

**MINUTES OF THE CLINTON CITY COUNCIL
SEPTEMBER 20, 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, September 20, 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 September 16, 2011.

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

MAYOR: Allen Bryson

COUNCIL: Don Rodolph, Bob Marcy, Phyllis Smith, Steve Jones

CITY MANAGER: Steve Hewitt

CITY CLERK: Lisa Anders

CITY TREASURER: Debra Blanchard

DEPUTY CITY CLERK: Rhonda Williams

CITY ATTORNEY: Ryan Meacham

NEWS MEDIA: Gerald Green and Mike Smith

OTHERS: Rusty Whisenhunt, Arnold Adams, Toby Anders, Mary Helen Jones, Shawn Driver, Mr. & Mrs. Doyce Walker, Jason Hulin and others.

Jim Westmoreland of the First Baptist 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 September 6, 2011

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

Mayor put the motion to a roll call vote:

Aye: Smith, Marcy, Jones, Rodolph, Bryson

Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER APPROVAL OF WORKERS COMPENSATION REFUND FROM OKLAHOMA MUNICIPAL ASSURANCE GROUP

City Manager Steve Hewitt explained that the Oklahoma Municipal Assurance Group is refunding premiums from 2007. The City will be receiving \$542.46 and needs to determine the option of refund. Staff recommends the premium be applied to future premium payments.

Motion was made by Councilman Jones and seconded by Councilman Marcy to approve the refund of \$542.46 from OMAG as a credit to future premiums.

Mayor put the motion to a roll call vote:

Aye: Jones, Marcy, Rodolph, Smith, Bryson

Nay: None

Mayor declared the motion carried.

4B. CONSIDER AGREEMENT WITH OKLAHOMA TAX COMMISSION REGARDING COLLECTION OF SALES AND USE TAX

City Manager Steve Hewitt said the agreement with the Oklahoma Tax Commission is for the collection of sales and use tax in an efficient and effective manner. He said the Oklahoma Municipal League has been working with the Oklahoma Tax Commission on behalf of Oklahoma cities.

Motion was made by Councilman Rodolph and seconded by Councilman Marcy to approve the agreement with the Oklahoma Tax Commission regarding the collection of sales and use tax.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Marcy, Jones, Smith, Bryson

Nay: None

Mayor declared the motion carried.

4C. CONSIDER LETTER OF UNDERSTANDING WITH WESTHAVEN HOUSING ADDITION

City Manager Steve Hewitt introduced Shawn Driver, representative of Zerby Interest of Oklahoma City. Mr. Driver presented proposed plans for a housing addition behind the Bank of the West. He said the plans have been modified since his last presentation to the Council. He said feedback he received at the last meeting has been incorporated into the new plans.

Mr. Driver said the original plan contained twenty-seven lots with larger homes. The revised plan includes an additional three acres of development divided into fifty-two lots with homes at a minimum of 1,700 square feet. Per the Letter of Understanding this partnership of public/private, the City would be responsible for the public streets, sewer and water lines. He said the proposal would pay back the City 25% of cost, knowing the balance of the cost would be recouped through sales tax and utility sales. Mr. Driver said this is a compromised number.

Councilman Rodolph asked about the covenants and the size of the homes.

Mr. Driver said the minimum square footage would be 1,700 and the City codes would determine the maximum size. He said the lots would be sold for \$22,000 per lot and would have 65 foot average frontage.

Mayor Bryson said the lots would be comparable to lots on South 24th and South 25th.

Mr. Driver said it would be hard to estimate how quickly the lots would be sold since there has not been a project like this in Clinton recently. He speculated that the commercial area would be developed into garden style offices along South 28th Street.

Councilwoman Smith asked if the project is approved, what would the timeline look like.

Mr. Driver estimated it would take 45-60 days for the engineering to be completed and then street and utilities completed.

City Manager Steve Hewitt said it would take at least six months.

Jason Hulin asked if lots would be sold for spec homes or if individuals would buy the lots to build homes.

Mr. Driver said builders could construct homes on speculation because builders know what people want.

Councilman Jones said one of the major concerns discussed at the ward meetings was housing.

City Manager Steve Hewitt said the City would be getting back approximately 1/3 of cost without a time frame for the recoup of the balance by sales tax and utilities. He said he realizes this project is not the answer to the entire city's housing issues but it is one avenue that is a new unchartered area for Clinton. He said there is definitely a need for housing in Clinton.

