

**MINUTES OF THE CLINTON CITY COUNCIL
OCTOBER 16, 2012**

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 16, 2012 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 October 12, 2012.

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

MAYOR: Allen Bryson

COUNCIL: Don Rodolph, Bob Marcy, Jason Hulin, 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: Gerald Green and Mike Smith

OTHERS: Julie Menge, Jeremy Bush, Seth Adams, Mary Helen Jones, Curtis Maloy, Dave Thorpe, Stephen Jones, Ray Challis, Eddie Peck, Hoyt Lewis, Chris Gander, Chris Byrom, Gene McCullough, David Crabtree, Randy Carpenter and others.

Interim Fire Chief Randy Carpenter 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 October 2, 2012

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

Mayor put the motion to a roll call vote:

Aye: Hulin, Marcy, Rodolph, Smith, Bryson

Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. PRESENTATION BY WESTERN TECHNOLOGY CENTER REGARDING A FIRE TRAINING CENTER

Hoyt Lewis of the Western Technology Center presented a video of an All Hazardous Training Center that is being proposed for Western Oklahoma. He said the center would provide training for firefighters, police officers, First Responders, emergency medical technician and others. He estimated the cost of the site and system would be \$350,000 to \$400,000 plus the land. He estimated six to ten acres would be needed.

Councilman Hulin asked what the cost to the city would be.

Mr. Lewis said the equipment, classroom and land could be one million dollars.

Councilman Hulin asked if the facility were in Clinton, if the city's ISO rating would be affected.

Interim Fire Chief Randy Carpenter said when ISO does a review of the City they look at training records and he did not think the site of the training center in Clinton would not be a factor but it would be a benefit. He said with new younger volunteers needed the Firefighter I training, having access to the training close to home would be nice.

Mr. Lewis said three employees would be necessary for the operation of this facility.

Mr. Lewis said the proposals for the facility are due by 4:00 P.M. on November 1, 2012. He said a site needs to be selected and WTC wants a partnership with the community that is selected.

City Manager Steve Hewitt said the city does not have a regular meeting scheduled before November 1st but a special meeting could be called if needed.

Councilman Hulin asked what economic impact this facility would have on a community.

Mr. Lewis said that 1500 to 2000 people per year could attend the facility. He said this would have an impact on sales tax but doubted that the majority of the people would be staying overnight since the people would mostly be from this area.

4B. CONSIDER RESOLUTION 806 REGARDING SUPPORT FOR THE OKLAHOMA US BIKE ROUTE 66

City Manager Steve Hewitt introduced Bill Elliott who presented a presentation regarding the Oklahoma US Bike Route 66.

Mr. Elliott said a bike map is being developed across the nation. He said they are making sure the route is acceptable through each town. He said a list of the services in each community will be listed on the map.

He explained that Route 66 is being designated as the bike route and he requested a letter of support from the City. He said these letters of support would be presented to the Oklahoma Department of Transportation for review. He said there is no cost to the city and explained that the benefit to the city would be increased tourism.

Councilman Rodolph suggested establishing the route by the Route 66 Museum in Clinton.

Mr. Elliott said it would be designated on the map.

Motion was made by Councilman Rodolph and seconded by Councilwoman Smith to approve Resolution 806 regarding support for the Oklahoma US Bike Route 66.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Smith, Hulin, Marcy, Bryson

Nay: None

Mayor declared the motion carried.

4C. CONSIDER APPROVAL OF WORKERS COMPENSATION REFUND FROM THE OKLAHOMA MUNICIPAL ASSURANCE GROUP FOR THE 2009-2010 WORKERS COMPENSATION PLAN YEAR

City Manager Steve Hewitt said that the Oklahoma Municipal Assurance Group has notified the city of a return from the loss fund from the 2009-2010 Workers Compensation Plan Year. The refund is \$47,784.03 and the recommendation was to apply the return to the current premiums for the 2012-2013 Workers Compensation year.

Motion was made by Councilman Rodolph and seconded by Councilman Marcy to apply the refund to the current premiums for workers compensation coverage.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4D. MAYOR'S PROCLAMATION HONORING 1967 RED TORNADO FOOTBALL TEAM

Mayor Allen Bryson explained that the 1967 Red Tornado Football Team will be honored during the football game Friday night in recognition of the 45 anniversary. He explained the accomplishments of the team and recommended the approval of a proclamation to be presented to each member of the team.

