

**MINUTES OF THE CLINTON CITY COUNCIL  
MARCH 7, 2017**

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, March 7, 2017 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 Friday, March 3, 2017.

Mayor David Berrong called the meeting to order with the following present:

**MAYOR:** David Berrong

**COUNCIL:** Don Rodolph, Chuy Rosales, Bobby Stewart

**ABSENT:** Jason Hulin

**CITY MANAGER:** Mark Skiles

**CITY CLERK:** Lisa Anders

**CITY TREASURER:** Debra Blanchard

**CITY ATTORNEY:** Ryan Meacham

**NEWS MEDIA:** Gerald Green and Mike Smith

**OTHERS:** Gene McCullough, David Crabtree, Lonnie Teel, Donald Webb, Conan Wilson, Julie Burden, Brenda Denton, Carla Howe, Brian Meiers, Joyce Kenney, Cheryl & Billy McCullers, Canda Dupree, Ray Schapansky, Rod Serfoss, Kelsie South, Max McKinsey, Narci Smith, Sylvia Woods, Matthew Blakeburn, Cody Brittain, Walt Schumacher, Keaton Modi, Seth Adams and others.

Willie Coop of the First Christian Church opened the meeting with prayer and Councilman Bobby Stewart led the Pledge of Allegiance.

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

- A. Minutes of Regular Meeting of February 21, 2017
- B. Consider Claims

Motion was made by Councilman Rosales and second by Councilman Rodolph that Consent Agenda Item No. 3 (a-b) be approved.

Mayor put the motion to a roll call vote:

Aye: Rosales, Rodolph, Stewart, Berrong

Nay: None

Mayor declared the motion carried.

**AGENDA ITEM NO. 4 ACTION ITEMS**

**4A. CONSIDER CHANGE ORDER 1 WITH IGO, INC. FOR THE CLINTON COMMERCE CENTER PROJECT**

Inspector Lonnie Teel explained that the change order is for a lift for a fire hydrant at the Clinton Commerce Center.

Councilman Stewart asked why this was not addressed in the original plans for the center.

Teel explained that the bids were taken by line item and not all change order are for increases. This lift was not listed as the bid so it had to be addressed as a change order.

City Manager Skiles said this change order makes the project best for the community.

Motion was made by Councilman Rodolph and seconded by Councilman Rosales to approve change order #1 with Igo, Inc. for the Clinton Commerce Center project.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Rosales, Stewart, Berrong  
Nay: None

Mayor declared the motion carried.

**4B. CONSIDER CHANGE ORDER 4 WITH LONEHICKORY CATTLE CO. FOR GOLF COURSE RAW WATERLINE PROJECT**

Lonnie Teel explained that this change order is to balance out the itemized list and credit back for things not completed.

City Manager Mark Skiles said the city had added items such as a direction drilling due to the request of the railroad for their right-of-way.

Motion was made by Councilman Rodolph and seconded by Councilman Rosales to approve Change Order #4 with Lonehickory Cattle Co. for the Golf Course Raw waterline project.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Rosales, Stewart, Berrong  
Nay: None

Mayor declared the motion carried.

**4C. CONSIDER FINAL PAY APPLICATION FOR GOLF COURSE RAW WATERLINE PROJECT WITH LONEHICKORY CATTLE CO.**

Motion was made by Councilman Rosales and seconded by Councilman Rodolph to approve the final pay application to Lonehickory Cattle Co. for the Golf Course Raw waterline project.

Mayor put the motion to a roll call vote:

Aye: Rosales, Rodolph, Stewart, Berrong  
Nay: None

Mayor declared the motion carried.

**4D. CONSIDER AND TAKE ACTION ON TASK ORDER #9 WITH BURNS & MCDONNELL FOR CONSTRUCTION PHASE ENGINEERING SERVICES ASSOCIATED WITH PROPOSED WATER TREATMENT PLANT**

Brian Meiers of Burns & McDonnell explained that the task order is for the construction phase of the reverse osmosis plant which should run from 18 to 20 months. He said they would look to move the plant west which would result in a cost reduction.

Motion was made by Councilman Rodolph and seconded by Councilman Stewart to approve Task Order #9 for the construction phase engineering services associated with the proposed water treatment Plant.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Stewart, Rosales, Berrong

Nay: None

Mayor declared the motion carried.

**4E. CONSIDER AND TAKE ACTION ON TASK ORDER #10 WITH BURNS & MCDONNELL FOR CONCENTRATE DISPOSAL ALTERNATIVE EVALUATION FOR THE PROPOSED WATER TREATMENT PLANT**

Brian Meiers of Burns & McDonnell explained that the task order is for reviewing the disposal of concentrate and looking at the hydraulic capacity of the plant. He said they would be changing the water quality and modifying the discharge permit with the Department of Environmental Quality.

