

**MINUTES OF THE CLINTON CITY COUNCIL
NOVEMBER 6, 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, November 6, 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 November 2, 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

OTHERS: Julie Menge, Mary Helen Jones, Stephen Jones, Chris Gander, Chris Byron, David Crabtree, Randy Carpenter, Ron Stephenson, Shane Fawver, Tracy Crawford, Carrie Miller, Glendene Goucher, Buzz & Nancy Goodwin, Patch McComas, Nancy Smith, Gene McCullough, Cheryl Lowry, L.R. Sights, Jerry Douglas, Brian Aneshansley, Keith Smith, Mike Taylor, Robert Mayfield, Howard McCormack, Dale Conley and others.

Interim Fire Chief Randy Carpenter 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 October 16, 2012 and Special Meetings on October 15, 2012, October 22, 2012 and October 29, 2012
- B. Consider Claims

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

Mayor put the motion to a roll call vote:

Aye: Smith, Marcy, Hulin, Rodolph, Bryson

Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. PUBLIC HEARING REGARDING ANNEXATION OF ROBINSON ADDITION

Mayor Bryson opened the public hearing asking for comments regarding the annexation of Robinson Addition.

There were no comments.

4B. CONSIDER ORDINANCE NO. 938 REGARDING ANNEXATION OF ROBINSON ADDITION

City Manager Steve Hewitt explained that this property was purchased by the Clinton Industrial Authority with the purpose of establishing a new housing development but the property is not inside the City limits.

Motion was made by Councilman Hulin and seconded by Councilwoman Smith to adopt Ordinance No. 938 annexing Robinson Addition to the City of Clinton.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4C. CONSIDER TRANSFER OF OWNERSHIP OF PROPERTY FROM THE CITY OF CLINTON TO THE CLINTON INDUSTRIAL AUTHORITY

City Manager Steve Hewitt explained that the property at Highway 183 and Frisco is owned by two entities. He said that Lot 23 is owned by the Clinton Industrial Authority and Lots 18-22 are owned by the City of Clinton. He said there has been some interest in the property so it needs to be owned by the Clinton Industrial Authority. He said if the transfer is approved, the City Attorney will prepare a Quit Claim deed.

Motion was made by Councilman Rodolph and seconded by Councilwoman Smith to approve the transfer of Lots 18-22 to the Clinton Industrial Authority.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4D. CONSIDER CHANGE ORDER #4 WITH COLONY CONSTRUCTION FOR RENOVATION OF POLICE STATION

City Manager Steve Hewitt explained the changes associated with Change Order #4 with Colony Construction. He said the change order is a credit of \$240.00. He said that interior signage was added, changed bollards to primed and omitted some concrete work in the lobby for a savings.

Motion was made by Councilwoman Smith and seconded by Councilman Hulin to approve Change Order #4 with Colony Construction for renovation of the Police Station.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4E. CONSIDER ORDINANCE NO. 939 REGARDING AMENMENT TO 1-10-3 OF CLINTON CITY CODE REGARDING APPOINTMENT OF MUNICIPAL JUDGE

City Manager Steve Hewitt explained that a conflict with the City Code and City Charter exists regarding the appointment of the Municipal Judge. He reported that the City Charter states that the City Manager will appoint the Municipal Judge but the City Charter states that the Mayor shall appoint the municipal judge in the event of any vacancy. He said the proposed ordinance will clean up the city code.

Councilman Rodolph said the City Charter prevails over the City Code and the change needs to be made to bring the City Code in compliance.

Motion was made by Councilman Rodolph and seconded by Councilman Marcy to adopt Ordinance No. 939 regarding amendment to 1-10-3 of Clinton City Code regarding appointment of Municipal Judge.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4F. CONSIDER AND ADOPT RESOLUTION NO. 808 RELATING TO THE INCURRING OF INDEBTEDNESS BY THE CLINTON PUBLIC WORKS AUTHORITY; WAIVING COMPETITIVE BIDDING THEREON; AND DECLARING AN EMERGENCY

City Manager Steve Hewitt explained that Resolution 808 is necessary so that the 2006 Revenue Bonds can be included in the refinancing project.

Motion was made by Councilman Hulin and seconded by Councilman Rodolph to adopt Resolution No. 808 relating to the incurring of indebtedness by the Clinton Public Works Authority, waiving competitive bidding thereon and declaring an emergency.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4G. CONSIDER ORDINANCE NO. 940 REGARDING CLOSING OF ALLEYWAY AT NEW FIRE STATION SITE

City Manager Steve Hewitt explained that the closing of the alley in the block of the new Fire Station is necessary.

Assistant City Attorney Ryan Meacham said that state statutes have changed and that appropriate action is necessary to close the alley.

Motion was made by Councilman Rodolph and seconded by Councilwoman Smith to adopt Ordinance No. 940 regarding the closing of the alleyway at the new Fire Station site.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Smith, Marcy, Hulin, Bryson

Nay: None

Mayor declared the motion carried.

5. CITY MANAGER'S REPORT

City Manager Steve Hewitt reported that the second set of test has gone out of the water well. He said the metal counts are being double checked. He said negotiations continue with property owners.

Hewitt reported that he and Public Works Director Stephen Jones would be attending the Governors Rural Water Conference next week.

6. AUDIENCE PARTICIPATION

Councilwoman Smith expressed her appreciation for the citizen coming the ward meeting and Mayor's forum held during October.

