PUBLIC NOTICE OF A REGULAR MEETING
OF THE PUBLIC WORKS AUTHORITY
TUESDAY, FEBRUARY 15, 2011 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Billy Mucker, Bethany Baptist Church
3. Consent Agenda
    A. Consider Approval of Minutes of February 3, 2011
4. Action Items:
    A. Affirm expenditure by Clinton Public Schools Board of Education to Joe D. Hall, General Contractor for School Construction
    B. Consider Agreement with Frontier Development regarding water service facilities
5. City Manager's Report
6. Audience Participation
7. Adjournment

Filed this 11th Day of February, 2011. Posted on the bulletin board in the lobby of the Clinton City Hall on February 11, 2011 at 1:30 p.m.

_____

Not recorded

MINUTES OF CLINTON PUBLIC WORKS AUTHORITY MEETING
FEBRUARY 3, 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 Thursday, February 3, 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 January 28, 2011.

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

MAYOR: Allen Bryson
COUNCIL: Steve Jones, Don Rodolph, Bob Marcy, Phyllis Smith
ACTING CITY MANAGER: Lisa Anders
CITY TREASURER: Debra Blanchard
DEPUTY CLERK: Rhonda Williams
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Jared Atha, Gerald Green, Ryan Felder
OTHERS: David Crabtree, Arnold Adams, Wade Anders, Nicole Glance, Henry Caldwell, Bobby Hoffman, Rusty Whisenhunt, and Others

Henry Caldwell opened the meeting with prayer and Trustee Phyllis Smith led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of January 18, 2011
B. Claims

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

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

A. Affirm expenditure by Clinton Public Schools Board of Education to Joe D. Hall, General Contractor for School Construction

Moved by Trustee Rodolph and seconded by Trustee Jones that we affirm the expenditure of the Clinton Public Schools to Joe D. Hall, General Contractor for School Construction

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

B. Consider Change Order # 1 on Neptune Water Tower Rehabilitation Project

Acting City Manager, Lisa Anders stated that the specs were written for a two million gallon tank, we had a pre bid conference, bids were taken and awarded to Tank Pro, after starting the rehab it was discovered that the tank is larger than 2 million gallons. Tank pro went on with the rehab and is now presenting the change order to reflect the rehab cost for the larger tank. Arnold Adams reported that the paint that is being used for the rehab exceeds the requirements. Trustee Marcy asked when the completion date would be. Arnold Adams said that they would need 5-7 more days of above 40 degree weather.

Moved by Trustee Rodolph and seconded by Trustee Jones to approve Change Order # 1

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

C. Request Authorization to go to bid for supplies for Water and Sewer Line Materials for Holiday Inn Express and Water Park Project

Chairman Bryson said that if the City was to pay for the supplies they would not be taxed and if Walt Schumacher was to pay for them he would be taxed. Arnold Adams explained that these lines would run from the site, west to Red Wheat Drive, then to Chapman Road over to 28th near Abramson Addition. These would be looped into the system. Trustee Jones asked if this would tie in at the 28th Street Water Tower, Arnold Adams said no. Acting City Manager Lisa Anders said that the quotes for this project were included in the Council Packets. Arnold Adams said he would like to see ten percent more of this expenditure for the water and sewer lines put into a line item for any unexpected overages or over looked items.

Moved by Trustee Rodolph and seconded by Trustee Jones to approve the expenditure of funds to purchase the supplies and materials for the Water and Sewer Line project for the Holiday Inn Express and Water Park Project.

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

AGENDA ITEM NO. 5 MAYOR'S REPORT

Chairman Bryson reported that Walt Schumacher was unable to attend this meeting. He is stranded due to weather. Also he reported that he spoke with James Covey and the County is willing to help move the dirt on this site to help build up the NE end of this road site.

AGENDA ITEM NO. 6: AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 7: ADJOURNMENT

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

Mayor put the motion to a roll call vote:

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

Chairman declared the meeting adjourned at 5:50 pm

EXHIBIT "D"

REQUISITION FOR PAYMENT
(Submit in Quadruplicate)

TO: BancFirst
Oklahoma City, Oklahoma

Please make the following payment from the Improvement Fund of Clinton Public Works Authority in your custody under Clinton Public Works Authority Series 2010 Bond Indenture, dated July 1, 2010:

Payee: Joe D. Hall, General Contractors

Address: Po Box 100 Elk City, OK 73648

Federal Tax ID # 73-1512380

Amount: $ $702,356.70

Purpose of Payment: Pay App #2 (Package A) - $539,116.70
Pay App #2 (Package B) - $163,240.00

It hereby is certified that the foregoing payment is for a purpose specified in Section 2 of Article II of said Indenture.

Please indicate on the accompanying copies of this Requisition the date of payment, etc., as provided below and return two copies to the Authority and one to the District.

INDEPENDENT SCHOOL DISTRICT NO. 99,
CUSTER COUNTY, OKLAHOMA

By: Jon Stenberg

Requisition Paid: Date: 1-13-11

Balance in Payment Fund after payment: $ 10,076,281.29

1

Inter-Local Agreement

WHEREAS, Frontier Development (Frontier) and the City of Clinton (City) each have water service facilities in the following areas of Custer County Service Area:

> Township 12N, Range 18W, Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, and 27.
>
> Township 12N, Range 17W, Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, and 30.

WHEREAS, development in the area has resulted in confusion with respect to which entity should provide service.

WHEREAS, it was previously discovered that City was providing service to residents and that Frontier was entitled to service within the Service Area.

WHEREAS, Frontier and City reached an agreement with respect to damages sustained by Frontier as a result of City's provision of water services within the Service Area.

WHEREAS, Frontier and City desire to define how water services will be provided within the Service Area.

NOW THEREFORE:

It is acknowledged by the City and Frontier that the service area lies outside of the parameter of the corporate limits of City. It is agreed that both the City and Frontier (pursuant to this agreement) will provide water services within the Service Area.

