PUBLIC NOTICE OF A REGULAR MEETING
OF THE PUBLIC WORKS AUTHORITY
TUESDAY, JANUARY 18, 2011 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Roland Youngberg, First United Methodist Church
3. Consent Agenda
    A. Consider Approval of Minutes of January 4, 2011
4. Action Items:
    A. Consider renewal of Agreement with Capitol Decisions, Inc.
5. Mayor's Report
6. Audience Participation
7. Adjournment

Filed this 13th Day of January, 2011. Posted on the bulletin board in the lobby of the Clinton City Hall on January 13, 2011 at 1:30 p.m.

Not recorded

PW010411

MINUTES OF THE PUBLIC WORKS AUTHORITY MEETING, JANUARY 4, 2011

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, January 4, 2011 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 30, 2010.

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

CHAIRMAN: Allen Bryson
TRUSTEES: Steve Jones, Don Rodolph, Bob Marcy
CITY MANAGER: Absent
CITY CLERK: Lisa Anders
CITY TREASURER: Debra Blanchard
DEPUTY CLERK: Rhonda Williams
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Gerald Green and Rod Serfoss
OTHERS: Arnold Adams, Mary Helen Jones, Wade Anders, David Crabtree, Rusty Whisenhunt, Brian Aneshansley, Lyle Miller, Walt & Carolyn Schumacher, D'Lese Travis, Pat Peters, Narcy Smith, Julie Menge, Debbie Bryson, Roy Dobbs, Phyllis Smith, Bob Smith, L.R. Sights, Bobby Hoffman, Bobby & Jan Wheeler, and others.

Dale Nease of the Cumberland Presbyterian Church opened the meeting with prayer and Trustee Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of the Regular Meeting of December 7, 2010
B. Consider Claims

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

Chairman put the motion to a roll call vote:

Aye: Jones, Marcy, Rodolph, Bryson
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO. 4. ACTION ITEMS

4A. AFFIRM EXPENDITURE BY CLINTON PUBLIC SCHOOLS BOARD OF EDUCATION TO JOE D HALL, GENERAL CONTRACTOR FOR SCHOOL CONSTRUCTION

Chairman Bryson explained that the Public Works Authority is serving as a flow through for the school's project. He said the monies have already been paid to Joe D. Hall but it is necessary for the Public Works Authority to affirm the action.

Motion was made by Trustee Rodolph and seconded by Trustee Jones to affirm the expenditure by Clinton Public Schools Board of Education to Joe D. Hall, General Contractor for school construction.

Chairman put the motion to a roll call vote:

Aye: Rodolph, Jones, Marcy, Bryson
Nay: None

Chairman declared the motion carried.

AGENDA ITEM NO .5: CITY MANAGER'S REPORT

Trustee Jones asked about the equipment that been authorized for purchase for the Wastewater Treatment Plant.

Rusty Whisenhunt of Severn Trent said that two items were on order and one item was been completed. He also reported on the progress at the Water Treatment Plant.

AGENDA ITEM NO. 6: AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 7: ADJOURNMENT

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

Chairman put the motion to a roll call vote:

Aye: Marcy, Jones, Rodolph, Bryson
Nay: None

Chairman declared the meeting adjourned at 5:55 pm.

MEMORANDUM OF AGREEMENT

The City of Clinton, Oklahoma (hereafter "the City") hereby retains Capitol Decisions, Inc. (hereafter "CDI") as legislative advocates with regard to various federal agencies and legislative issues. CDI undertakes to monitor and evaluate these issues and to advise the City on the components of an agency and legislative plan and the appropriate strategy necessary to achieve the goals of such a plan. CDI will perform such services with regard to such issues as may be mutually agreed between CDI and the City.

It is understood that CDI may be required to register for work performed on behalf of the City under the terms of the Lobbying Disclosure Act of 1995, as amended (2 USC §1601 et seq.) and any subsequent laws or regulations.

In consideration of the performance of these services, the City shall pay to CDI the sum of $7,500.00 per month, with such payments due monthly and in advance. The City hereby represents and warrants that these payments shall not be made with federally appropriated funds. Sums owed by the City to CDI shall accrue interest at a rate of 1.5% per month if unpaid after ninety (90) days.

This Agreement shall not be assignable by either party.

This Agreement shall become effective February 1, 2011 and shall continue in effect until January 31, 2012 or until terminated by the City or CDI by written notice given to the other at least 90 days prior to the proposed date of termination.

This Agreement shall be deemed to be a contract made under the laws of the District of Columbia and for all purposes shall be construed in accordance with said laws. In the event of a dispute between the parties, they mutually consent to jurisdiction in the Superior Court for the District of Columbia. The prevailing party shall be entitled to costs and interest on any award at the rate of 1.5% per month to run from ten business days after the date of the award.

CAPITOL DECISIONS, INC.

