

**MINUTES OF THE CLINTON CITY COUNCIL
MAY 17, 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, May 17, 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 May 13, 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

CITY MANAGER: Steve Hewitt

CITY CLERK: Lisa Anders

CITY TREASURER: Debra Blanchard

DEPUTY CITY CLERK: Rhonda Williams

CITY ATTORNEY: Ryan Meacham

NEWS MEDIA: Rod Serfoss and Jarod Atha

OTHERS: Arnold Adams, Mary Helen Jones, Rusty Whisenhunt, David Crabtree, Gene McCullough, Curtis Maloy, Bobby Hoffman, Linda Rose, and others.

Father Rex Arnold of St. Mary's Catholic 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 May 3, 2011
Special Meetings of April 28, 2011 and May 10, 2011

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

Mayor put the motion to a roll call vote:

Aye: Marcy, Jones, Smith, Rodolph, Bryson

Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER RENEWAL OF CONTRACT WITH MULTI-COUNTY YOUTH SERVICES FOR THE COMMUNITY INTERVENTION CENTER

City Manager Steve Hewitt explained that this agreement is a continuance of the current agreement. He said as was discussed during the budget work sessions, the agreement is for \$16,000.00 for the 2011-2012 budget year and would begin July 1, 2011.

Motion was made by Councilwoman Smith and seconded by Councilman Jones to approve the renewal of the contract with Multi-County Youth Services for the Community Intervention Center.

Mayor put the motion to a roll call vote:

Aye: Smith, Jones, Rodolph, Marcy, Bryson

Nay: None

Mayor declared the motion carried.

4B. CONSIDER ELECTION OF THREE TRUSTEES TO THE OKLAHOMA MUNICIPAL ASSURANCE GROUP

City Manager Steve Hewitt explained that the City of Clinton gets to vote for three trustees whose terms have expired on the Oklahoma Municipal Assurance Group Board.

Motion was made by Councilman Rodolph and seconded by Councilman Marcy to reappoint Earl Burson, Janice Cain and Pam Polk to the OMAG Board.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Marcy, Jones, Smith, Bryson

Nay: None

Mayor declared the motion carried.

4C. CONSIDER ORDINANCE NO. 930A AMENDING FLOOD DAMAGE PREVENTION ORDINANCE

City Manager Steve Hewitt explained that Ordinance No. 930 had been approved in December but since then it has been noted that the ordinance contains some typographical errors. City Attorney Ryan Meacham has prepared Ordinance No. 930A to correct the errors.

Motion was made by Councilman Jones and seconded by Councilman Smith to approve Ordinance No. 930A.

Mayor put the motion to a roll call vote:

Aye: Jones, Smith, Rodolph, Marcy, Bryson

Nay: None

Mayor declared the motion carried.

4D. CONSIDER RESOLUTION NO. 798 REGARDING LEASE PURCHASE OF CITY HALL ROOF AND WINDOWS

City Manager Steve Hewitt explained that the resolution presented is regarding the lease purchase of the City Hall Roof and window project with First Bank and Trust.

Councilman Marcy asked if it was the original plan to lease purchase the improvements.

Councilman Rodolph said he understood that the original plan was to lease purchase but the difference is that the financing is being done locally.

Motion was made by Councilman Jones and seconded by Councilman Smith to approve Resolution No. 798 regarding the lease purchase of the City Hall roof and windows.

Mayor put the motion to a roll call vote.

Aye: Jones, Smith, Rodolph, Marcy, Bryson

Nay: None

Mayor declared the motion carried.

4E. CONSIDER LEASE PURCHASE AGREEMENT WITH FIRST BANK AND TRUST COMPANY REGARDING CITY HALL ROOF AND WINDOW PROJECT

City Manager Steve Hewitt explained that the agreement is for five years with semi-annual payments on the \$450,000 project with an interest rate of 4.14%. He said that First Bank & Trust Company had submitted the lowest bid on the project.

Motion was made by Councilman Marcy and seconded by Councilman Rodolph to approve the lease purchase agreement with First Bank & Trust Company regarding the City Hall roof and window project.

Mayor put the motion to a roll call vote:

Aye: Marcy, Rodolph, Jones, Smith, Bryson

Nay: None

Mayor declared the motion carried.

4F. CONSIDER APPLICATION #1 FOR PAYMENT TO JOE D HALL GENERAL CONTRACTORS, LLC FOR THE CITY HALL ROOF AND WINDOW PROJECT

City Manager Steve Hewitt reported that Application #1 for payment has been submitted by Joe D. Hall General Contractors, LLC for the City Hall roof and window project. The payment request is for \$122,908.50.

Motion was made by Councilman Rodolph and seconded by Councilman Jones to approve payment to Joe D. Hall General Contractor for Application #1 in the amount of \$122,908.50 on the City Hall roof and window project.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Jones, Marcy, Smith, Bryson

Nay: None

Mayor declared the motion carried.

4G. CONFIRMATION OF CLINTON MUNICIPAL SWIMMING POOL RATES FOR 2011

At the budget work session on May 10th, there was discussion regarding the rates charged at the Clinton Municipal Swimming Pool. The recommendation to amend the rates to daily fee of \$3, senior daily fee of \$2 and season pass of \$75 and Family season pass of \$125 was presented.

Motion was made by Councilman Marcy and seconded by Councilman Jones to approve the rates for the Clinton Municipal Swimming Pool as recommended.

Mayor put the motion to a roll call vote:

Aye: Marcy, Jones, Rodolph, Smith, Bryson

Nay: None

Mayor declared the motion carried.

