINTON

1. PURPOSE: The purpose of this Memorandum of Agreement (MOA) is to establish a mutual framework governing the respective organizational relationships, responsibilities, and activities between the Oklahoma Department of Environmental Quality (DEQ) and the City of Clinton. This agreement is primarily for occupancy and access to the local armory building before and during limited remediation. The areas of responsibility and relationships presented herein provide the concept under which the program will be executed.

2. BACKGROUND: The Oklahoma Military Department (OMD) transferred title to its armory building at 723 South 13th Street to Clinton for public purpose use. There is a strong likelihood that the building contains asbestos and/or lead based paint. If an indoor firing range is located in the building, high concentrations of lead will be present. The DEQ plans to confirm the presence of hazards using sampling and analysis and to abate the asbestos, abate the lead based paint, and remediate the firing range.

3. RESPONSIBILITIES OF THE PARTIES: The following paragraphs identify responsibilities of the parties under this MOA:

The City's Responsibilities:

- Provide keys and access to DEQ and its contractors as needed to evaluate and remediate building;
- Restrict occupant's use/presence in the building before and during remediation, as requested. This could include removing equipment, vehicles and other items that may be in the way of cleanup activities; and
- Coordinate with DEQ during the remediation process.

The DEQ's Responsibilities:

- Provide regular progress reports to the City

- Mitigate hazards to remedial goals with minimal use restrictions;
- Supply the City with a final report of all DEQ activities;
- File mandatory Notice of Remediation, i.e. deed notice;
- Notify the City of ongoing operations and maintenance issues, if any; and
- Perform armory transfer ceremony, if appropriate

4. BUILDING USE RESTRICTIONS BEFORE CLEANUP

- No access to or use of the indoor firing range, if one is located there;
- No residential use;
- No use as a child occupied or elder care facility.
- No use of the property without DEQ approval.

5. RESPONSIBILITY FOR COSTS: The DEQ is responsible for costs associated with site characterization and remediation of the armory building. The DEQ is not responsible for costs associated with insuring, maintenance and mowing of the property. The DEQ is not responsible for structural issues, replacement of roofing systems, mold issues, or building security.

6. PUBLIC INFORMATION: The City is generally responsible for all public information. However, the DEQ may make public announcements and respond to all inquiries relating to the characterization and remediation of the building. The City and the DEQ shall make their best efforts to give the other party advance notice before making any public statement regarding work contemplated, undertaken, or completed pursuant to this MOA. DEQ will prepare a press release in advance of the armory ceremony, if one is held.

7. COMMUNICATIONS AND COORDINATION REPRESENTATIVES: To provide consistent and effective communication between the DEQ and the City, each party shall appoint a principal representative to serve as its central point of contact on matters relating to this MOA.

For the DEQ:

Dustin Davidson
Project Manager
Box 1677, OkC, OK 73101-1677
405-702-5100
dustin.davidson@deq.ok.gov

For the City:

Grayson Bottom
City Manager
P.O. Box 1177, Clinton OK 73601
580-323-0261
citymanager@clintonokla.org

8. MISCELLANEOUS: This MOA shall not affect any pre-existing or independent relationships or obligations between the parties.

9. EFFECTIVE DATE: This Agreement becomes effective upon the date of the signature of the Executive Director of the DEQ and will remain in effect until the armory building has been remediated and released for occupancy by the DEQ.

10. ACCEPTANCE OF AGREEMENT: The parties acknowledge and agree that they have read the Agreement and that they accept the responsibilities with which they are charged. The City agrees to comply with the building use restrictions before cleanup and understands that failure to comply with said restrictions or failure to adhere to the responsibilities enumerated in this Agreement may result in delayed remediation.

_____ _____

Allen Bryson
Mayor
City of Clinton

DATE

_____ _____

Steven A. Thompson
Executive Director
Department of Environmental Quality

DATE

STATE OF OKLAHOMA
MILITARY DEPARTMENT
3501 MILITARY CIRCLE
OKLAHOMA CITY, OKLAHOMA 73111-4398
405-228-5000 DSN 628-5000

December 8, 2010

received
12-10-10

Mr. Grayson Bottom
Clinton City Manager
415 Gary Boulevard
P.O. Box 1177
Clinton, OK 73601

Dear Mr. Bottom:

It was nice to meet you last week. As we discussed at our meeting, the Adjutant General of the Oklahoma National Guard has determined the Clinton Armory to be excess to the needs of our organization, and is making this facility available for transfer to the City of Clinton in accordance with 44 O.S §233.3.

The transfer of the Clinton Armory from the Oklahoma National Guard to the City of Clinton involves a number of steps and organizations. A key part of the process is the environmental hazard assessment and if required, remediation work to be undertaken by the Oklahoma Department of Environmental Quality (DEQ).

The transfer sequence will follow the general sequence outlined below:

1. Oklahoma National Guard issues this letter of offer to City of Clinton.
2. City of Clinton sends reply letter requesting transfer of Armory to the city.
3. Oklahoma National Guard establishes formal date of transfer to City of Clinton
4. City of Clinton enters into agreement with DEQ for armory remediation.
5. DEQ conducts hazard sampling and remediation.

We look forward to continuing the great relationship between the Oklahoma Military Department and the City of Clinton.

If you require additional information on this matter, please contact me at 405-228-5652.

Sincerely,

Amber R. Corbin
Real Property Attorney
Oklahoma Military Department

Clinton
Hub City of Western Oklahoma

Allen Bryson, Mayor
Steve Jones, Ward 1
Terry Wheeler, Ward 2
Bob Marcy, Ward 3
Phyllis Smith, Ward 4

Office of the City Manager

Grayson Bottom, City Manager
City of Clinton, Oklahoma

December 10, 2010

Amber R. Corbin
Real Property Attorney
Oklahoma Military Department
3501 Military Circle
Oklahoma City, OK 73111-4398

Dear Ms. Corbin:

Thank you for your letter of December 8, 2010 outlining the Oklahoma National Guard's process for the transfer of property. We do request that the aforementioned transfer be accomplished in as timely a manner as possible within the laws, regulations, and rules of all of the appropriate parties.

We have received the "Memorandum of Agreement" from the Oklahoma Department of Environmental Quality. That agreement has been reviewed by our City Attorney and has been set for consideration at our next City Council meeting. That meeting will be at 5:30 PM on Tuesday, December 21, 2010 in the City Council Chamber in the Clinton City Hall. At that time I would anticipate that the City Council will authorize the Mayor to execute the agreement on behalf of the City.

Thank you for your timely handling of this matter.

Sincerely,

Grayson Bottom

Grayson Bottom