Date: 1/6/2011

By: H. Stewart Van Scoyoc
H. Stewart Van Scoyoc
President

THE CITY OF CLINTON, OKLAHOMA
Clinton Public Works Authority

Date: _____

By: _____
Allen Bryson
~~Mayor~~ Chairman

PUBLIC NOTICE OF A REGULAR MEETING
OF THE CITY COUNCIL
TUESDAY, JANUARY 18, 2011 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order

2. Opening Prayer Roland Youngberg, First United Methodist Church

3. Consent Agenda

    A. Consider Approval of Minutes on January 4, 2011 and Special Meeting of January 6, 2011

4. Action Items:

    A. Conduct a Public Hearing to provide interested persons an opportunity to be heard pursuant to Title 62, Section 859 of the Oklahoma Statutes regarding the establishment of “Increment District Number One, City of Clinton, Oklahoma” and a Project Plan…

    Conduct a Public Hearing to provide interested persons an opportunity to be heard pursuant to Title 62, Section 859 of the Oklahoma Statutes regarding the establishment of “Increment District Number One, City of Clinton, Oklahoma” and a Project Plan relating thereto

    B. First Reading of an Ordinance approving and Adopting that certain “Project Plan relating to Increment District number One, City of Clinton, Oklahoma (Clinton Water Park Increment District”) , dated October 1, 2010; Ratifying and Confirming actions,…

    First Reading of an Ordinance approving and Adopting that certain “Project Plan relating to Increment District number One, City of Clinton, Oklahoma (Clinton Water Park Increment District”) , dated October 1, 2010; Ratifying and Confirming actions, Recommendations and Findings; Establishing “Increment District Number One, City of Clinton, Oklahoma”; Designating and Adopting Project Area and Increment District Boundaries; Adopting certain findings; Apportioning Incremental Ad Valorem Revenues; Apportioning Incremental City Sales Tax revenues; Apportioning Incremental City Lodging Tax Revenues; Creating the Clinton Water Park Increment District Apportionment Fund; Designating the Clinton Industrial Authority as the Public Entity to carry out and administer the Project Plan and Authorizing the Authority to make minor plan amendments; Authorizing the Authority to issue tax apportionment bonds or notes;

Designating the City Manager of the City of Clinton, Oklahoma as the person in charge of the administration of the Plan; Providing for severability; and containing other provisions relating thereto

C. Consider expenditure of funds of remaining Construction Fund Account with options to include finishing north fence of Acme Brick Park, initial installation of two Coach Pitch Fields east of entrance road and extension of backstop of three baseball fields

D. Consider appointment of Interim City Manager

E. Request Authorization to go to bid on minerals at Clinton Cemetery

5. Mayor's Report

6. Audience Participation

7. Adjournment

Filed this 13th Day of January, 2011. Posted on the bulletin board in the lobby of the Clinton City Hall on January 13, 2011 at 1:30 p.m.

_____

Not recorded

MINUTES OF THE CLINTON CITY COUNCIL
JANUARY 4, 2011

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, January 4, 2011 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 30, 2010.

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

MAYOR: Allen Bryson
COUNCIL: Steve Jones, Don Rodolph, Bob Marcy
CITY MANAGER: Absent
CITY CLERK: Lisa Anders
CITY TREASURER: Debra Blanchard
DEPUTY CITY CLERK: Rhonda Williams
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Rod Serfoss and Gerald Green
OTHERS: Arnold Adams, Mary Helen Jones, Wade Anders, Rusty Whisenhunt, Gene McCullough, Debbie Bryson, Julie Mengie, L.R. Sights, Brian Aneshansley, Bob Smith, Lyle Miller, Walt & Carolyn Schumacher, Buddy & Jan Wheeler, Bobby Hoffman, Phyllis Smith, Pat Peters, Mr. & Mrs. Dave Gerbrandt, Roy Dobbs, David Crabtree and others.

Dale Nease of the Cumberland Presbyterian Church 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 December 7, 2010

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

Mayor put the motion to a roll call vote:

Aye: Marcy, Jones, Rodolph, Bryson
Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER ACCEPTANCE OF RESIGNATION OF CITY MANAGER GRAYSON BOTTOM

Mayor Bryson explained that Grayson Bottom had submitted a letter of resignation and will be assuming the duties as City Manager for the City of Yukon. The effective date of the resignation is January 14, 2011.

Motion was made by Councilman Rodolph and seconded by Councilman Jones to accept the resignation of Grayson Bottom as City Manager.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Jones, Marcy, Bryson
Nay: None

Mayor declared the motion carried.

4B. PUBLIC HEARING: INCREMENT DISTRICT NUMBER ONE, CITY OF CLINTON, OKLAHOMA

Mayor Bryson introduced Dan McMahan, the TIF District Advisor for the City of Clinton.

Mr. McMahan said this public hearing is being held pursuant to the Oklahoma State Statutes. He said a second public hearing is scheduled for January 18th. He said an ordinance would be presented for consideration to adopt the TIF plan.

Mayor Bryson asked if alternative financing had been discussed.

McMahan said an alternative financing had been briefly discussed. He said the project plan serves as the upper limits for the project and any alternative financing would reduce the cost. He said options would be reviewed in order to take advantage of the best financing. He said the options could not all be explored before the January 18th meeting.

Councilman Rodolph asked about the interest cost for a fifteen year period.

McMahan said the numbers presented were estimates on the worst case scenario.

Councilman Rodolph asked about the cost of the road and waterline.

McMahan said the developer would be doing the work and the City would contribute to the project based on the cost.

Councilman Rodolph asked if there is a set of plans for the road.

Mayor Bryson said the Review Committee had reviewed the plans for the road and said a copy could be provided to him.