5. CITY MANAGER'S REPORT

City Manager Steve Hewitt reported that the City Hall roof project is going smoothly. He said he had a meeting with the architect during an inspection and he is pleased with the progress and reported the roof is 80% complete and the entire project is 50% complete.

City Manager Hewitt reported that he had a meeting regarding the road and the Hotelmacher project. He said the goal is to have the dirt work completed by the end of this week. He said the anticipated open date for the hotel is late summer and the road will be ready for the opening.

City Manager Hewitt also reported that the survey has begun on Chapman Road. He said the report should be ready in two weeks.

6. AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 7: ADJOURNMENT

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

Mayor put the motion to a roll call vote:

Aye: Marcy, Smith, Jones, Rodolph, Bryson

Nay: None

Mayor declared the meeting adjourned at 5:45 P.M.

Ordinance No. 930a

An Ordinance amending Ordinance No. 930 regarding Flood Damage Prevention Ordinance that adopts the new Custer County Flood Maps dated January 6, 2011; which requires floodplain permits for any new development in the floodplain, sets a penalty and establishes fees and establishes an emergency. This ordinance is required for residents of Clinton to be able to purchase flood insurance in or out of the floodplain.

Whereas the City of Clinton passed Ordinance 930 regarding Flood Damage Prevention which contained typographical errors in Article V, Subsection B(4), (5), and (6).

Now Therefore, Ordinance No. 930 is amended as follows:

1. Article V, Subsection B(4) shall state as follows:

4. Manufactured Homes -

Require that all manufactured homes to be placed anywhere within the community in Flood Zones A and/or AE on the Clinton FIRM shall be installed using methods and practices that minimize flood damage and have the bottom of the I-beam elevated at least at or above the base flood elevation. For the purposes of this requirement, manufactured homes must be elevated and anchored to a permanent foundation to resist flotation, collapse, or lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. The home shall be installed by a licensed installer according to Oklahoma state law and compliance herewith shall be certified in writing to the Floodplain Administrator by said installer prior to habitation of the manufactured home.

2. Article V, Subsection B(5) shall read as follows:

5. Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A and AE on the Clinton FIRM either:

- (a) Be on the site for fewer than 180 consecutive days,
- (b) Be fully licensed and ready for highway use, or
- (c) Meet the permit requirements of Article IV, Section C, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

3. Article V, Subsection B(6) shall read as follows:

6. Accessory Structure – Accessory structures to be placed on sites within Zones A and AE on the Clinton FIRM shall comply with the following:

- (a) The structure shall be unfinished on the interior;
- (b) The structure shall be used only for parking and limited storage;
- (c) The structure shall not be used for human habitation. Prohibited activities or uses include but are not limited to working, sleeping, living, cooking, or restroom use;


- (d) Service facilities such as electrical and heating equipment must be elevated to or above the BFE;
- (e) The structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (f) The structure shall be designed to have low flood damage potential and constructed with flood resistance materials;
- (g) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement;
- (h) Floodway requirements must be met in the construction of the structure;
- (i) Openings to relieve hydrostatic pressure during a flood shall be provided below the BFE; and
- (j) The structure shall be located so as not to cause damage to adjacent and nearby structures.

WHEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately from and after its passage, approval and publication.

PASSED AND APPROVED and the Emergency Clause voted upon separately and passed and approved this 17 day of May, 2011.

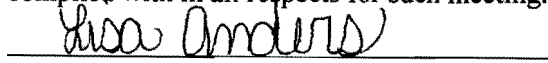
ADOPTED BY THE CITY COUNCIL OF THE City of Clinton THIS 17 DAY OF May, 2011.

CITY COUNCIL OF City of Clinton



 Chairman

I, Lisa Anders, the undersigned City Clerk of the City of Clinton, hereby certify that the above is a true and correct copy of a flood damage prevention ordinance duly adopted by the City Council of the City of Clinton at a regular meeting of said City Council duly convened and held on May 17, 2011. I further certify that the Oklahoma Open Meeting Act was complied with in all respects for such meeting.



 City Clerk, City of Clinton (SEAL)

Resolution # 798

**A RESOLUTION REGARDING A LEASE PURCHASE AGREEMENT FOR THE
PURPOSE OF PROCURING A ROOF AND WINDOWS FOR THE CITY OF
CLINTON'S CITY HALL**

WHEREAS, the City of Clinton desires to enter into that certain Lease-Purchase Agreement dated as of May 17, 2011, by and between City of Clinton and First Bank and Trust Company in Clinton, Oklahoma, for the purpose of procuring a roof and windows for the City of Clinton's City Hall. The City desires to designate this Agreement as a "qualified tax exempt obligation" of the City for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended. The City of Clinton desires to designate Steve Hewitt, City Manager, as an authorized signer of the Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLINTON:

Section 1. That the City of Clinton, enter into a Lease Purchase Agreement with First Bank and Trust Company in Clinton, Oklahoma, for the purpose of procuring a roof and windows for the City of Clinton's City Hall.


Section 2. That the Lease Purchase Agreement dated as of May 17, 2011, by and between the City and First Bank and Trust Company in Clinton, Oklahoma, is designated by the City as a "qualified tax exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 3. That the City of Clinton designates Steve Hewitt, City Manager, as an authorized signer of the Lease Purchase Agreement dated as of May 17, 2011, by and between the City of Clinton, and First Bank and Trust Company in Clinton, Oklahoma.

PASSED AND APPROVED by the Board of the City of Clinton in a meeting held on the 17 day of May, 2011.

LESSEE: City of Clinton

Witness Signature



Allen Bryson, Mayor



Lisa Anders, City Clerk