Motion was made by Councilman Marcy and seconded by Councilwoman Smith to support the presentation of the proclamation to the 1967 Red Tornado Football Team.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4E. CONSIDER AND ADOPT RESOLUTION 807 RELATING TO THE INCURRING OF INDEBTEDNESS BY THE CLINTON PUBLIC WORKS AUTHORITY; WAIVING COMPETITIVE BIDDING THEREON; AND DECLARING AN EMERGENCY

Chris Gander of BOSC introduced Chris Byrom of Johanning and Byrom P.C. who will be serving as Bond Counsel on the refinancing of the 2003 Revenue Bonds.

Motion was made by Councilman Rodolph and seconded by Councilman Hulin to approve Resoltuion 807 relating to the incurring of indebtedness by the Clinton Public Works Authority and waiving competitive bidding.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

Motion was made by Councilman Rodolph and seconded by Councilman Marcy to approve the emergency clause to Resolution No. 807.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Marcy, Hulin, Smith, Bryson

Nay: None

Mayor declared the motion carried.

5. CITY MANAGER'S REPORT

City Manager Steve Hewitt said reported that architects would be conducting a walk through at Acme Brick Park later this week for the feasibility study of the facility. He said the Police Station remodel project is down to the punch list and a tour has been scheduled for 5:00 P.M. just before the November 6th Council meeting.

6. AUDIENCE PARTICIPATION

Curtis Maloy said he does not understand the reason to consider a total change in the town regarding solid waste collection. He was not supportive of the elimination of dumpsters in residential areas dues to safety concerns.

Mayor Bryson said the a Ward Two Town Hall meeting is scheduled for October 22, 2012 and a Ward One Town Hall meeting is scheduled for October 29, 2012.

AGENDA ITEM NO. 8: ADJOURNMENT

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

Mayor put the motion to a roll call vote:

Aye: Rodolph, Smith, Hulin, Marcy, Bryson

Nay: None

Mayor declared the meeting adjourned at 6:55 P.M.

Oklahoma Municipal Assurance Group

An Interlocal Cooperation Act Agency of Cities and Towns Providing:
Municipal Liability Protection Plan • Workers' Compensation Plan • Municipal Property Protection Plan

2009-2010 WORKERS' COMPENSATION PLAN REFUND VOUCHER AGREEMENT

This Agreement made and entered into this 2nd day of October, 2012, shall remain in full force and effect between the **City of Clinton**, hereinafter referred to as the "Member," and the Oklahoma Municipal Assurance Group, hereinafter referred to as the "Group," witnesseth:

WHEREAS, as a result of favorable workers' compensation claims activity on the part of the member, the Board of Trustees of the Group has authorized the refund of the unused portion of your 2009-2010 Loss Fund in the amount of **\$47,784.03**; and

WHEREAS, the Group Workers' Compensation Plan was created pursuant to 74 O.S. § 1001 *et seq.*, thereby enabling cities and towns to cooperate with others on the basis of mutual advantage and to exercise and enjoy all of their powers, privileges and authority to the extent that laws of the state permit such joint exercise or enjoyment; and

WHEREAS, the Member by adopting and subscribing to the said Workers' Compensation Plan for the Fiscal Year ending June 30, 2010, hereinafter referred to as the "Fiscal Year," made payment of an annual fee to the Group for statutory benefits under 85 O.S. § 1 *et seq.*, the Workers' Compensation Act of the State of Oklahoma; and

WHEREAS, the Board of Trustees of the Group has authorized the distribution of the whole or part of said annual fee paid by the Member to the Group and identified as the Member's Loss Fund for the Fiscal Year; and

WHEREAS, the Member hereby makes application for a distribution of the whole or part of the Loss Fund it paid to the Group for the Fiscal Year subject to the following terms and conditions.

NOW, THEREFORE, the Member does hereby declare and agree as considered under this Agreement:

1. The Member hereby acknowledges, affirms, and states, upon acceptance of the amount stated above as a conditional distribution of a whole or part of its Loss Fund paid to the Group for the Fiscal Year; that it may be liable for a whole or part of said amount to the Group for benefits payable under 85 O.S. § 1 *et seq.* contingent upon notification to the Group by the CompSource Oklahoma that benefits are due and payable for claims against the Member made for the Fiscal Year.
2. Upon notice by the CompSource Oklahoma to the Group as described herein, the Member shall make payment of the distribution described herein to the Group within sixty (60) days receipt of written notice from the Group.

