

**MINUTES OF THE CLINTON CITY COUNCIL  
OCTOBER 4, 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, October 4, 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 30, 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:** Absent

**CITY ATTORNEY:** Ryan Meacham

**NEWS MEDIA:** Gerald Green and Jarod Atha

**OTHERS:** Arnold Adams, Mary Helen Jones, Shawn Driver, Terrill Zerby, Jason Hulin, Bobby Hoffman, Cheryl Lowry, John & Sherry Boyles, Earl Agan, Jeremy Brush Gene McCullough, Curtis Maloy and others.

Roy Dobbs of the First Church of God opened the meeting with prayer and Councilwoman Phyllis Smith led the Pledge of Allegiance.

**AGENDA ITEM NO. 4: CONSENT AGENDA:**

- A. Minutes of Regular Meeting of September 20, 2011
- B. Consider Claims

Moved by Councilman Marcy and seconded by Councilwoman Smith, that Consent Agenda Item No. 3 (a-b) be approved with the correction of a typing error.

Mayor put the motion to a roll call vote:

Aye: Marcy, Smith, Jones, Rodolph, Bryson

Nay: None

Mayor declared the motion carried.

**AGENDA ITEM NO. 4 ACTION ITEMS**

**4A. CONSIDER HOUSING MEMO OF UNDERSTANDING WITH WESTHAVEN ADDITION**

City Manager Steve Hewitt explained that Assistant City Attorney Ryan Meacham put together the document presented to Zerby for fifty-two lots on 28<sup>th</sup> Street and Modelle. He said following feedback from the community, he said he could not recommend approval of the agreement if the City portion to the project is in the \$450,000 to \$500,000 range.

Shawn Driver introduced Terrill Zerby of Zerby Interest.

Mr. Zerby said he wanted to try to put the plan to production and said that he is prepared to move forward on behalf of Zerby Interest, Elk Supply and others. He said that the cost of the street alone would be near \$397,000 and with the increase of the number of lots, the price of the streets would increase also.

Mayor Bryson said the city has experience in street building and he believes the City can do the work within the \$300,000 budget. He said the City had also been successful at reducing the price of a waterline project by means of dividing up the bidding process.

Mr. Zerby said he could understand why the City would want a cap on the project cost but he did not think the price of the road could be done with a budget of \$300,000.00. He said if the specification for the street can be agreed upon and the City wants to build the street, there is no problem.

Councilman Marcy asked about the price of the lot was determined. He said he was concerned that not a lot of lots would be sold for \$22,000.00.

Mr. Zerby said as a rule of thumb, the price of lots should be in a range of 12% to 20% of the home value. He said this maintains the integrity of the division.

Councilman Marcy asked about the size of home and why a variety of sizes would not work.

City Manager Hewitt asked if a smaller lot size could be considered.

Mr. Zerby said the estimate on the size of home is from 1700 to 2200 square feet. He asked where the City thought the market was.

City Manager said the City could not labor and rough grade and these could be negotiated but he asked what the Council is willing to invest in the project. He asked for feedback.

Councilman Rodolph said the lots are too expensive and Clinton needs more diversification in homes. He said there are too many unknowns in the cost before ever starting. He suggested rejecting the project.

Councilman Marcy said since the number of lots and size are not negotiable, he was not ready to approve the project.

Councilwoman Smith said housing is needed and she would like to have Steve continue talks with Zerby regarding the project.

Councilman Jones said houses are needed even if this is not a perfect situation; he suggested tabling the item and continue working on negotiations.

City Manager Hewitt asked specifically what the City could do and identify the specifications for the road, easements and get more concrete costs.

Councilman Rodolph said numbers for grading, drainage, curb and guttering, waterlines and sewer lines would not be completed in two weeks.

Mr. Zerby suggested the City look at a budget in the range of \$425,000 to \$450,000 to make the project work or look at different ground for flexibility.

Mayor Bryson recommended declining the offer. He expressed his appreciation to Mr. Zerby and Mr. Driver for the time they have invested in this project.

**4B. CONSIDER REQUEST OF FAMILY VIDEO TO ASSIGN GROUND LEASE**

City Manager Steve Hewitt said the Ground Lease agreement with S.H.A.G. of Mississippi had a provision for a reassignment of the lease. Family Video has requested that the ground lease be reassigned to them for the property on Gary Boulevard. He said the Assistant City Attorney Ryan Meacham has spoken with them about submitting this request for assignment.

Motion was made by Councilman Rodolph and seconded by Councilman Marcy to grant the reassignment of the ground lease to Family Video.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

**4C. REQUEST AUTHORIZATION TO PAY OFF MASTER LEASE AGREEMENT AND GOLF COURSE IRRIGATION LEASE AGREEMENT AT SECURITY STATE BANK AND THE DURAPATCH CRACK SEALER LEASE AGREEMENT AT WELCH STATE BANK**

City Manager Steve Hewitt suggested paying off the Master Lease agreement and other lease agreements and saving on the interest by using funds that are currently earning a much less interest rate. He said this is being suggested in an effort to make the best use of city funds.

Motion was made by Councilman Rodolph and seconded by Councilwoman Smith to authorize paying off the Master Lease agreement and Golf Course Irrigation lease agreement at Security State Bank and the Durapatch Crack Sealer lease agreement at Welch State Bank.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

**4D. DISCUSS AND CONSIDER THE PURCHASE OR APPRAISAL OF REAL PROPERTY INCLUDING AN EXECUTIVE SESSION AS AUTHORIZED BY 25 O.S. ss 307B(3)**

Motion was made by Councilman Rodolph and seconded by Councilman Marcy to go into executive session to discuss the purchase or appraisal of real property.

Mayor put the motion to a roll call vote:

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

Mayor declared the meeting in executive session at 7:10 P.M.

## **RECONVENE INTO REGULAR SESSION**

Motion was made by Councilman Marcy and seconded by Councilwoman Smith to reconvene into regular session.

Mayor put the motion to a roll call vote:

Aye: Marcy, Smith, Jones, Rodolph, Bryson

Nay: None

Mayor declared the meeting in regular session at 7:40 P.M.

Mayor Bryson announced there was no action taken.

## **5. CITY MANAGER'S REPORT**

City Manager Steve Hewitt reported on the purchases made at the SWODA auction that Council had authorized purchases in advance.

Public Works Director Arnold Adams said the following items were purchased at the auction: water truck fill spout, pipe burster, pallet of miscellaneous water pumps, water fountains, chuckhole patch material, John Deere grader, 2005 F-150 pickup. Total purchase price of \$28,850.00

## **6. AUDIENCE PARTICIPATION**

Jason Hulin said he was disappointed that the housing project had not been successful but he expressed his appreciation to the Council for doing their due-diligence on the project.

Curtis Maloy expressed his appreciation for the concrete curb work done by the City and the quick response he had to a dumpster problem.

## **AGENDA ITEM NO. 7: ADJOURNMENT**

Moved by Councilman Rodolph and seconded by Councilman Jones to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Jones, Smith, Marcy, Bryson

Nay: None

Mayor declared the meeting adjourned at 7:45 P.M.