Motion was made by Councilman Rodolph and seconded by Councilman Rosales to approve Task Order #10 for concentrate disposal alternative evaluation for the proposed water treatment plant.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Rosales, Stewart, Berrong

Nay: None

Mayor declared the motion carried.

**4F. CONSIDER AND TAKE ACTION ON STREET CLOSING REQUEST BY MATTHEW BLAKEBURN ON MARCH 25, 2017**

Matthew Blakeburn said he would be photographing a wedding and the request is to close Frisco from 4<sup>th</sup> to 5<sup>th</sup> Street from 4:30 pm to 7:30 P.m.on Saturday, March 25, 2017.

Motion was made by Councilman Rodolph and seconded by Councilman Stewart to authorize the closing of Frisco from 4-5<sup>th</sup> Street on March 25, 2017 from 4:30 to 7:30 P.M.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Stewart, Rosales, Berrong

Nay: None

Mayor declared the motion carried.

**4G. CONSIDER NOMINATION TO TRUSTEE ELECTION FOR THE OKLAHOMA MUNICIPAL ASSURANCE GROUP BOARD OF TRUSTEES**

Motion was made by Councilman Rodolph and seconded by Councilman Rosales to nominate Mark Skiles to the Oklahoma Municipal Assurance Group Board of Trustees.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Rosales, Stewart, Berrong,  
Nay: None

Mayor declared the motion carried.

**4H. CONSIDER RESOLUTION 872 REGARDING THE CLOSING OF WASHITA COUNTY PRECINCT FOR SPECIAL ELECTION OF MAY 9, 2017**

City Clerk Lisa Anders explained that Election Board Secretary had notified the City that since there are no potential voters in the Washita County precinct that the City of Clinton could request in the resolution that the polling place be closing for this election. She estimated that this would save the City approximately \$600.00 per election.

Motion was made by Councilman Rosales and seconded by Councilman Stewart to approve resolution 872 regarding the closing of Washita County precinct.

Mayor put the motion to a roll call vote:

Aye: Rosales, Stewart, Rodolph, Berrong  
Nay: None

Mayor declared the motion carried.

**4I. CONSIDER ORDINANCE NO. 977 REGARDING CHANGE IN USE OF FUNDS AND CREATING FUNDS FOR PROMOTION AND FOSTERING OF TOURISM AND CREATING A COMMITTEE FOR THE REVIEW OF GRANT FUNDS REQUEST**

Cheryl McCullers, Chairman of the Executive Board of Chamber of Commerce, explained the proposal for use of the 5% lodging tax. She said that proposals would be reviewed by the Board for funding of events and activities that would draw events and meetings to town and bring visitors to the city. She explained that the application process would consist of five members of the Executive Board to look at the economic impact to the community and bring a recommendation to the Council for final decision.

Councilman Stewart asked by the Council would have the final decision rather than the Chamber.

City Manager Mark Skiles pointed out that the Tourism Fund Committee, not the Chamber of Commerce will be the reviewing body.

City Attorney Ryan Meacham said the City can't designate public funds to private entities. He said the city must have the say-so over the funding.

Motion was made by Councilman Rodolph and seconded by Councilman Rosales to adopt Ordinance No. 977 regarding the change in use of funds and creating funds for promotion and fostering of tourism and creating a committee for the review of grant funds request.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Rosales, Stewart, Berrong  
Nay: None

Mayor declared the motion carried.

City Manager Skiles expressed his appreciation to the Chamber of Commerce for stepping up with the proposal.

**4J. CONSIDER RESOLUTION NO. 873 CALLING FOR A ELECTION TO ALLOW FOR A CHANGE IN USE OF FUNDS AND CREATING A FUND FOR THE PROMOTION AND FOSTERING OF TOURISM AND CREATING A COMMITTEE FOR THE REVIEW OF GRANT FUNDS REQUEST**

Motion was made by Councilman Rosales and seconded by Councilman Stewart to approve Resolution No. 873 calling for a special election on May 9, 2017.

Mayor put the motion to a roll call vote:

Aye: Rosales, Stewart, Rodolph, Berrong  
Nay: None

Mayor declared the motion carried.

**4K. CONSIDER AND TAKE ACTION ON ELECTION PROCLAMATION REGARDING RESOLUTION NO. 873 FOR SPECIAL ELECTION**

Motion was made by Councilman Rosales and seconded by Councilman Rodolph to approve the election proclamation regarding Resolution 873 for a special election.

Mayor put the motion to a roll call vote:

Aye: Rosales, Rodolph, Stewart, Berrong  
Nay: None

Mayor declared the motion carried.

**4L. CONSIDER AND TAKE ACTION ON RESOLUTION NO. 874 ESTABLISHING STANDARDS FOR THE REVIEW OF GRANT FUNDS REQUESTS FOR THE PROMOTION OF TOURISM**

Motion was made by Councilman Rosales and seconded by Councilman Stewart to approve Resolution 874 establishing the standards for the review of grant funds for the promotion of tourism.