Councilman Rodolph said the estimate on the City's cost could be low. He said housing is an issue but suggested delaying a vote on the item until the next meeting to allow citizens to contact their council member for input. He said the Council needs to be good steward of the City's money. He said he supports the concept but thought others might bring ideas to the table.

Councilman Marcy said housing is needed and he realizes that this is a lot of money from the City but this is a step the City will have to take sooner or later. He said he supports the project and does not disagree with waiting until the next Council meeting.

Councilwoman Smith said the housing issue needs to be addressed and she did not see the need to wait for the next Council meeting. She said this is not a new issue.

Mayor Allen Bryson asked how many homes have been built in the past five years.

Jason Hulin said he understood the City being a partner on the project but would like to see a more equal split of the cost. He suggested more of a half split rather than 1/3.

Mayor Bryson said the City would have to take on half of the cost of the project. He said the City stands to gain back a lot more than cost in the future. He said \$300,000 cost is good for what the City would be getting.

Councilman Rodolph said the City needs to get back cost. He suggested looking at a system whereby the building permit process could be sped up and include a waiver of fee if materials are purchased in Clinton.

City Manager Steve Hewitt said staff is trying to streamline the building permit process. He said a rebate system for local purchases could be reviewed.

Deputy City Clerk Rhonda Williams said 96 new resident building permits have been issued since January 2005 but qualified that some permits are for apartments and duplexes.

Assistant City Attorney Ryan Meacham said the Letter of Understanding is confirmation of the offer being presented. If the City agrees with the understanding and approves the agreement is a binding acceptance of offer.

City Manager Steve Hewitt said if the Council wants to write up a Memo of Understanding with more details and review it at the next Council meeting, this would give an additional two weeks for consideration.

Assistant City Attorney Ryan Meacham said this would allow the Council to put additional terms in the agreement.

Mr. Driver said the purpose of the Letter of Understanding from his firm was to memorialize the discussions and move to the next step in the process.

Motion was made by Councilman Rodolph and seconded by Councilwoman Smith to instruct the City Attorney to prepare a Memo of Understanding with additional terms agreed to by the Council for review at the next Council meeting.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4D. REQUEST AUTHORIZATION TO GO TO BID FOR STREET OVERLAY AND SEAL PROJECT

City Manager Steve Hewitt presented a proposal prepared by staff regarding street overlay and seal of city streets. The list has been prioritized according to need with the budgeted amount of \$100,000.00. He said staff has recommended slurry seal rather than chip seal.

Motion was made by Councilman Jones and seconded by Councilman Rodolph to authorize staff to go to bid for Street Overlay and Seal project.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4E. REQUEST AUTHORIZATION TO PURCHASE CAPITAL EQUIPMENT AT SOUTH WESTERN OKLAHOMA DEVELOPMENT AUTHORITY AUCTION

City Manager Steve Hewitt said the City had been notified of an auction to be held at SWODA. He said a large number of vehicles and equipment that could be utilized in various City departments are included in the auction. He said the City has a replacement program in place but felt that if items could be purchased at a reasonable price this would benefit the City. He said the purchase could go over the spending authority of the City Manager, so authorization is requested if necessary to exceed the City Manger purchasing authority.

Motion was made by Councilman Rodolph and seconded by Councilman Marcy to authorize staff to attend and make necessary purchases at the SWODA auction.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

5. CITY MANAGER'S REPORT

RM92011

City Manager Steve Hewitt asked Code Enforcement Officer Toby Anders to give a two-week update on the progress of work on the property at 527 South 13th that had been discussed previously for condemnation.

Code Enforcement Officer Toby Anders reported that little to no progress has been made on the property.

Councilman Marcy asked why water continues to overflow from the 28th Street water tower.

Public Works Director Arnold Adams reported that the tower had been struck by lightning and the telemetry system was damaged. He said the current system was installed in 1982 and there are no parts available so the system will need to be replaced.

Councilman Rodolph asked about the property across the street from the property on Opal that had been discussed at the previous Council meeting.

Code Enforcement Officer Toby Anders said the property is Indian Trust Land and so the City is limited to what can be done with it.

Councilwoman Smith said a Housing meeting is scheduled at the Eastside Academy on Thursday at 6 PM. She said there will be some discussion regarding modular housing.

Councilman Jones thanks the City for the assistance with the Red Knights project at the rodeo grounds. He said 61 entries participated in the Poker Run.

6. AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 7: ADJOURNMENT

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

Mayor put the motion to a roll call vote:

Aye: Smith, Jones, Marcy, Rodolph, Bryson

Nay: None

Mayor declared the meeting adjourned at 6:40 P.M.