AGENDA ITEM NO. 8: ADJOURNMENT

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

Mayor put the motion to a roll call vote:

Aye: Rodolph, Hulin, Smith, Marcy, Bryson

Nay: None

Mayor declared the meeting adjourned at 6:30 P.M.

ORDINANCE NO. 938

AN ORDINANCE ANNEXING TO THE CITY OF CLINTON, OKLAHOMA, PROPERTY SITUATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 12 NORTH, RANGE 17 W.I.M., CUSTER COUNTY

Whereas, the City Council of the City of Clinton, Oklahoma, deems it proper to annex the property herein below described and that such annexation will rebound to the benefit of said City of Clinton; and

Whereas, the owner of the land lying within the area proposed for annexation have submitted a request to the City of Clinton that the subject property be annexed by and to the City of Clinton, and hereby made a part of the land area within the corporate boundaries of the City of Clinton; and


Whereas, the subject property is hereby described as:

SURFACE AND SURFACE INTEREST ONLY IN AND TO: A tract of land in the northwest quarter of the northwest quarter of the northeast quarter of Section 34, Township 12 North, Range 17 W.I.M, Custer County, Oklahoma. Also being described by metes and bounds as follows: Beginning at the Northwest corner of said NE 1/4; thence S89°37'25"E and along the north line of said NE ¼ a distance of 661.38 feet; thence S0°21'15"W a distance of 663.87 feet; thence N89°36'56"W a distance of 662.17 feet to a point on the west line of said NE ¼; thence N0°25'20"E and along said west line a distance of 663.78 feet to the point of beginning, containing 10.085 computed acres more or less.

Now therefore, be it ordained by the City Council of the City of Clinton, Oklahoma.

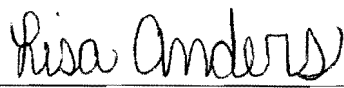
- SECTION 1. The Subject property is hereby annexed and added to the City of Clinton, Oklahoma.
- SECTION 2. The subject property shall be zoned R-1 Single Family District.
- SECTION 3. It is deemed and declared necessary for the preservation of the public health, peace and safety that the subject property should be annexed and zoned from and after its passage, approval and publication.

Passed and approved this 6 day of November, 2012.



ALLEN BRYSON, Mayor

ATTEST:



LISA ANDERS, City Clerk

ORDINANCE NO. 939

**AN ORDINANCE AMENDING 1-10-3
OF THE CLINTON CITY CODE TO COMPLY WITH
ARTICLE 5-1 OF THE CITY CHARTER**

WHEREAS, 1-10-36(B) Of the Clinton City Code provides that the Mayor shall appoint the municipal judge, with the consent of the Council.

WHEREAS, 1-10-3 (C)(2) provides that the Mayor shall appoint the municipal judge in the event of any vacancy.

WHEREAS, 5-1 of the City Charter provides that the municipal judge shall be appointed by the City Manager.

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

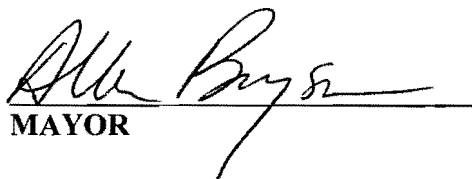
I. Section 1-10-3(B) shall read as follows:

The judge shall be appointed by the City Manager.

II. Section 1-10-3 (C)(2) shall read as follows:

Upon the occurrence of a vacancy in the office of judge, the City Manager shall appoint a successor to complete the unexpired term, upon the same procedure as an original appointment is made.

PASSED AND DULY ADOPTED by the Council of the City of Clinton, Oklahoma this 6 day of November, 2012.


MAYOR

ATTEST:


CITY CLERK

(SEAL)

ORDINANCE NO. 940

AN ORDINANCE PROVIDING APPROVAL BY THE CITY OF CLINTON, OKLAHOMA, OF THE CLOSING OF A STRIP OF LAND BETWEEN LOTS 1-26, BLOCK 61 OF THE ORIGINAL TOWNSITE OF CLINTON, ACCORDING TO THE RECORDED PLAT THEREOF, IN CUSTER COUNTY, OKLAHOMA.

WHEREAS, The City of Clinton owns all of the West 95' of Lots 1-13 and all of Lots 19-26 in Block 61 of the Original Townsite of Clinton.

WHEREAS, The City of Clinton intends to construct a fire station on the subject property, including the alleyway that divides the block.

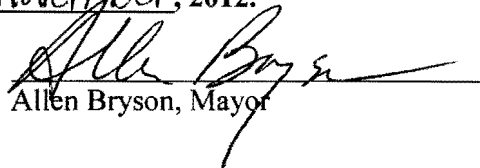
WHEREAS, The City of Clinton has complied with all provisions of 11 Okla. Stat. § 42-110 and City of Clinton Resolution 805.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF CITY OF CLINTON, OKLAHOMA: That the 20' strip of land identified as an alley, in Block 61 of the Original Townsite of the City of Clinton shall be and the same is closed to public use.

It is further determined that for the immediate preservation of the peace, health or safety of the City of Clinton, Oklahoma, and to expedite the most desirable use of the subject alley area that this ordinance become effective without delay.

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 DULY APPROVED this 6 day of November, 2012.


Allen Bryson, Mayor

ATTEST:



Lisa Anders, City Clerk

(SEAL)

RESOLUTION NO. 808

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 \$6,000,000.00 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 \$6,000,000.00, 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 \$6,000,000.00, 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 6 day of November, 2012.



Mayor, City of Clinton, Oklahoma

ATTEST: (Seal)



City Clerk, City of Clinton, Oklahoma