Walt Schumacher asked if the City spends money and the tax revenue generated is not enough, does the responsibility fall to the developer for the balance.

McMahan said this is non-recourse financing.

Rod Serfoss asked about the term"but for" that had been discussed at the Review Committee meeting.

McMahan explained the term and said the Review Committee had made a determination regarding the test and had approved the project.

Bob Smith asked what the TIF funds can pay for.

McMahan said the funds are paid to the developer and the proceeds come from the loan. The purpose is to provide the project facilities for the proceeds of the $1.4 million to develop the project.

The public hearing closed.

4C. CONSIDER AND DISCUSS THE EMPLOYMENT, HIRING OR APPOINTMENT OF THE CITY MANAGER AND AUTHORIZE THE MAYOR TO EXECUTE EMPLOYMENT CONTRACT

Mayor Bryson said following an executive session and interview with Steve Hewitt, the Council voted to enter into an employment contract.

Councilman Rodolph said the contract is for a salary of $95,043.96 per year, car allowance of $500.00 per month and cell phone stipend of $100.00 per month.

Motion was made by Councilman Rodolph and seconded by Councilman Jones to approve the employment of Steve Hewitt and authorize the Mayor to execute the employment contract.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Jones, Marcy, Bryson
Nay: None

Mayor declared the motion carried.

4D. CONSIDER THE UPDATED REQUEST OF THE CLINTON CHAMBER OF COMMERCE REGARDING THE ROUTE 66 FESTIVAL

Mayor Allen Bryson reviewed the amended request of the Chamber of Commerce regarding the Route 66 Festival. The request to relocate the festival from main street to McLain Rogers Park was discussed.

Brian Aneshansley said the festival had been hosted downtown for the past four years and the hope was to relocate to the park. He said a beer garden would be included as a part of the festival as a fund raiser for a local civic organization. He said it would be in a designated, confined area and would be well supervised.

Assistant City Attorney Ryan Meacham said a draft ordinance had been prepared to address this and it followed state statutes.

Mayor Bryson said there are two issues being discussed. The use of McLain Rogers Park and the allowance of a beer garden in the park.

Meacham suggested putting the hours of operation of the beer gardens in the ordinance. He said the ordinance would require the applicant to obtain and county and state temporary license before being eligible for a city license.

Roy Dobbs said his concern is allowing the beer gardens in a public place such as the park where families with children would be in attendance. He asked why not leave the beer gardens at the Frisco Center as it has been in the past.

Motion was made by Councilman Rodolph and seconded by Councilman Marcy to approve the request for the usage of McLain Rogers Park for the Route 66 Festival to be held on June 25th with the exclusion of the beer gardens.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Marcy, Jones, Bryson
Nay: None

Mayor declared the motion carried.

It was noted that the original request for the Route 66 Festival had included security and this had not been added as a result of the addition of the beer gardens.

Mayor Bryson said if a civic organization comes forward and wants to operate the beer gardens, they need to bring the request back to the City Council.

Assistant City Attorney Ryan Meacham said an ordinance would be necessary.

5. CITY MANAGER'S REPORT

None

6. AUDIENCE PARTICIPATION

Mayor Bryson said Grayson Bottom's last day would be January 14th and Steve Hewitt would begin on February 9th. He said a luncheon is being held on January 13th at the Frisco Center in honor of Grayson Bottom.

Public Works Director Arnold Adams said the sandblasting of the water tower should be completed by the end of the week.

Mayor Bryson said the community survey is still posted on the city's website but would conclude on Tuesday, January 5, 2011.

AGENDA ITEM NO. 7: ADJOURNMENT

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

Mayor put the motion to a roll call vote:

Aye: Jones, Marcy, Rodolph, Bryson
Nay: None

Mayor declared the meeting adjourned at 7:00 P.M.

MINUTES OF THE SPECIAL MEETING CLINTON CITY COUNCIL JANUARY 6, 2011

Minutes of the Special Meeting of the Mayor and City Council of the City of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Thursday, January 6, 2011 at 12:00 p.m. A notice of this meeting with agenda was posted on the bulletin board in the lobby of Clinton City Hall on January 4, 2011.

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

MAYOR: Allen Bryson
COUNCIL: Steve Jones, Don Rodolph
CITY CLERK: Lisa Anders
DEPUTY CLERK: Rhonda Williams
OTHERS: Phyllis Smith and Charles Fry

AGENDA ITEM NO. 2: CONSIDER APPOINTMENT OF INDIVIDUAL TO FILL VACATED SEAT OF WARD FOUR

Motion was made by Councilman Jones and seconded by Councilman Rodolph to appoint Phyllis Smith to fill the vacant seat of Ward Four.

Mayor put the motion to a roll call vote:

Aye: Jones, Rodolph, Bryson
Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 8: ADJOURN

Motion was made by Councilman Jones and seconded by Councilman Rodolph to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Jones, Rodolph, Bryson
Nay: None

Mayor declared the meeting adjourned at 12:15 p.m.

(To Be Published in the Clinton Times on Sunday, December 19, 2010.)

NOTICE OF PUBLIC HEARING
(Increment District Number One,
City of Clinton, Oklahoma)

Pursuant to the provisions of Title 62, Sections 859 of the Oklahoma Statutes, 2001, as amended, notice is hereby given that a public hearing will be held before the City Council of the City of Clinton on Tuesday, the 4th day of January, 2011, at 5:30 p.m. in the City Council Chambers, City Hall, 415 Gary Boulevard, Clinton, Oklahoma.

