

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.

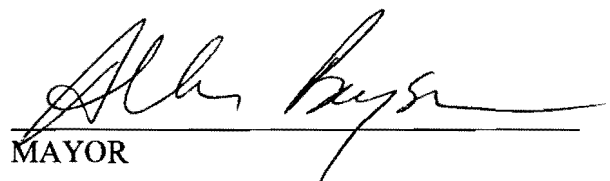
Section 2. Competitive bidding on the sale of the Note is hereby expressly waived as authorized by 60 O.S. §176(F), and the proceedings in connection therewith are hereby approved.

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.

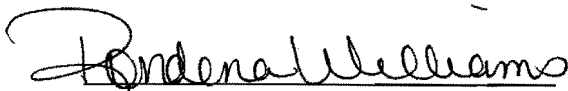
Section 5. The Mayor (or the Vice Mayor in the absence of the Mayor) is authorized and directed to approve, finalize, create, execute, modify, record, file, and/or deliver on behalf of the City all instruments provided for by this Resolution and all documents certifications necessary to consummate issuance 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:


Donald Williams

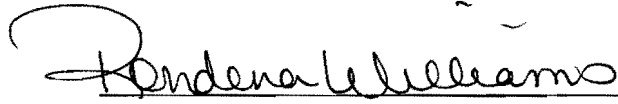
City Clerk

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)