(over)



RESOLUTION NO. 806

Oklahoma US Bike Route 66 Support Resolution

Whereas bicycle tourism is a growing industry in North America, contributing \$47 billion a year to the economies of communities that provide facilities for such tourists; and

Whereas the American Association of State Highway and Transportation Officials (AASHTO) has designated a corridor known as Route 66 beginning in Illinois and terminating in California to be developed as United States Bike Route 66 (USBR 66), and


Whereas the Oklahoma Bicycling Coalition, the Adventure Cycling Association, and other stockholders, have proposed a specific route to be designated as USBR 66, a map of which is herein incorporated into this resolution by reference, and

Whereas the proposed route for USBR comes through Clinton, Oklahoma and can therefore provide a benefit to our residents and businesses, and


Whereas we have investigated the proposed route and found it to be a suitable route, and desire that the route be designated so that it can be mapped and signed, thereby promoting bicycle tourism in our area,

Therefore be it resolved that Clinton, Oklahoma hereby expresses its approval and support for the development of USBR 66, and requests that the appropriate officials see to it that the route is officially designated by AASHTO as soon as this can be achieved, and authorizes the posting of signs when available or appropriate within the City of Clinton, Oklahoma right-of-way identifying the route through the community once the official designation has been made.

Passed and approved this 16 day of October, 2012.


Allen Bryson, Mayor

ATTEST:


Lisa Anders, City Clerk

RESOLUTION NO. 807

A RESOLUTION RELATING TO THE INCURRING OF INDEBTEDNESS BY THE TRUSTEES OF THE CLINTON PUBLIC WORKS AUTHORITY TO BE ACCOMPLISHED BY THE ISSUANCE OF REFUNDING REVENUE BONDS SERIES 2012 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$4,500,000.00 TO PROVIDE FUNDS TO REFUND CERTAIN OUTSTANDING INDEBTEDNESS OF THE AUTHORITY; AND DECLARING AN EMERGENCY

WHEREAS, The Clinton Public Works Authority, a public trust (the "Authority"), has been created by a Declaration of Trust for the use and benefit of the City of Clinton, Oklahoma (the "City"), under authority of and pursuant to the provisions of Title 60, Oklahoma Statutes 2011, Sections 176-180.3, inclusive, as amended and supplemented, the Oklahoma Trust Act and other applicable Statutes of the State of Oklahoma; and

WHEREAS, the Trustees of the Authority have determined upon a financing plan consisting of providing funds to refund certain outstanding indebtedness of the Authority; and

WHEREAS, in order to effect the said financing, the Trustees of the Authority intend to incur indebtedness in the aggregate principal amount of not to exceed \$4,500,000.00, said indebtedness to be evidenced by the issuance of Refunding Revenue Bonds Series 2012 (the "Bonds") of the Authority, pursuant to the terms and conditions contained in a Revenue Bond Indenture securing the Bonds (the "Indenture");

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLINTON,
OKLAHOMA:

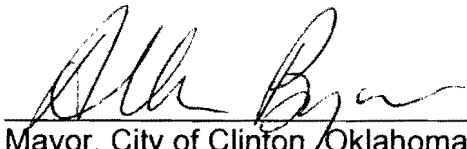
SECTION 1. The refunding plan and the financing thereof, as submitted, will provide for the restructuring and rescheduling of payments on indebtedness, thus relieving financial pressures upon the Authority and the City of Clinton, Oklahoma. The aforesaid project will serve the public purposes of the City and hereby is expressly determined to be in furtherance of the public purposes for which the Authority was created.

LAW OFFICE
JOHANNING AND BYROM, P.C.
OKLAHOMA CITY

SECTION 2. The incurring of indebtedness by the Trustees of The Clinton Public Works Authority in the aggregate principal amount of not to exceed \$4,500,000.00, in order to provide funds to refund certain outstanding indebtedness of the Authority, is hereby consented to and approved by the City Council of the City of Clinton, Oklahoma, the governing body of said City. The sale of the Bonds at a purchase price of par of the principal amount thereof is hereby expressly approved and competitive bidding upon the Bonds evidencing said indebtedness hereby is expressly waived.


SECTION 3. By reason of the need to provide funds to refund certain outstanding indebtedness of the Authority and for the immediate preservation of the public peace, health and safety, an emergency hereby is declared to exist and this Resolution shall be effective immediately upon its adoption.

ADOPTED this 16 day of October, 2012.



Mayor, City of Clinton, Oklahoma

ATTEST: (Seal)



City Clerk, City of Clinton, Oklahoma

LAW OFFICE
JOHANNING AND BYROM, P.C.
OKLAHOMA CITY

I, the undersigned City Clerk of the City of Clinton, Oklahoma, hereby certify that the foregoing is a true, correct and complete copy of a Resolution adopted by the governing body of said City at a meeting held on the date therein stated, as the same appears in the Minutes of said meeting on file in my office as a part of the official records thereof.



City Clerk, City of Clinton, Oklahoma

(Seal)