The primary purpose of such public hearing will be to provide information and answer questions regarding a proposal by the City of Clinton (the "City") and the Clinton Industrial Authority (the "Authority"): (1) to provide development financing assistance to HotelMacher, L.L.C., an Oklahoma limited liability company (the "Developer"), in connection with the Developer's proposal to develop, construct and operate: (i) an 87-room hotel; (ii) a 20,000 square-foot water park; (iv) a 25-unit RV camping pad; and (v) a 2,400 square-foot convenience store, all to be located along the south side of Interstate 40 between 28th Street and Neptune Drive in Clinton, Oklahoma (the "Clinton Water Park Project"); and (2) for the creation of "Increment District Number One, City of Clinton, Oklahoma" ("Increment District Number One").

Thereafter, interested persons will be given an opportunity to be heard at a second public hearing to be held on Tuesday, January 18, 2011, at 5:30 p.m. in the City Council Chambers, Clinton City Hall, 415 Gary Boulevard, Clinton, Oklahoma. Both public hearings will be completed before any vote is taken by the City Council on the creation of Increment District Number One.

The "Project Plan Relating to Increment District Number One" (the "Project Plan") proposes the formation of a tax increment district wherein increases in ad valorem, city sales taxes and city hotel occupancy tax revenues generated by the Developer's investment in the Clinton Water Park Project will be used to defray a portion of the Developer's financing costs required in the development of the Clinton Water Park Project.

A copy of the Project Plan is available for review by any interested party during regular business hours in the office of the City Clerk, Clinton City Hall, 415 Gary Boulevard, Clinton, Oklahoma. The Project Plan contains a summary of the proposed improvements, along with a description of project costs, anticipated private improvements, and estimated public revenues, as well as methods of financing project costs, expected sources of revenues, and the time when costs or monetary obligations are to be incurred.

As currently proposed, the boundaries of Increment District Number One includes that tract of land located in the South Half of Section 22, Township 12 North, Range 17 West

of the Indian Meridian, Custer County, Oklahoma, more particularly described, as follows:

> Beginning at a point which is the Southwest Corner of said Section 22; thence North 89°33'28" East along the South Boundary Line of Section 22 a distance of 3,632.93 feet; thence North 0°26'32" West a distance of 330 feet; thence North 89°33'28" East a distance of 209.40 feet; thence North 0°26'32" West a distance of 347.80 feet; thence North 89°20'31 East a distance of 516.06 feet; thence Northeasterly on a curve to the right with a radius of 3949.72 feet a distance of 150 feet (with a long chord bearing of North 13°37'46" East 149.99 feet); thence North 16°25'02" East a distance of 15.07 feet; thence North 89°44'37"East a distance of 249.70 feet to a point on the Westerly right-of-way of old U.S. Highway 66; thence Northeasterly on a curve to the right with a radius of 3949.83 feet and along said right-of-way a distance of 178.20 feet (with a long chord bearing of North 16°33'30" 178.19 feet) to a point on the Southern right-of-way boundary of Interstate Highway No. I-40; thence northwesterly and southwesterly along the Southern right-of-way boundary of Interstate Highway No. I-40 to a point where such right-of-way intersects the West Boundary Line of Section 22; thence South and along said West Boundary Line of Section 22 to the point of beginning.

The boundaries of the proposed District are shown below:

ORDINANCE NO. 932

AN ORDINANCE APPROVING AND ADOPTING THAT CERTAIN "PROJECT PLAN RELATING TO INCREMENT DISTRICT NUMBER ONE, CITY OF CLINTON, OKLAHOMA (CLINTON WATER PARK INCREMENT DISTRICT"), DATED OCTOBER 1, 2010; RATIFYING AND CONFIRMING ACTIONS, RECOMMENDATIONS AND FINDINGS; ESTABLISHING "INCREMENT DISTRICT NUMBER ONE, CITY OF CLINTON, OKLAHOMA"; DESIGNATING AND ADOPTING PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES; ADOPTING CERTAIN FINDINGS; APPORTIONING INCREMENTAL AD VALOREM REVENUES; APPORTIONING INCREMENTAL CITY SALES TAX REVENUES; APPORTIONING INCREMENTAL CITY LODGING TAX REVENUES; CREATING THE CLINTON WATER PARK INCREMENT DISTRICT APPORTIONMENT FUND; DESIGNATING THE CLINTON INDUSTRIAL AUTHORITY AS THE PUBLIC ENTITY TO CARRY OUT AND ADMINISTER THE PROJECT PLAN AND AUTHORIZING THE AUTHORITY TO MAKE MINOR PLAN AMENDMENTS; AUTHORIZING THE AUTHORITY TO ISSUE TAX APPORTIONMENT BONDS OR NOTES; DESIGNATING THE CITY MANAGER OF THE CITY OF CLINTON, OKLAHOMA AS THE PERSON IN CHARGE OF THE ADMINISTRATION OF THE PLAN; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