Except as provided herein, water services within the Service Area shall be provided by Frontier using Frontier facilities and water allocations. If Frontier is unable or unwilling to provide an extension of service, City will have the option to make such extension of service and will utilize City lines and water. Each entity shall be responsible for their own expense associated with the extension of any service.

City and Frontier agree to cooperate with each other through a free exchange of information with regard to water services within the Service Area. Frontier shall notify City within twenty-four (24) hours of any decision not to extend services to a customer within the Service Area.

All existing meters shall be left in place with City and Frontier servicing the customers they are each respectively serving.

Further, in consideration of the payment of $4,400.00 by City to Frontier, receipt of which is hereby acknowledged, it is the specific intent of the City and Frontier to mutually release, acquit and forever discharge each other of and from any and all accrued and future actions, causes of

action, claims, demands, damages, costs, loss of services, expenses and compensation arising from any act or occurrence in any way associated previous provision of services within the Service Area.

ASSIGNMENT: This agreement shall be binding upon the parties hereto, their respective heirs, successors, and assigns and may be assigned by any party hereto only with the written consent of the other party.

CHOICE OF LAW: This agreement shall be governed, construed, and interpreted in accordance with the laws of the state of Oklahoma.

Dated this _____ day of _____, 2011.

IN WITNESS WHEREOF:

_____
Allen Bryson, Chairman

ATTEST:

_____
Lisa Anders, City Clerk

_____
George Moore, Chairman

ATTEST:

_____
LaDonna Hollingsworth, Secretary

PUBLIC NOTICE OF A REGULAR MEETING
OF THE INDUSTRIAL AUTHORITY
TUESDAY, FEBRUARY 15, 2011 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Billy Mucker, Bethany Baptist Church
3. Consent Agenda
    A. Consider Approval of Minutes of Regular Meeting on February 3, 2011
4. Action Items:
    A. Consider and discuss transfer of land for Custer County Conservation District
    B. City Manager's Report
5. Audience Participation
6. Adjournment

Filed this 11th Day of February, 2011. Posted on the bulletin board in the lobby of the Clinton City Hall on February 11, 2011 at 1:30 p.m.

_____

Not recorded

MINUTES OF CLINTON INDUSTRIAL AUTHORITY MEETING
FEBRUARY 3, 2011

Minutes of the 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 Thursday, February 3, 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 January 28, 2011.

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

MAYOR: Allen Bryson
COUNCIL: Steve Jones, Don Rodolph, Bob Marcy, Phyllis Smith
ACTING CITY MANAGER: Lisa Anders
CITY TREASURER: Debra Blanchard
DEPUTY CLERK: Rhonda Williams
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Jared Atha, Gerald Green, Ryan Felder
OTHERS: David Crabtree, Arnold Adams, Wade Anders, Nicole Glance, Henry Caldwell, Bobby Hoffman, Rusty Whisenhunt, and Others

Henry Caldwell opened the meeting with prayer and Trustee Phyllis Smith led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of January 4, 2011
B. Claims

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

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

A. Consideration and Action upon resolution authorizing and approving the issuance of not to exceed $ 1,700,000 Tax Apportionment Note Series 2011(Increment District No. 1 Project); authorizing the execution of all documents related thereto; and waiving competitive bidding with regards to the sale thereof.

Moved by Trustee Smith and seconded by Trustee Jones to consider and act upon Resolution # IA-11-01not to exceed $ 1,700,000.

Chairman put the motion to a roll call vote:

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

Chairman declared the motion carried.

AGENDA ITEM NO. 5 MAYOR'S REPORT

None

AGENDA ITEM NO. 6: AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 7: ADJOURNMENT

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

Mayor put the motion to a roll call vote:

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

Chairman declared the meeting adjourned at 6:10 pm

RESOLUTION NO. IA-11-01

RESOLUTION AUTHORIZING THE ISSUANCE OF A CLINTON INDUSTRIAL AUTHORITY REVENUE NOTE IN AGGREGATE AMOUNT NOT TO EXCEED $1,700,000 IN AD VALOREM TAX, CITY SALES TAX AND CITY LODGING TAX (hereinafter referred to as "APPORTIONED TAX INCREMENTS") APPORTIONMENT OBLIGATIONS; WAIVING COMPETITIVE BIDDING OF THE SALE OF THE TAX APPORTIONMENT NOTE; APPROVING AND AUTHORIZING THE CHAIRMAN OR VICE CHAIRMAN OF THE AUTHORITY TO APPROVE, FINALIZE, EXECUTE, MODIFY AND/OR DELIVER THE NECESSARY OR APPROPRIATE TRANSACTIONAL DOCUMENTS REGARDING THE TAX APPORTIONMENT NOTE; AND AUTHORIZING DISBURSEMENTS OF PROCEEDS FROM THE SALE OF THE TAX APPORTIONMENT NOTE FOR THE PAYMENT OF PROJECT COSTS IN CONNECTION WITH INCREMENT DISTRICT NO. ONE, CITY OF CLINTON, IN ACCORDANCE WITH AUTHORIZATIONS AND PROJECT PLAN APPROVED BY THE CITY OF CLINTON.

BE IT RESOLVED by the Trustees of the Clinton Industrial Authority:

Section 1. Authorization of Issuance of Note. The Clinton Industrial Authority (the "Authority"), a pubic trust organized and existing under the laws of the State of Oklahoma, the beneficiary of which is The City of Clinton (the "City"), hereby authorizes the issuance of its Tax Apportionment Note, Series 2011A, in the aggregate principal amount not to exceed $1,700,000 (the "Note"), for the purposes of (i) funding project costs incurred in carrying out implementation of the Project Plan relating to Increment District Number One, City of Clinton, Oklahoma, ("Project Plan"), and reimbursing prior expenditures for the same, if any, and paying legal and financing costs relating to the issuance of the Note.

