

**MINUTES OF THE CLINTON CITY COUNCIL
DECEMBER 4, 2007**

Minutes of the regular meeting of the Mayor and City Council of the City of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, December 4, 2007 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 November 30, 2007.

Mayor Norman called the meeting to order with the following present;

MAYOR: Lynn Norm

COUNCIL: Bob Marcy, Mark Hendrickson, Terry Wheeler, Allen Bryson

CITY MANAGER: Grayson Bottom

CITY CLERK: Lisa Anders

CITY TREASURER: Debra Blanchard

DEPUTY CITY CLERK: Absent

CITY ATTORNEY: Ryan Meacham

NEWS MEDIA: Steve Belcher and Mike Smith

OTHERS: Brad Aneshansley, Bob Gauger, Charles Fry, Toby Anders, Dacia Phillips, James Kuykendall, Brett Matlock, Robert Johnston, Mary Rayner and others.

Roy Dobbs of the First Church of God opened the meeting with prayer and Councilman Bob Marcy led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

- A. Minutes of Regular Meeting of November 20, 2007
- B. Consider Claims

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

Mayor put the motion to a roll call vote:

Aye: Hendrickson, Marcy, Wheeler, Bryson, Norman
Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER REDUCTION OF RATAINAGE OF JOE D HALL CONTRACT FOR BID PACKET #1 SITE WORK

City Manager Grayson Bottom explained that a retainage of 10% is held on each bid package. Joe D. Hall has presented a request for a reduction on the retainage on the bid packet for the site work at Acme Brick Park from 10% to 5%.

Councilman Hendrickson asked if this is a common practice.

City Manger Grayson Bottom said this is a common practice.

Motion was made by Councilman Bryson and seconded by Councilman Marcy to approve the reduction of retainage of Joe D. Hall contract for bid packet #1 for Site Work at Acme Brick Park.

Mayor put the motion to a roll call vote:

Aye: Bryson, Marcy, Hendrickson, Wheeler, Norman
Nay: None

Mayor declared the motion carried.

4B. CONSIDER CONDEMNATION OF PROPERTY AT 1309 NOWAHY- OWNER: SUE MCDONOUGH

Code Enforcement Officer Toby Anders presented information on the property at 1309 Nowahy. He presented picture of the property as well as documentation regarding notification and posting of legal notices for the property. It was noted that the structure has a basement.

Councilman Hendrickson asked if the structure were removed if the basement would be filled.

Anders said the basement would be filled and that other structures that had progressed through the condemnation process had basements that required being filled.

Councilman Bryson asked for clarification of the address used to notify the owner of the action taken to the property.

Anders said he had used the address he obtained during the title search at the Court House with the County Clerk's Office.

Motion was made by Councilman Hendrickson and seconded by Councilman Wheeler to proceed with condemnation of the property at 1309 Nowahy.

Mayor put the motion to a roll call vote:

Aye: Hendrickson, Wheeler, Bryson, Marcy, Norman
Nay: None

Mayor declared the motion carried.

4C. CONSIDER RESOLUTION #778 REGARDING TERMINATION OF ICMA RC RETIREMENT PLANS

City Manager Grayson Bottom explained that in 1985 the City of Clinton had entered into a deferred compensation plan with ICMA. Since the program initiated, other plans were added to the agreement to allow for payroll deductions. The resolution presented is to confirm the agreement is to be resolved.

City Manager Grayson Bottom introduced Brett Matlock of One America. Bottom explained that a Request for Proposals was sent out and those submitting proposals were evaluated. One America was chosen as the program to provide these services to city employees. He said the new plan does not require Council action.

Motion was made by Councilman Wheeler and seconded by Councilman Marcy to approve Resolution #778 regarding termination of ICMA RC Retirement Plans.

Mayor put the motion to a roll call vote:

Aye: Wheeler, Marcy, Hendrickson, Bryson, Norman
Nay: None

Mayor declared the motion carried.

4D. CONSIDER CHANING DATE OF JANUARY MEETING TO JANUARY 3, 2008

Mayor Norman explained that the first Tuesday of January is on the holiday on January 1, 2008.

Motion was made by Councilman Marcy and seconded by Councilman Hendrickson to change the date for the first meeting in January to Thursday, January 3, 2008.

Mayor put the motion to a roll call vote:

Aye: Marcy, Hendrickson, Wheeler, Bryson, Norman
Nay: None

Mayor declared the motion carried.

4E. CONSIDER LEASE WITH VERITAS FOR REVISED PLAN FOR 3-D SEISMIC SURVEYING

Michael Wilk of Veritas presented a revised plan for 3-D seismic surveying. He explained that cable would be down in alley or streets throughout town but not vibration would occur in town or on city property. A list was provided of property owners outside of city limits who have given their approval for Veritas to conduct geophysical operations on their property located in and around the City of Clinton.