WHEREAS, by letter dated August 3, 2010, HotelMacher, L.L.C., an Oklahoma limited liability company (hereinafter, the "Developer"), has requested the establishment of a "tax increment district" within the City of Clinton, Oklahoma (hereinafter, the "City") to provide development financing assistance in connection with the Developer's proposal to develop, construct and operate: (i) an 87-room hotel; (ii) a 20,000 square-foot water park; (iii) a 25-unit RV camping pad; and (iv) a 2,400 square-foot convenience store, all to be located along the south side of Interstate 40 between 28th Street and Neptune Drive in Clinton, Oklahoma (hereinafter, the "Project"); and

WHEREAS, the Developer's proposal has been incorporated into the terms of that certain "Project Plan Relating to Increment District Number One, City of Clinton, Oklahoma (Clinton Water Park Increment District)" dated October 1, 2010 (hereinafter, the "Project Plan"), pursuant to the provisions of the Oklahoma Local Development Act, Title 62, Sections 850 et seq. of the Oklahoma Statutes (hereinafter, the "Local Development Act"); and

WHEREAS, the City of Clinton Local Development Act Review Committee (hereinafter, the "Local Development Act Review Committee"), representing each of the taxing jurisdictions in which the proposed district is located, as well as the public at large, has reviewed the Project Plan and the proposed increment district in accordance with the criteria specified in the Local Development Act; and

WHEREAS, the Local Development Act Review Committee has also considered the financial impact of the Project Plan on each taxing jurisdiction, and has made its findings as to the financial impact which will result from the adoption of the Project Plan; and

WHEREAS, the City of Clinton Planning Commission has adopted a resolution declaring the Project Plan to be in compliance with the Comprehensive Plan of the City of Clinton and recommending approval of the Project Plan; and

WHEREAS, all reasonable efforts have been made to allow full public knowledge and participation in the application of the Local Development Act in the review and approval of the proposed Project Plan and related tax increment district; and

WHEREAS, all required notices have been given and all required hearings have been held in connection with the proposed Project Plan, in accordance with the provisions of the Local Development Act, the Oklahoma Open Meetings Act, Title 25, Sections 301 et seq. of the Oklahoma Statutes, and other applicable laws; and

WHEREAS, implementation of the Project Plan will be facilitated by the designation of the Clinton Industrial Authority (hereinafter, the "Authority") as the public entity authorized to carry out and administer the Project Plan and to exercise certain powers necessary thereto; and

WHEREAS, it is in the best interests of the City of Clinton and its citizens to approve the Project Plan, to establish the proposed increment district and to authorize the Authority to undertake those projects described therein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, OKLAHOMA, TO-WIT:

SECTION 1. Approving and Adopting the Project Plan Relating to Increment District Number One, City of Clinton, Oklahoma. The Project Plan, as recommended by the Local Development Act Review Committee and the City of Clinton Planning Commission, is hereby adopted and approved in the form attached hereto as Exhibit "A".

SECTION 2. Ratifying and Confirming Actions, Recommendations and Findings. All actions taken, recommendations, findings and conclusions made in connection with the Project Plan by the Local Development Act Review Committee and the City of Clinton Planning Commission are hereby ratified and confirmed.

SECTION 3. Establishing "Increment District Number One, City of Clinton, Oklahoma". There is hereby established "Increment District Number One, City of Clinton, Oklahoma", in accordance with the provisions of Section 861 and other applicable provisions of the Local Development Act, which district shall be effective as of April 1, 2011. For identification purposes, the name of the tax increment district being established by this Ordinance may also be referred to herein as the "Clinton Water Park Increment District".

SECTION 4. Designating and Adopting Project Area and Increment District Boundaries. The boundaries of the Clinton Water Park Increment District and the related Project Area are hereby adopted as set forth in Exhibit "B" and Exhibit "C", respectively, both attached hereto and made a part hereof.

SECTION 5. Adopting Certain Findings. In accordance with the Local Development Act, the City Council hereby finds:

A. That boundaries of the proposed district are within an area requiring public improvements to reverse economic stagnation or decline, to serve as a catalyst for retaining or expanding employment, to attract major investment in the area or to preserve or enhance the tax base. Therefore, the proposed district qualifies as a "reinvestment area" pursuant to Section 853 of the Local Development Act, and is eligible for designation as a tax increment district.

B. That contemplated private and public projects within the Clinton Water Park Increment District are likely to enhance the value of other real property, increase ad valorem tax revenues to taxing jurisdictions, increase sales taxes for the City of Clinton and Custer County, Oklahoma, and effectuate an increase in employment opportunities within the Clinton Water Park Increment District, as well as promote the general public interest.

C. That the guidelines specified in Section 852 of the Local Development Act have been and shall be followed in relation to the Clinton Water Park Increment District and the Project Plan relating thereto.

D. That the aggregate net assessed value of all taxable property in all districts within the City of Clinton, as determined pursuant to Section 862 of the Local Development Act, does not exceed thirty-five (35%) of the total net assessed value of taxable property within the City of Clinton, Oklahoma.

E. That the aggregate net assessed value of the taxable property in all districts, as determined pursuant to Section 862 of the Local Development Act, within the City of Clinton, Oklahoma, does not exceed twenty-five percent (25%) of the total net assessed value of any school district located within the City of Clinton.

F. That the land area contained within all districts, as determined pursuant to Section 862 of the Local Development Act, within the City of Clinton does not and shall not exceed twenty-five percent (25%) of the total land area of the City of Clinton, Oklahoma.