Section 2. Authorization by Beneficiary. The issuance of the Note in accordance with this Resolution was authorized in accordance with 60 O.S. §176(A) by express approval of two-thirds of the membership of the City Council of The City of Clinton as beneficiary of the Authority through the approval of the Resolution 795 of the City Council on February 1, 2011, approving indebtedness of the Authority in an amount not to exceed an aggregate of $1,700,000 in tax apportionment obligations, approving assistance in development financing, and authorizing the pledge of Apportioned Tax Increments, and other matters related thereto.

Section 3. Waiver of Competitive Bidding on Sale of Note. Competitive bidding on the sale of the Note is hereby expressly waived as authorized by 60 O.S. §176(F) through the express approval of three-fourths vote of the governing body of the City Council of the City as beneficiary of the Authority through the approval of Resolution 795 of the City Council on February 1, 2011.

Section 4. Approval of Documents. The following documents and provisions are hereby authorized and approved, and the Chairman of the Authority (the "Chairman") is hereby authorized to approve, finalize, execute, modify and/or deliver the same, on behalf of the Authority, and such documents shall be conclusively deemed approved by the Authority upon such execution and delivery, to wit:

(A) All necessary or appropriate transactional documents regarding the Note, including, but not limited to, notices, bid forms, not purchase agreements, financing agreements, pledge agreements, mortgage agreements, including provisions regarding the terms and conditions of the issuance of the Note including, but not limited to , principal amount, maturity, interest rates, parity provisions and redemption provisions, provided that such shall be consistent with and limited by other provisions of this Resolution.

(B) Closing orders or other documents which shall direct the disbursement of proceeds received from the sale of the Note and which shall further authorize and direct the payment of costs of issuance of the Note.

(C) Any and all other documents and certifications as necessary to consummate the sale and issuance of the Note and the transactions contemplated herein including, but not limited to (i) certifications, assurances and agreements on behalf of the Authority and (ii) such pledge agreements, subordination agreements, parity agreements and other financing documents as may be necessary with respect to the issuance of the Note or outstanding authority indebtedness, if any.

Section 5. Miscellaneous. The Chairman is authorized and directed, on behalf of and in the name of the Authority, to (i) deliver the Note to the purchaser(s) thereof in accordance with the terms of the Note and related agreements; (ii) direct disbursement of the proceeds received from the sale of the Note, to include but not be limited to, the payment of costs and expenses of issuance of the Note as authorized by the Authority or direction of the Chairman; (iii) approve, finalize, executed, modify, record, file and delivery the Note, securities, tax and security documents, certifications, and other documents necessary to consummate issuance of the Note; (iv) modify dates with respect

to the Note and other instruments; (v) modify the names of the Note and execute contracts and documents in furtherance thereof; and (vi) engage legal counsel and financial advisors to the extent necessary and desirable, and to enter into contracts with same. Upon execution and delivery of documents contemplated by this Resolution, the documents shall be conclusively deemed authorized and approved by the Authority. As used in this Resolution, "Chairman" shall mean the Chairman of the Authority or, in the event of the disability, absence of unavailability of the Chairman, the Vice Chairman of the Authority. The Note and any financing, pledge, or parity agreements related thereto shall be executed by the Chairman or Vice Chairman of the Authority.

PASSED AND APPROVED THE 1st day of February, 2011.

CHAIRMAN

(SEAL)

ATTEST:

Secretary

Approved as to form and legality this 1st day of February, 2011.

Dan McMahan, Development Counsel

I, Rondena Williams, Secretary to the Trustees of the Clinton Industrial Authority, certify that the foregoing Resolution No. IA-11-01 was properly adopted at a Regular meeting of the Trustees of the Clinton Industrial Authority, held on the 1st day of February, 2011, in the offices of the Authority; that a quorum was present at all times throughout said meeting, and that at least four of the five Trustees voted in favor of said Resolution, in accordance with 60 O.S. §176.

SECRETARY

(SEAL)

Custer County Conservation District #88

1508 Neptune Drive, Suite 1 • Clinton, OK 73601 • (580) 323-4875 • Fax (580) 323-6469

Our proposed building will be approximately 7,800 sq. ft., have parking spaces to accommodate 50 vehicles, meet all ADA requirements, as well as security for all USDA vehicles and equipment.

It will accommodate at least 23 employees from the following local and USDA government entities:

Custer County Conservation District # 88
Natural Resources Conservation Service, Field Office
Natural Resources Conservation Service, Technical Service Office
OCIO, International Technology Services
Farm Service Agency
Ag Credit

The above agencies serve approximately 2,460 people every year just from our county. The Technical Service Office serves 19 counties in and around western Oklahoma. The ITS division supports 10 counties. The Ag Credit division places 3-4 million dollars in the community per year through farm property and operating loans.

Wheeler Lowry, Vice-President, Oklahoma Bank and Trust Company has approved a lease/purchase agreement that will allow our District to build an office space. It is a lease/purchase agreement because District's cannot get a conventional loan due to bylaws stating that Board of Directors cannot enter into an agreement past the terms of their office. Out of the 87 District offices in Oklahoma, approximately ¼, are owned by the local Conservation District.

We have previously discussed with both Mayor Allen Bryson and Grayson Bottom about our building project and the City of Clinton has made a commitment to our District to provide up to five acres of land in the NW ¼ 34-12N-17W along West Commerce Road between the Clinton Cemetery and ONG. At this time, we have received a letter from the USDA (see attachment) stating that they have chosen our offered site for the lease award pending signed contracts and a certified letter from the City of Clinton stating that the District will receive a Quit Claim Deed upon approval at the February 15, 2011 city council meeting, in lieu of, an actual deed in Custer County Conservation District's name at this time.

We are requesting that the City of Clinton write a certified letter stating that the proposed acreage of land will be deeded to us upon survey of site, city council approval, and any other legal ramifications that are required by law. Also, the USDA wants a copy of the deed to NW ¼ 34-12-17 attached to the certified letter. We need this certified letter and copy of the City's deed to enclose with our signed U.S. Government Lease for Real Property contracts that is due Friday, February 11, 2011.

