

**MINUTES OF CLINTON PUBLIC WORKS AUTHORITY MEETING  
FEBRUARY 18, 2014**

Minutes of the regular meeting of the Chairman and Trustees of the Clinton Public Works Authority of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, February 18, 2014, 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 February 13, 2014.

Chairman Seth Adams called the meeting to order with the following present;

**MAYOR:** Seth Adams

**COUNCIL:** Don Rodolph, Wheeler Lowry, Jason Hulin, Mustafa Sami

**CITY MANAGER:** Steve Hewitt

**CITY CLERK:** Lisa Anders

**CITY TREASURER:** Debra Blanchard

**CITY ATTORNEY:** Ryan Meacham

**NEWS MEDIA:** Gerald Green

**OTHERS:** Randy Carpenter, Kris Wermey, Gene McCullough, Curtis Maloy, Stephen Jones, Conan Wilson, Julie Menge, Narci Smith, Mary Helen Jones, Clyde Morgan, Jeremy Brush, Toby Anders, Rod Serfoss, Cindy Box, Kent Miller, Kelly Somner, Annette Reed, Cheryl McCullers, Tina Challis, Debbie Tupper, Russ Meacham, Bret Matlock, Donald Webb, Connie Cummins, Angie Weil, Donna Burton, Bobby Richardson and others.

Fire Chief Randy Carpenter opened the meeting with prayer and Trustee Lowry led the Pledge of Allegiance.

**AGENDA ITEM NO. 3: CONSENT AGENDA**

A. Minutes of Regular Meeting of February 4, 2014

Moved by Trustee Hulin and seconded by Trustee Lowry that Consent Agenda Item No. 3 (a) be approved.

Chairman put the motion to a roll call vote:

Aye: Hulin, Lowry, Sami, Rodolph, Adams

Nay: None

Chairman declared the motion carried.

**AGENDA ITEM NO. 4 ACTION ITEMS**

**4A. CONSIDER LEASE AGREEMENT WITH ALLIED WASTE SYSTEM**

City Manager Steve Hewitt explained that this item is on the Public Works Authority agenda because the Public Works Authority owns the property rather than the Solid Waste Authority. He said the City Attorney has reviewed the amendment to extend the lease agreement. He said the property is leased and the building is owned by Allied Waste System.

Trustee Lowry asked if Allied had rejected a long term agreement.

City Manager Hewitt said the negotiated new agreement is for a five year amendment extension to concur with the trash agreement that has unlimited five year term extensions.

Motion was made by Trustee Rodolph and seconded by Trustee Lowry to approve the lease agreement with Allied Waste System.

Chairman put the motion to a roll call vote:

Aye: Rodolph, Lowry, Sami, Hulin, Adams  
Nay: None

Chairman declared the motion carried.

**4B. DISCUSSION WITH LEGAL COUNSEL REGARDING PENDING LITIGATION REGARDING FOSS MASTER CONSERVANCY DISTRICT INCLUDING AN EXECUTIVE SESSION AS AUTHORIZED BY 25 O.S. ss 307B(4)**

Trustee Rodolph said he was not in favor of going into executive session. He said the Foss Board members got the rates down so he was not in favor of entering into litigation. He said he felt the City had no more answers to the water issues than we had three years ago. He recommended looking at the Burns Flat well field and an agreement with OSIDA for a well. He recommended continuing negotiations with Canute and testing wells rather than hiring engineers. He recommended looking into polypine to Clinton Lake rather than lying lines the five miles. He said Clinton has always had two sources of water so Clinton would continue with Foss also. He said three sources of water would be better even if it required hiring someone full time to focus on the water issue.

Chairman Adams said an executive session would allow trustees to be advised on how to handle significant rate increases.

Trustee Lowry said the due diligence has been done with the rates. He felt the rate increases are justified because Foss should be financially sound. He said this would give a bad signal.

City Manager Hewitt said that agenda items can be requested by the Mayor and staff can put agenda items on the agenda. He said he met with the City Attorney to ask if this item would be appropriate to allow a discussion with the trustees.

Chairman Adams asked if Foss is financially stable.

City Manager Hewitt said he would prefer a third party to answer that question.

Chairman Adams asked if it is possible to negotiate with Foss to reduce the rates.

City Manager Hewitt said that Foss has lowered the increase.

Trustee Hulin said while time is spent on water sources, the cost goes up also. He suggested focusing on a second water source.

Trustee Sami said his past experience is that litigation only benefits attorneys. He asked why not explore the options outlined by Trustee Rodolph.

Chairman Adams said that an executive session does not mean "sue".

City Manager Hewitt said the City has the duty to protect citizens and past negotiation resulted in a lower rate. He felt the Executive Session with Legal Counsel would provide the Trustees with options to fight

for citizens and businesses. He asked for direction from the Trustees. He said if changes are to be discussed it would require agenda items for the next meeting.

Trustee Lowry said he felt that long term issues have gotten the City in a bind for short term issues.

Trustee Rodolph recommended talking with Kevin Nightengale about purchasing water and putting it in Lake Clinton.

#### **AGENDA ITEM NO. 5 TRUSTEE REPORT**

Trustee Hulin asked about the status of the Clinton Water Treatment Plant chlorine room.

City Manager Hewitt said the chlorine room does not meet Department of Environmental Quality regulations since it does not meeting current codes. He said an engineer would need to look at the facility. He said a presentation would be made at the next meeting.

Trustee Hulin suggested looking at water from the Acme well.

City Manager Hewitt said the water has been tested and would require a treatment process we currently cannot provide. He said it could possibly be blended water but DEQ would have to sign off on this.

Jeremy Brush said the well at Haggard Road had tested high in uranium.

Chairman Adams said that anytime a leader asked to go into Executive Session and it is decided otherwise, it is a mistake.

#### **AGENDA ITEM NO. 6: MANAGER'S REPORT**

City Manager Steve Hewitt reported that the ice pigging would start tomorrow and he would report back on the progress in two weeks.

#### **AGENDA ITEM NO. 7: AUDIENCE PARTICIPATION**

Curtis Maloy said he had attended the Foss meeting where the increased rates were discussed and he described it as hostile but that David Berrong had worked with the members. He also suggested cleaning up Lake Clinton while the water is low.

City Manager Steve Hewitt said the Bobcat Forestry Division will be clearing up the area within the next two weeks.

#### **AGENDA ITEM NO. 8: ADJOURNMENT**

Moved by Trustee Sami and seconded by Trustee Hulin to adjourn the meeting.

Chairman put the motion to a roll call vote:

Aye: Sami, Hulin, Rodolph, Lowry, Adams

Nay: None

Chairman declared the meeting adjourned at 6:25 p.m.