G. That the Project Plan is feasible and conforms to the Comprehensive Plan of the City of Clinton, Oklahoma.

SECTION 6. Apportioning Incremental Ad Valorem Tax Revenues. In accordance with the provisions of the Local Development Act, increments of all ad valorem taxes generated within the Clinton Water Park Increment District, as such increments are determined and defined by the Local Development Act (hereinafter, the "Ad Valorem Increment Revenues"), are hereby apportioned and set aside from all other ad valorem taxes levied within the Clinton Water Park Increment District, to be used exclusively for:

(i) the payment of "project costs" (as defined in the Local Development Act) incurred in connection with the development or construction of those projects listed in the Project Plan;

(ii) the reimbursement of the City, or any agency thereof which has paid "project costs" from funds which were not increments derived from the Clinton Water Park Increment District, but only to the extent that such sums were actually paid; and

(iii) the payment of principal, interest and premium, if any, on any "tax apportionment bonds or notes" issued pursuant to Section 863 of the Local Development Act, all or a portion of the proceeds of which are to be used in accordance with clauses (i) or (ii) above.

The apportionment of ad valorem taxes pursuant to this section shall terminate upon the final payment of, or reimbursement for, all "project costs" incurred in connection with the projects listed in the Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on any "tax apportionment bonds or notes" issued hereunder; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond fifteen (15) years from the original effective date of this Ordinance, unless such period is modified by subsequent action of the City Council. In the event that a portion of the principal of or interest on any "tax apportionment bonds or notes" issued in connection herewith, remains unpaid as of the fifteenth (15th) anniversary of the original effective date of this Ordinance, it is the intent of this City Council that the District shall not terminate until the increment revenues apportioned during the fifteenth (15th) year are actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the fifteenth (15th) anniversary of the original effective date of this Ordinance.

Section 7. Apportioning Incremental City Sales Tax Revenues. In accordance with the provisions of the Local Development Act, increments of all municipal sales taxes levied by the City of Clinton, and generated within the District, as such increments are hereinafter determined and defined, are hereby apportioned and set aside from all other sales taxes levied within the Clinton Water Park Increment District, to be used exclusively for:

(i) the payment of "project costs" (as defined in the Local Development Act) incurred in connection with the development, acquisition or construction of those projects listed in the Project Plan; and

(ii) the reimbursement to the City, or any agency thereof which has paid "project costs" from funds which were not increments derived from the Clinton Water Park Increment District, but only to the extent that such sums were actually paid; and

(iii) the payment of principal, interest and premium, if any, on any "tax apportionment bonds or notes" issued pursuant to Section 863 of the Local Development Act, the proceeds of which shall be used in accordance with clauses (i) or (ii) above.

For purposes of determining the incremental portion of the City sales taxes generated within the Clinton Water Park Increment District, the City Manager shall certify as the "base sales tax amount" the annual City sales taxes that were generated within the area comprising the Clinton Water Park Increment District between January 1, 2010 and December 31, 2010. All City sales tax revenue generated within the Clinton Water Park Increment District and received by the City which are in excess of such base amount, shall be considered to be the "increment" subject to apportionment by this section (hereinafter referred to as the "City Sales Tax Increment Revenues").

The apportionment of City Sales Tax Increment Revenues pursuant to this section shall terminate upon the final payment of, or reimbursement for, all "project costs" incurred in connection with the projects listed in the Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on any "tax apportionment bonds or notes" issued hereunder; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond fifteen (15) years from the original effective date of this Ordinance, unless such period is modified by subsequent action of the City Council. In the event that a portion of the principal of or interest on any "tax apportionment bonds or notes" issued in connection herewith, remains unpaid as of the fifteenth (15th) anniversary of the original effective date of this Ordinance, it is the intent of the City Council that the Clinton Water Park Increment District shall not terminate until the increment revenues apportioned during the fifteenth (15th) year are actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the fifteenth (15th) anniversary of the original effective date of this Ordinance.

Section 8. Apportioning Incremental City Lodging Tax Revenues. In accordance with the provisions of the Local Development Act, increments of all municipal lodging taxes generated within the Clinton Water Park Increment District, as such increments are determined and defined by the Local Development Act, as such increments are hereinafter determined and defined, are hereby apportioned and set aside from all other lodging taxes levied within the Clinton Water Park Increment District, to be used exclusively for:

(i) the payment of "project costs" (as defined in the Local Development Act) incurred in connection with the development or construction of those projects listed in the Project Plan;

(ii) the reimbursement of the City, or any agency thereof which has paid "project costs" from funds which were not increments derived from the Clinton Water Park Increment District, but only to the extent that such sums were actually paid; and

(iii) the payment of principal, interest and premium, if any, on any "tax apportionment bonds or notes" issued pursuant to Section 863 of the Local Development Act, all or a portion of the proceeds of which are to be used in accordance with clauses (i) or (ii) above.

For purposes of determining the incremental portion of the City sales taxes generated within the District, the City Manager shall certify as the "base lodging tax amount" the annual City lodging taxes that were generated within the area comprising the Clinton Water Park Increment District

between January 1, 2010 and December 31, 2010. All City lodging tax revenue generated within the Clinton Water Park Increment District and received by the City which are in excess of such base amount, shall be considered to be the "increment" subject to apportionment by this section (hereinafter referred to as the "City Lodging Tax Increment Revenues").