Sincerely,

Bryan Hunter

Bryan Hunter, Chairman, Board of Directors

USDA

United States Department of Agriculture

FSA

Farm Service Agency

Oklahoma State FSA Office
100 USDA, Ste. 102
Stillwater, OK
74074-2653

Telephone
405-742-1130

Fax
405-742-1177

Custer County Conservation District #88
Attn: Mr. Bryan Hunter, Chairman
1508 Neptune Drive, Suite 1
Clinton, OK 73601

RECEIVED
JAN 2 8 2011
BY:

January 27, 2011

RE: SOLICITATION FOR OFFERS No. OK-40039, CUSTER COUNTY USDA SERVICE CENTER

Dear Sirs:

The Government has preliminarily selected the site offered at approximately 500 West Commerce, Clinton, OK to offer for lease award. The enclosed documents which will become part of the lease, should be reviewed carefully and filled out completely, signed and initialed by the person(s) with authority to bind the ownership entity to the lease agreement. All signatures and initials must be made by this person(s). Please note that only a fully executed lease contract will bind the Government. The enclosed document package is assembled in the following order:

- SF-2, U.S. Government Lease for Real Property – Three (3) originals are provided requiring signature by the lessor and a witness
- SFO – Previously initialed & submitted
- SFO Attachments as follows: (Previously initialed & submitted unless otherwise noted)
  1. USDA/OCIO/ITS Requirements
  2. Delineated Area
  3. Space Requirements
  4. GSA-1217, Lessor's Annual Cost Statement
  5. AD-2066, Rate Structure Sheet
  6. GSA-1364, Proposal to Lease Space
  7. GSA-3516, Solicitation Provisions
  8. GSA-3517, General Clauses
  9. GSA-3518, Representations and Certifications (As indicated in Part 9 through 11, you must obtain a DUNS Number and register in the Central Contractor Registration (CCR) system. Please begin this process immediately. Please provide me with your DUNS number by February 11, and a copy of your Active CCR registration by March 1, 2011.)
  10. GSA-12000, Prelease Fire Protection & Life Safety Evaluation
  11. Pre-Lease Building Security Plan

Please forward/return all completed documents to Nita Morris, Contracting Officer as soon as possible, no later than February 11, 2011 at the following address:

Nita Morris
USDA/FSA, Oklahoma State Office
100 USDA, Suite 102
Stillwater, OK 74074

If you have any questions, please contact me at (405)742-1043, or by email at:
nita.morris@ok.usda.gov

Sincerely,

Nita Morris, Real Property Leasing Officer
Enclosures

USDA is an Equal Opportunity Employer

Clinton
Hub City of Western Oklahoma

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

Office of the City Manager

Grayson Bottom, City Manager
City of Clinton, Oklahoma

November 22, 2010

Brian Hunter, Chairman
Custer County Conservation District
1508 Neptune Drive, Suite 1
Clinton, OK 73601

Steve Kelly
USDA-Natural Resource Conservation Service
1508 Neptune Drive
Clinton, OK 73601

Gentlemen;

This letter is to confirm our commitment to the Custer County Conservation District to provide, without charge, up to five (5) acres of land in the Northwest Quarter of Section 34, Township 12 North, Range 17 West. It is anticipated that this parcel of land would front (abut) West Commerce Rd. with an eastern boundary approximately 60 feet west of the ONG property line. The full metes and bounds configuration of the land has yet to be finalized.

As stated previously by Mayor Bryson and myself, we are excited about the opportunity to be a partner in this project. We look forward to moving forward at the appropriate time.

Sincerely,

Grayson Bottom

Grayson Bottom

OKLAHOMABANK ★

November 19, 2010

Board of Directors
Custer Co. Conservation District
1508 Neptune Dr., Suite 1
Clinton, OK 73601

RE: Loan Proposal

Dear Board:

Oklahoma Bank and Trust Company ("OB&T") is pleased to advise you of our approval to loan Custer Co. Conservation District $1,000,000.00 for construction and permanent financing of the facility subject to the terms and conditions stated below. These terms are good for 120 days from the date of this letter, November 19, 2010.

Construction Terms and Conditions:

Description:	$1,000,000.00 construction loan
Term:	6 months
Repayment:	Interest due at maturity
Collateral:	First position real estate mortgage First position UCC-1 filings on Accounts Receivables, Inventory and Equipment
Rate:	Fixed at 5.00%

Permanent Financing Terms and Conditions Modifications:

Term:	15 year note based on an fifteen (15) year amortization
Rate:	Fixed at 5.00%
Repayment:	$7,946.47 principal and interest payable monthly

All fees and out-of-pocket expenses associated with this loan including documentation, legal, survey, title opinion, appraisals, etc., are to be paid by the Borrowers.

If the above outlined terms and conditions are satisfactory, please sign where indicated below. If you have any questions or need additional information, please feel free to contact me.