Councilman Hendrickson expressed his appreciation to Veritas for seeking a way to complete their operation.

City Manager Grayson Bottom said he had consulted C.B. Graft on this revised plan. Graft had expressed his concerns to the previous plan but is satisfied with this plan as presented.

Motion was made by Councilman Wheeler and seconded by Councilman Marcy to approve the lease agreement with Veritas for the revised plan for 3-D seismic surveying.

Mayor put the motion to a roll call vote:

Aye: Wheeler, Marcy, Bryson, Hendrickson, Norman
Nay: None

Mayor declared the motion carried.

4F. PRESENTATION AND CONSIDERATION OF 2006-2007 AUDIT

James Kuykendall of Britton, Kuykendall & Miller presented the audit for the 2006-2007 fiscal year. He explained that a single audit was performed with no findings. He said the audit is clean or unqualified. He said it was found that the city provides the required services and maintains the infrastructure and fixed assets. He said the audit is a good report for the city and the entities.

City Manager Grayson Bottom expressed his appreciation to City Treasurer Debra Blanchard and her staff for a job well done. He asked Kuykendall to explain the reduction in the net fixed assets.

James Kuykendall explained that the fixed assets of the city had a major reduction and this was due to the transfer of Clinton-Sherman Industrial Airpark to OSIDA.

Motion was made by Councilman Marcy and seconded by Councilman Bryson to accept the 2006-2007 audit prepared by Britton, Kuykendall & Miller as presented.

5. CITY MANAGER'S REPORT

City Manager Bottom reported that a waterline had been cut in city hall during the heat/air renovation and new water shut-off had been installed.

City Manager Bottom also reported that the 20-ton heat/air unit at Clinton Public Library has stopped working. He said information is being obtained on replacement of the fourteen-year-old unit and will be an item on the December 18th agenda.

6. RECOGNITION OF REGISTERED AUDIENCE

None

AGENDA ITEM NO. 7: ADJOURNMENT

Moved by Councilman Hendrickson and seconded Councilman Marcy, to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Hendrickson, Marcy, Wheeler, Bryson, Norman

Nay: None

Mayor declared the meeting adjourned at 6:15 P.M.

RESOLUTION NUMBER 778

TO TERMINATE ICMA RC RETIREMENT PLANS

DEFERRED COMPENSATION PLAN

MONEY PURCHASE PLAN

At a meeting of the Clinton City Council of the City of Clinton duly called and held in accordance with the law and the by laws in Oklahoma on Tuesday, December 4, 2007, at which a quorum of the Council Members was present, the following Resolution was adopted to wit:

WHEREAS, The City of Clinton deems it to be for the best interest of the City of Clinton; and

WHEREAS, the parties hereto entered into these Plans effective:

DEFERRED COMPENSATION PLAN (457) - NOVEMBER 1, 1985

MONEY PURCHASE PLAN (401 QUALIFIED PLAN)- JUNE 17, 1998

WHEREAS, the City of Clinton wishes to terminate this Plan and allow participation in other plans;

NOW THEREFORE, be it:

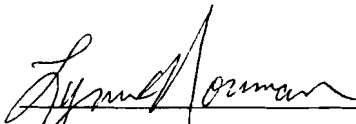
RESOLVED, the City of Clinton ROTH IRA #705446, 457 PLAN #302095, 401 PLAN #107057 is hereby terminated as of December 4, 2007. Plan assets will be distributed according to the wishes of participants. To include:

- Retain their account, including current investment options
- Receive the 457 account funds as a lump sum distribution (which will be subject to a 20% federal mandatory income tax withholding)
- Directly roll 457 funds to a Roth IRA and pay taxes
- Transfer account to another 457 plan provider, or, into a 401 plan, 403(b) plan, or a traditional individual retirement account.

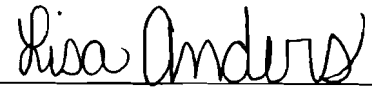
Excess plan assets and any assets not allocated to participant accounts, if any, after all benefit commitments under the plan are satisfied shall revert to the City of Clinton.

I, Lynn Norman, Mayor, do hereby certify that the foregoing is a full, true, and correct copy of a resolution of the Clinton City Council acting for the Governing Board of said municipality, duly and regularly called and held in all respects as required by law, and the bylaws of said City of Clinton at the office hereof on the December 4 , 2007 at which meeting a majority of the Council members of said municipality was present and voted in favor of said resolution; and that said resolution is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand as such City Clerk and affixed the corporate seal of said City of Clinton this December 4 , 2007.



Lynn Norman, Mayor



Lisa Anders, City Clerk

(Seal of City)