The apportionment of City Lodging Tax Increment Revenues pursuant to this section shall terminate upon the final payment of, or reimbursement for, all "project costs" incurred in connection with the projects listed in this Project Plan, and the payment of all outstanding principal, accrued interest, and premium due on any "tax apportionment bonds or notes" issued hereunder; provided, however, that in no case shall the apportionment of revenues pursuant hereto extend beyond fifteen (15) years from the original effective date of this Ordinance establishing the Clinton Water Park Increment District, unless such period is modified by subsequent action of the City Council. In the event that a portion of the principal of or interest on any "tax apportionment bonds or notes" issued in connection herewith, remains unpaid as of the fifteenth (15th) anniversary of the original effective date of this Ordinance, it is the intent of the City Council that the Clinton Water Park Increment District shall not terminate until the increment revenues apportioned during the fifteenth (15th) year are actually received by the Apportionment Fund, even if the receipt of such revenues occurs subsequent to the fifteenth (15th) anniversary of the original effective date of this Ordinance.

SECTION 9 Creating the Clinton Water Park Increment District Apportionment Fund. During the period of apportionment, and subject to the City's right to subsequently repeal, modify or amend this Ordinance, the increments apportioned hereunder shall be transferred by the respective taxing authorities to the "Clinton Water Park Increment District Apportionment Fund" (herein, the "Apportionment Fund"), which fund shall be held by and be the property of, the Clinton Industrial Authority (except that such fund may also be held by a trustee bank acting on behalf of the Authority). No portion of such increments and no portion of the Apportionment Fund shall constitute a part of the general fund of the City of Clinton.

SECTION 10. Designating the Clinton Industrial Authority As the Public Entity to Carry Out and Administer the Project Plan and Authorizing the Authority to Make Minor Amendments to the Project Plan. The Clinton Industrial Authority shall be and is hereby designated and authorized as the public entity to carry out and administer the provisions of the Project Plan, in accordance with its respective responsibilities, and to exercise all powers deemed necessary and appropriate for public trusts as set forth in the Local Development Act or the Public Trust Act, Title 60, Section 176 et seq. of the Oklahoma Statues, including the right to make minor amendments to the Project Plan. For these purposes, an amendment shall be considered to be "minor" if: (i) such amendment does not change the character or purpose of the Project Plan; (ii) does not affect more than five percent (5%) of the district's area; or (iii) does not affect more than five percent (5%) of the public costs of the plan to be financed by apportioned tax increments, all as determined on a cumulative basis.

SECTION 11. Authorizing the Clinton Industrial Authority to Issue Tax Apportionment Bonds or Notes. The Clinton Industrial Authority shall have the authority to issue tax apportionment bonds or notes and to pay costs of issuance and to fund appropriate reserves, in connection therewith, all in accordance with the provisions of the Project Plan. The Clinton

Industrial Authority is also authorized to irrevocably pledge all or part of the apportioned increments and other revenue for the payment of the tax apportionment bonds or notes. The part of the apportioned increments pledged in payment may be used only for the payment of the bonds or notes or interest on the bonds or notes until the bonds or notes have been fully paid. In authorizing the irrevocable pledging of such increments, it is the express intention of the City Council that the Clinton Water Park Increment District will remain in place until all of the outstanding principal, accrued interest and premium, if any, on any such tax apportionment bonds or notes have been paid in full. Notwithstanding such intention, the City, by these provisions, does not waive any right which it has now or may have in the future, to repeal, modify or amend this Ordinance, by subsequent action of the City Council, as provided in Section 856(C) of the Local Development Act. In adopting this Ordinance, the City does not purport to create any contractual obligation extending beyond the City's current or any subsequent fiscal year with regard to the establishment or maintenance of the Clinton Water Park Increment District, or the apportionment of ad valorem or sales tax increments; provided, however, that the City may, on a year-to-year basis, agree to transfer to the Apportionment Fund, any apportioned increments which it receives. All tax apportionment bonds or notes issued pursuant to this section shall state that such bond or note is not a debt, general or special, liability or obligation of the City of Clinton or the State of Oklahoma or any other agency or authority of such entities, other than the Clinton Industrial Authority. The bond or note shall further state:

(i) that the issuance of such bond or note does not give rise to a charge against the general credit or taxing powers of the City of Clinton, or a claim on the revenues or resources of the State of Oklahoma, and

(ii) that such bond or note is a special, limited obligation of the Clinton Industrial Authority, payable solely from the income, revenues and receipts derived or to be derived from the proceeds of certain tax increments paid over to the Authority and the funds and accounts held pursuant to the terms of any indenture or agreement authorizing the issuance of such bonds or notes.

SECTION 12. Designating the City Manager as the Person In Charge of the Administration of the Plan. The City Manager of the City of Clinton, Oklahoma, or his or her successor-in-office shall be the person in charge of implementation of the Project Plan.

SECTION 13. Providing for Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall not affect the validity of the remaining portions of this Ordinance.

SECTION 14. Effective Date. This Ordinance shall become effective thirty (30) days following its final adoption, as provided by Oklahoma law.

PASSED by the City Council of the City of Clinton, Oklahoma this ___ day of February, 2011.