Sincerely,

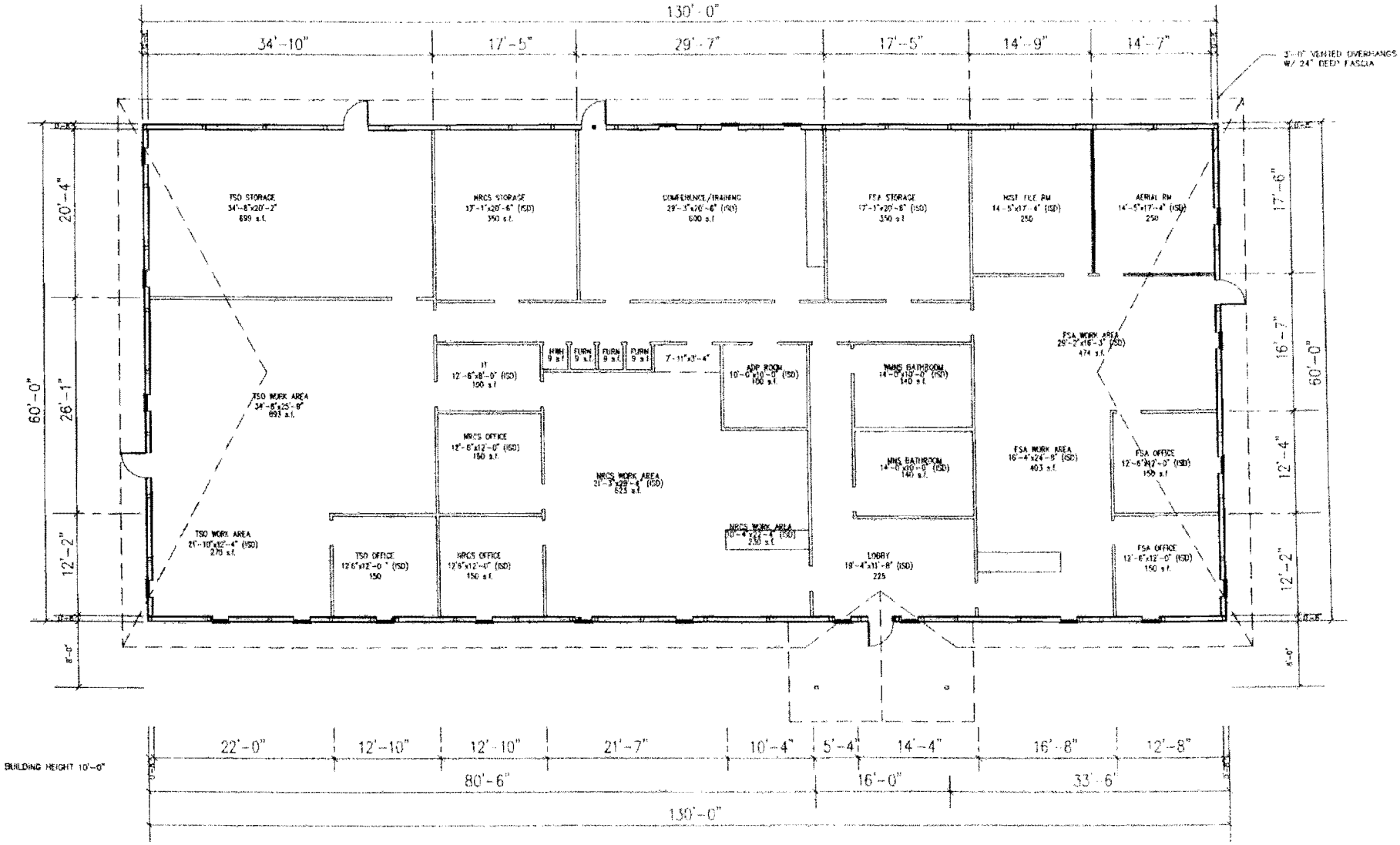
Wheeler Lowry

Wheeler Lowry
Vice President

Custer Co. Conservation District

By: Bryan Hunter

11-23-10
Acceptance Date



CUSTER COUNTY CONSERVATION
DISTRICT #88
1508 NEPTUNE DR, STE 1
CLINTON, OK 73601-9731

PUBLIC NOTICE OF A REGULAR MEETING
OF THE CITY COUNCIL
TUESDAY, FEBRUARY 15, 2011 AT 5:30 PM
CLINTON CITY HALL

AGENDA

Meeting status: Completed

1. Call to Order
2. Opening Prayer Billy Mucker, Bethany Baptist Church
3. Consent Agenda
    A. Consider Approval of Minutes on February 3, 2011
4. Action Items:
    A. Public Hearing regarding rezone of property at 419 ½ South 6th
    B. Consider Ordinance No. 933 regarding rezoning of property at 419 South 6th
    C. Consider recommendation of City Hall Re-Roof and Window Replacement
    D. Consider bids on Oil and Gas Lease for Cemetery property
    E. Consider appointment to Midwestern Oklahoma Industrial Foundation
    F. Consider closing of 700 Block of Frisco on May 19, 2011 for CHS Senior Class Party
5. City Managers Report
6. Audience Participation
7. Adjournment

Filed this11 th Day of February , 2011. Posted on the bulletin board in the lobby of the Clinton City Hall on February 11 , 2011 at 1:30 p.m.

_____

Not recorded

MINUTES OF THE CLINTON CITY COUNCIL
FEBRUARY 3, 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 Thursday, February 3, 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 January 28, 2011.

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

MAYOR: Allen Bryson
COUNCIL: Steve Jones, Don Rodolph, Bob Marcy, Phyllis Smith
ACTING CITY MANAGER: Lisa Anders
CITY TREASURER: Debra Blanchard
DEPUTY CLERK: Rhonda Williams
CITY ATTORNEY: Ryan Meacham
NEWS MEDIA: Jared Atha, Gerald Green, Ryan Felder
OTHERS: David Crabtree, Arnold Adams, Wade Anders, Nicole Glance, Henry Caldwell, Bobby Hoffman, Rusty Whisenhunt, and Others

Henry Caldwell opened the meeting with prayer and Councilwomen Phyllis Smith led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of January 18, 2011 and Special Meeting January 13, 2011
B. Claims

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

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER Ordinance Number 932 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 Areas 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

Dan McMahan began by saying that he has been working on this since 2007, the Ordinance contains seven pages and includes the project plan, adopts the plan, establishes the Increment District One, Adopts Statues, apportioning of revenues, Authorizes the Clinton Industrial Authority to carry out and administer the plan, and issue bonds and notes. Bob Marcy ask if this Ordinance would cover all of this or would we need a separate Ordinance for each Designation, Apportionment or Administration. Mr. McMahan said no, this Ordinance will cover all of these.

Moved by Councilman Rodolph and second by Councilman Marcy to adopt Ordinance 932

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

C. **Consideration and action upon resolution granting beneficial approval to the Clinton Industrial Authority for the issuance of not to exceed $ 1, 700,000 Tax Apportionment Note Series 2011 (Increment District No. 1 Project); waiving competitive bidding with regard to the sale thereof; authorizing the purchase of said Note by the City of Clinton upon terms and conditions as set forth in the Note and the related security documents; and authorizing the execution of all documents related thereto**

Councilman Rodolph stated that this will allow the Clinton Industrial Authority to loan money to the Clinton City Council. Councilman Marcy ask who would be doing all the necessary Inspections on this project. Mayor Bryson said that the Code Enforcement Officer will inspect for the City and any other entity that would normally need to do inspections would do so, such as DEQ. Arnold Adams said that according to the DEQ permit for the Water and Sewer lines, he was designated as the inspector for the Water and Sewer lines. Mayor Bryson said the road will also need to be inspected. Then the road will be voted on by the city council to be accepted as a dedicated road as part of the City of Clinton.

Moved by Councilman Jones to act upon the resolution not to exceed $1, 700,000, second by Councilwomen Smith.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

C. Confirm compensation for Acting City Manager from January 18, 2011 through February 8, 2011.

Mayor Bryson wanted to confirm that the Acting City Manager's pay will be equal to the present pay of the City Manager until the new City Manager arrives.

Moved by Councilman Rodolph and second by Councilman Jones to confirm the compensation for the acting City Manager.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

5. MAYOR'S REPORT

Acting City Manager Lisa Anders reported on the progress of the replacement of the roof, windows, and doors for City Hall. She said that Joe D. Hall Construction and ARC let bids and they received 4 bids and are looking over them to make sure they meet the specs and will have the information for the Council on the February 15, 2011 agenda. Councilman Rodolph said he hoped that there were some local bidders.

AGENDA ITEM NO. 6: AUDIENCE PARTICIPATION

None

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, Smith, Bryson
Nay: None

Mayor declared the meeting adjourned at 6:05pm

RESOLUTION NO. 795

RESOLUTION BY THE CITY OF CLINTON APPROVING INDEBTEDNESS OF THE CLINTON INDUSTRIAL AUTHORITY IN AN AMOUNT NOT TO EXCEED $1,700,000 IN AD VALOREM, CITY SALES TAX AND CITY LODGING TAX (hereinafter referred to as "APPORTIONED TAX INCREMENTS") APPORTIONMENT OBLIGATIONS; WAIVING COMPETITIVE BIDDING OF THE SALE OF THE TAX APPORTIONMENT NOTE; AUTHORIZING PLEDGE OF APPORTIONED TAX INCREMENTS; AND OTHER MATTERS RELATING THERETO

WHEREAS, The City of Clinton, ("City") has adopted Ordinance No. 932 approving the Project Plan relating to Increment District No. One, City of Clinton, ("Project Plan"), pursuant to Article X, Section 6C of the Oklahoma Constitution and the Oklahoma Local Development Act, 62 O.S. §850, *et seq.*; and

WHEREAS, the principle objective of the Project Plan is to provide the funding and financing assistance to make possible the construction of public improvements in order to attract investment and support tourism ("Project") in the City and Custer County; and

WHEREAS, The Clinton Industrial Authority, a public trust, ("Authority"), has entered into negotiations with a developer for the construction and operation of (i) an 87-room hotel; (ii) a 20,000 square-foot water park; (iii) a 25-unit RV camping park; and (iv) a 2,400 square-foot convenience store, (collectively, the "Project"), located along the south side of I-40 between 28th Street and Neptune Drive; and

WHEREAS, the Project Plan authorizes the funding and financing assistance to make possible the construction of public improvements, primarily the construction of an access road necessary to support the Project; and

WHEREAS, implementation of the Project Plan will support the achievement of the economic development objectives of the City to serve as a catalyst to achieve its key development objectives, improve the quality of life for its citizens, stimulate private investment, and enhance the tax base, thereby making possible investment that would be difficult or impossible without the Project and the Apportioned Tax Increments from within Increment District No. One, City of Clinton; and

WHEREAS, the City has directed the continuing apportionment of tax increments from Increment District No. One, City of Clinton, to implement the Project Plan; and

WHEREAS, pursuant to the Project Plan, the Authority is authorized and directed to assist in the financing and implementation of the Project Plan.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Clinton.

Section 1. The City hereby approves the issuance of the Tax Apportionment Note in an amount not to exceed $1,700,000 with respect to Increment District No. One, City of Clinton, by the Authority, and approves the incurrence of indebtedness associated therewith by the Authority.

Section 2. Competitive bidding on the sale of the Note is hereby expressly waived as authorized by 60 O.S. §176(F), and the proceedings in connection therewith are hereby approved.

Section 3. The Authority is authorized to finance or fund the construction of certain public improvements within the authorizations and limitations of the Project Plan.

Section 4. The Authority is authorized pursuant to Article X, Section 6C of the Oklahoma Constitution and the Oklahoma Local Development Act, 62 O.S. §850, *et seq.*, to pledge the Apportioned Tax Increments from Increment District No. One, City of Clinton, to the payment of the Tax Apportionment Note.

Section 5. The Mayor (or the Vice Mayor in the absence of the Mayor) is authorized and directed to approve, finalize, create, execute, modify, record, file, and/or deliver on behalf of the City all instruments provided for by this Resolution and all documents certifications necessary to consummate issuance of the tax apportionment obligations; the City Clerk (or the Assistant City Clerk in the absence of the City Clerk) is authorized and directed to provide all attestations and certifications necessary to consummate issuance of the tax apportionment obligations; and upon execution and delivery of all documents provided for or contemplated by this Resolution, the same shall be conclusively deemed authorized and approved by the City.

PASSED AND APPROVED THE 1st day of February, 2011.

MAYOR

(SEAL)

ATTEST:

City Clerk

Approved as to form and legality this 1st day of February, 2011.

Dan McMahan, Development Counsel

I, Lisa Anders, Secretary of the City Council of the City of Clinton, certify that the foregoing Resolution No. 795 was properly adopted at a regular meeting of the City Council of the City of Clinton, held on the 1st day of February, 2011, in the offices of the City; that a quorum was present at all times throughout said meeting, and that at least four of the five Council members voted in favor of said Resolution, in accordance with 60 O.S. §176.