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

APPROVED:

_____
City Attorney

EXHIBIT "A"

COPY OF THE
PROJECT PLAN RELATING TO
INCREMENT DISTRICT NO. ONE, CITY OF CLINTON, OKLAHOMA

EXHIBIT "B"

BOUNDARIES OF THE
CLINTON WATER PARK INCREMENT DISTRICT

The legal description of Increment District Number One, City of Clinton, Oklahoma is that tract of land located in the South Half of Section 22, Township 12 North, Range 17 West of the Indian Meridian, Custer County, Oklahoma, more particularly described, as follows:

Beginning at a point which is the Southwest Corner of said Section 22; thence North 89°33'28" East along the South Boundary Line of Section 22 a distance of 3,632.93 feet; thence North 0°26'32" West a distance of 330 feet; thence North 89°33'28" East a distance of 209.40 feet; thence North 0°26'32" West a distance of 347.80 feet; thence North 89°20'31 East a distance of 516.06 feet; thence Northeasterly on a curve to the right with a radius of 3949.72 feet a distance of 150 feet (with a long chord bearing of North 13°37'46" East 149.99 feet); thence North 16°25'02" East a distance of 15.07 feet; thence North 89°44'37"East a distance of 249.70 feet to a point on the Westerly right-of-way of old U.S. Highway 66; thence Northeasterly on a curve to the right with a radius of 3949.83 feet and along said right-of-way a distance of 178.20 feet (with a long chord bearing of North 16°33'30" 178.19 feet) to a point on the Southern right-of-way boundary of Interstate Highway No. I-40; thence northwesterly and southwesterly along the Southern right-of-way boundary of Interstate Highway No. I-40 to a point where such right-of-way intersects the West Boundary Line of Section 22; thence South and along said West Boundary Line of Section 22 to the point of beginning.

EXHIBIT "C"

BOUNDARIES OF THE
CLINTON WATER PARK PROJECT AREA

The legal description of the Clinton Water Park Project Area is that tract of land located in the South Half of Section 22, Township 12 North, Range 17 West of the Indian Meridian, Custer County, Oklahoma, more particularly described, as follows:

Beginning at a point which is the Southwest Corner of said Section 22; thence North 89°33'28" East along the South Boundary Line of Section 22 a distance of 3,632.93 feet; thence North 0°26'32" West a distance of 330 feet; thence North 89°33'28" East a distance of 209.40 feet; thence North 0°26'32" West a distance of 347.80 feet; thence North 89°20'31 East a distance of 516.06 feet; thence Northeasterly on a curve to the right with a radius of 3949.72 feet a distance of 150 feet (with a long chord bearing of North 13°37'46" East 149.99 feet); thence North 16°25'02" East a distance of 15.07 feet; thence North 89°44'37"East a distance of 249.70 feet to a point on the Westerly right-of-way of old U.S. Highway 66; thence Northeasterly on a curve to the right with a radius of 3949.83 feet and along said right-of-way a distance of 178.20 feet (with a long chord bearing of North 16°33'30" 178.19 feet) to a point on the Southern right-of-way boundary of Interstate Highway No. I-40; thence northwesterly and southwesterly along the Southern right-of-way boundary of Interstate Highway No. I-40 to a point where such right-of-way intersects the West Boundary Line of Section 22; thence South and along said West Boundary Line of Section 22 to the point of beginning.

Clinton
Hub City of Western Oklahoma

MEMORANDUM

TO: Mayor and City Council

FROM: Grayson Bottom, City Manager

DATE: January 13, 2011

SUBJECT: Final Expenditures from the Acme Brick Park Construction Fund

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As so often happens, we have paid all the bills and settled all the disputes relating to the construction of the playing fields and nature trail at Acme Brick Park and now find that we have $41,066.35 remaining in the fund. These are funds that we are paying bond interest on today. We need to spend this money in a way that completes parts of the original plan that had to be deleted and improves the facilities. We also need to reserve 5% ($2,053.32) to pay for the wind screens on the back of the bleacher shades

The staff and I have looked at three options to achieve the appropriate expenditure of these funds. We have considered 1) the completion of the north entry fence, 2) complete the initial grading, irrigation installation, and sprigging for two (2) Coach Pitch fields on the east side of the entry road, and 3) the extension of the fence/backstops eight (8) foot higher in front of the bleachers associated with the baseball fields.

There is enough remaining money in the construction fund to do two (2) of the three (3) projects. We are asking you to consider funding either 2 projects that you choose or fund all three projects recognizing that the third project could and would be funded from the Capital Improvement Fund Contingency.

The following are the funding options and amounts associated with each:

1) North Fence Completion	$17,495.00
2) Initial Completion of Coach Pitch Fields	$19,946.00
3) Extension of Baseball Fence/Backstops	$11,900.00
Option A: 1 and 2 above	$37,441.00
Option B: 1 and 3 above	$29,395.00
Option C: 2 and 3 above	$31,846.00
Option D: All of the above	$49,341.00

Option A	Excess funds remaining in Construction Fund: $1,572.03
Option B	Excess funds remaining in Construction Fund: $9,636.03
Option C	Excess funds remaining in Construction Fund: $7,195.03
Option D	Required excess funding from Capital Improvement Fund Contingency: $10,309.97