SECRETARY

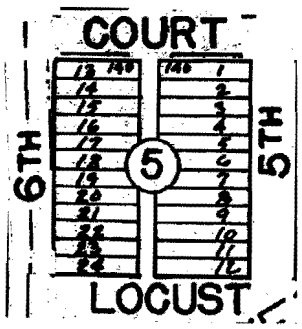
(SEAL)

NOTICE OF REZONING - PUBLIC HEARING

Notice is hereby given that on Tuesday, February 15, 2011, 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 Lots 21 and 22, Block 5, Hayes Addition to the City of Clinton , Custer County, Oklahoma. (419 ½ South 6th)

Requesting that the zoning of said property be changed from R-1 (Single Family District) to R-3 (Multiple Family 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 18th day of January, 2011.

Lisa Anders

Lisa Anders, City Clerk
City of Clinton, OK

ORDINANCE NUMBER 933

AN ORDINANCE CHANGING THE ZONING FROM R-1(SINGLE FAMILY DISTRICT) TO R-3 (MULTIPLE FAMILY DISTRICT) FOR PROPERTY LOCATED IN LOTS 21 AND 22, BLOCK 5, HAYES ADDITION TO THE CITY OF CLINTON, CUSTER COUNTY, OKLAHOMA; AND DECLARING AN EMERGENCY.

WHEREAS, the owners of a tract of land located in Lots 21 and 22 , Block 5, Hayes Addition in Clinton, Custer County, Oklahoma request that the zoning of said land be changed from R-1 (Single Family District) to R-3 (Multiple Family District); and

WHEREAS, the Planning and Zoning Board of said City of Clinton, Oklahoma met on January 11, 2011, 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 January 21, 2011; 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 Lots 21 and 22, Block 5, Hayes Addition, in Clinton, Custer County, Oklahoma be and the same is hereby zoned R-3 (Multiple Family 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 _____, 2011.

_____
Allen Bryson, Mayor

ATTEST:

_____
Lisa Anders, City Clerk

City of Clinton

Agenda Commentary

RE: City Hall Roof and Window Replacement

I was informed that City Council had authorized Joe D. Hall to bid a retrofit/install of a new Metal Roof and Glass Door/Window replacement for City Hall. JDH under contract as City's Construction Manager for the project, accepted bids for the work. (Bids attached in the agenda packet)

Bids total $392,381 (without insulation alternate)

General Conditions (JDH supervision of the project), Reimbursable items, Bonds, 2% Contingency, and 10% Construction Management Fee, etc.... Total $533,718. Add Alternate $46,487.

Total Construction Project $580,205. (Does not include 7% A/E costs, $41,000)

Total Project Price..... $621,205.00

I was unable to gather information regarding the Project Budget (Staff was not aware of the exact projected budget details). Staff and I met with JDH Feb. 10th to review the project specs and bids. JDH was pleased with the pricing.

Project Funding

I spoke with City Staff regarding the funding of the project; Government Capital approved the project for funding (lease purchase). It wasn't clear to GC or Staff what terms the City was targeting.

Capital contingency currently has $600,000 unencumbered. The City recently paid off a lease purchase for the City Hall HVAC project through Government Capital (debt service approx. $93,000). I do not recommend funding the entire project with our remaining available Capital funds. Rates are currently 4.87% for 5 years. Financing $450,000, 5 years, debt service approx. $102,000.

I recommend financing $450,000 for 5 years. Pay the remaining balance through our City Capital funds. There is no early pay-off penalty. This protects the City for future emergencies. Each year we will evaluate and look to pay down debt early.

Project would take approx. 6 months to complete.

Staff Source: Steve Hewitt, City Manager

JOE D. HALL
General Contractors, L.L.C.
P.O. Box 100 580/225-3770
Elk City, OK 73648 Fax 580/225-3420

PRELIMINARY

1/24/2011

CLINTON CITY HALL - RE ROOF AND WINDOW REPLACEMENT

BID PACKAGE #	SCOPE OF WORK	SUBCONTRACTOR	BID AMOUNT	ALT#1	REMARKS
General Requirements			$60,000		
1	Retrofit Metal Roof System and Erection (L&M)	Metal Roof Contractors	$177,600	$40,500	
2	Aluminum Storefront, Glass/Glazing, Windows (L&M)	Jerry's Glass	$56,781		
3	General Trades (L&M)	JDH	$158,000		
	Plan Printing/Distribution	Reimbursable	$608		
	Concrete Testing/Interior Patching/Demolition/Blinds/Wood Trim	Budget	$12,000		
	Fire Marshall/Code Compliance				
		SUBTOTAL	$464,989	$40,500	
		Builders Risk/Liability/Bond Fee 2.3%	$10,695		
		Project Contingency 2%	$9,514	$932	
		Construction Management Fee 10%	$48,520	$829	
				$4,226	
	12 Bids on 3 Bid Packages = 4/per pkg				
		TOTAL	**$533,718**	**$46,487**	
		GMAX TOTAL WITH ALTERNATE #1	**$580,205**		

CLINTON CITY HALL
BID DATE: JANUARY 18, 2011 @ 3:00

1

Bid Package #1: Retrofit Metal Roofing and Erection (L&M)

VENDOR	LABOR	SUBCONTRACT	ALTERNATE #1 INSULATION	REMARKS
*MRC		177,600	ADD 40,500	
ADVANCED ROOF		194,900	ADD 50,000	
BRB		215,000	ADD 61,800	
FORD		302,650	ADD 43,160	

Other Comments:_____

_____

_____

_____

CLINTON CITY HALL
BID DATE: JANUARY 18, 2011 @ 3:00

2

Bid Package #2: Aluminum Storefront, Glass/Glazing, and Windows (L&M)

VENDOR	SUBCONTRACT	REMARKS		
*JERRY'S GLASS	56,781			
GREAT PLAINS	63,200			
FOX	63,429			
GUYMON GLASS	72,454			
GLASS SPECIALTIES	86,600			

Other Comments:_____

_____

_____

_____

CLINTON CITY HALL
BID DATE: JANUARY 18, 2011 @ 3:00

3

Bid Package #3: General Trades (L&M)

VENDOR	SUBCONTRACT	REMARKS		
*JDH	158,000			
FORD	181,800			
WALDROP	198,625			

Other Comments:_____

_____

_____

_____

NOTICE OF MINERAL LEASE
BY SEALED BID TO BE OPENED FEBRUARY 15, 2011

Sealed bids will be accepted at the City Clerk's Office, City Hall, Clinton, Oklahoma not later than 5:30 P.M., Tuesday, February 15, 2011 for the lease of approximately 30 acres of land located in Custer County. Bids need to be marked on the outside of the envelope **"MINERAL BIDS".** Bids may be mailed to the Office of the City Clerk at P.O. Box 1177 Clinton, OK 73601. Bidders submitting sealed bids by the stated time may raise their written bid orally at the time the bids are opened. If additional information is need regarding this property, you may call the Clerk's Office at City Hall at 580-323-0265.

Legal: Section 34, Township 12 North, Range 17 West, approximately 30 acres in the NW corner of the NW/4 of the section in Custer County, Oklahoma

Terms of Lease: Lease will be on a form prescribed by the Clinton City Council. The minimum terms of the lease will be $1,000 per acre and 3/16th of gross production at the wellhead for three years. Companies should be prepared to submit an amount equal to 10% of the sealed bid price to the City Clerk on the night of the bid auction. Checks will be held for 30 days in anticipation of completion of the contract terms. Should the contract not be completed within 30 days, the City of Clinton , at its sole discretion, may return the above-mentioned check and declare the auction null and void and advertise for bids at a later date.

The property is more specifically known as The Clinton Cemetery. No drilling will be allowed in the cemetery nor the 10 acres to the South of the cemetery.

The City of Clinton reserves the right to waive any irregularities in bids received and reserves the right to reject any and all bids and the right to accept the best bid submitted.

Dated: February 4, 2011
Lisa Anders
Acting City Manager
Clinton, OK

FORM OF BID FOR LEASING OIL AND GAS

CITY OF CLINTON, OKLAHOMA

Date of Sale: February 15, 2011

Legal: 30.0 acres more or less located in the NW corner of the NW/4 of Section 34, Township 12 North, Range 17 West of Custer County, Oklahoma.

We offer a total cash bonus of $_____ per acre if awarded a lease on the above described tract, and agree to execute and comply with all rules and regulations made and provided for in the regular lease form adopted by the City of Clinton.

Our remittance in the amount of $_____(10% of the bonus bid) is attached to cover bid submitted by the undersigned, on this date.

If awarded this lease, we request the lessee be designated as follows, to-wit:

Lessee: _____

Address: _____

_____

_____

Broker: _____

Address: _____

_____

Dated this _____, day of _____, 2011.

Midwestern Oklahoma Industrial Foundation

Fax: 580-562-3113
Phone 580-562-3111

January 27, 2011

Clinton City Government,

It will soon be time for the annual meeting of the Midwestern Oklahoma Industrial Foundation. Please refer to the attached list of Directors whose terms expire as of February 2011.

According to the MOIF Charter, local governments of various communities in the Beckham, Custer, Kiowa, and Washita county areas select directors to serve a three-year term. Please take the appropriate action necessary to fill your vacancy (ies) on the MOIF Board.

Submit your selections by February 17th, 2011 either by phone or fax, followed by a written letter. I will also need the address and phone number of the person(s) selected, so that I can extend an invitation to the annual MOIF meeting. A self addressed, stamped envelope has been provided for your convenience.

If you have any questions, please don't hesitate to call me.

Sincerely,

Kathy Carlisle
Executive Director of MODA

Enclosures:
Self addressed, stamped envelope
Expiring terms of Directors

MOIF MEMBERS Feb,
WHOSE TERMS EXPIRE ~~MARCH~~ 2011

Burns Flat	Duane Manuel PO Box 353 Burns Flat OK 73624	2011
Clinton	Chris Jones 11 Petersen DR Clinton OK 73601	2011
Cordell	*Alex Damon, Mayor 101 E Main Cordell OK 73632	2011
Dill City	Glen Gathright PO Box 206 Dill City OK 73641	2011
	Glen Knight PO Box 68 Dill City OK 73641	2011
Elk City	Teresa Mullican, Mayor PO Box 1100 Elk City OK 73648	2011
Hobart	Stephen Boyd 630 N Stadium Hobart OK 73651	2011
	*Wilt Brown 111 E 3rd Hobart OK 73651	2011
Lone Wolf	David Morris, Mayor PO Box 365 Lone Wolf OK 73655 846-5597	2011
Roosevelt	~~Jeff Vanderford, Mayor Roosevelt OK~~	2005

Grayson Bottoms term isn't up until 2013. You will need to appoint someone to finish out his term since he no longer lives in Clinton

CHS Class of 2011 Parent Committee
Liz Johnson
1416 Gholston Avenue
Clinton, OK 73601

received
1-19-11

Clinton City Council
P.O. Box 1177
Clinton, OK 73601

Dear Council,
We have begun plans for "Senior Week" activities for the CHS Class of 2011. Basically, this is a series of parties the week prior to their graduation on Friday, May 20th. It is a way for us to allow them to celebrate this exciting time!

On Thursday, May 19th we will be having their final party. We will be using the Chi Alpha House located at 715 Frisco for part of the party that night. We would like to hire a band and have a large inflatable for this party but would need use of the street in the 700 block of Frisco. We respectfully ask that the City block off the 700 block of Frisco on our behalf that evening. Our party will be from 8-10 PM. We would need time to prepare before and of course, time to clean up after. We would have senior parents on hand supervising the party. We would greatly appreciate you granting our request and any help the City could offer.

Sincerely,

Liz Johnson

Liz Johnson