Mayor put the motion to a roll call vote:

Aye: Rosales, Stewart, Rodolph, Berrong  
Nay: None

Mayor declared the motion carried.

**AGENDA ITEM NO. 5: TRUSTEE'S REPORT**

Councilman Rosales asked if there were any developments on a recycling program.

City Manager Mark Skiles said the current facility is operating with a pickup every two to three weeks.

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

City Manager Mark Skiles reported that the award for the construction of the reverse osmosis plant has been awarded to Wynn Construction. He asked Brian Meiers if a recommendation regarding the size of the plant has been prepared.

Brian Meiers said the difference in pricing for the two size plants is \$2,000,000.00 and he felt that the timing and relocation of the plant would be favorable to construct the larger plant. He said that contracts with Wynn Construction are ready to execute and then the Notice to Proceed would be issued. He said the start date would be in less than 60 days.

Councilman Stewart asked when the Lincoln Addition waterline project would be completed.

City Manager Mark Skiles said that Igo, Inc. would be working there next week. He has been delaying while working on the Commerce Industrial Center project.

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

Walt Schumacher discussed the lodging tax and the promotion of tourism. He suggested an alternate plan for the 15% that had been discussed earlier. He suggested allocating 25% of the lodging tax to the operation of the Frisco Center and 60% to tourism other than the 15% for the grant funding. He discussed billboards, advertising and Google ad words. He also suggested re-evaluating the resolution for the ballot to allow the change of percentages and not have to bring it back for a vote of the people.

**AGENDA ITEM NO. 8: ADJOURNMENT**

Moved by Councilman Stewart and seconded by Councilman Rosales to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Stewart, Rosales, Rodolph, Berrong

Nay: None

Mayor declared the meeting adjourned at 6:40 p.m.

**A RESOLUTION CALLING FOR ELECTION FOR ORDINANCE AMENDING ORDINANCE 620 (CODE SECTION 3-2-7), AS AMENDED, PROVIDING FOR THE REALLOCATION OF THE REVENUES COLLECTED; CREATING A FUND AMOUNT AND PROVIDING FOR THE PURPOSE THEREOF; PROVIDING AN EFFECTIVE DATE; PROVIDING THAT PROVISIONS ARE CUMULATIVE; AND, PROVIDING FOR SEVERABILITY.**

WHEREAS, the Council of the City of Clinton desires to amend Ordinance 620 (Code Section 3-2-7) to reallocate a portion of the One percent (1%) excise tax to the general fund.

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

SECTION 1: That an election shall be called on May 9, 2017, for the purpose of submitting to the qualified electors of the City of Clinton a proposition for their acceptance or rejection of an amendment to Ordinance 620 (Code Section 3-2-7) of the City of Clinton, Oklahoma, as follows:

SECTION 2: Ordinance 620 (Code Section 3-2-7) shall be amended to read as follows:

A. Original Tax:

1. There is hereby levied an excise tax of three percent (3%) upon the gross receipts derived from all sales taxable under the Oklahoma sales tax code. All other provisions of this chapter to the contrary notwithstanding, such tax is also levied on all sales of natural or artificial gas and electricity.
2. The revenues provided to the city by the city sales tax shall be for the following declared purposes:
  - a. Two-thirds (2/3) of the revenues shall be devoted to the support of the functions of the municipal government of the city.
  - b. The other One Third (1/3) of the revenues shall be allocated as follows, for each fiscal year:
    - i. The first Three Hundred Thousand Dollars (\$300,000.00) of the revenues produced shall be paid into the general fund to the support the functions of the municipal government;
    - ii. The next One Million Dollars (\$1,000,000.00) shall be paid into a fund created for the making of Capital Improvements of the City, including the making of payments of principal and interest on any indebtedness incurred by the City for Capital Improvement Projects;
    - iii. Any additional amounts shall be paid into the general fund to the support of the functions of the municipal government.

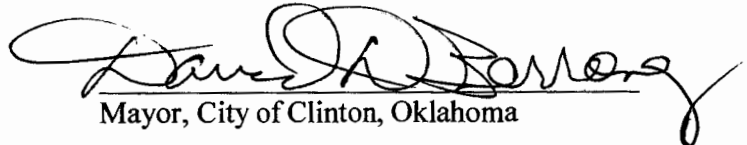
SECTION 3: Request that the Washita Precinct #750012 be closed due to less than 100 voters.

SECTION 4: The provisions of the Ordinance Amendment shall be effective immediately after the election, if approved.


SECTION 5: The provisions of this Amendment shall be cumulative and in addition to any and all other taxing provisions of Ordinance 620.

SECTION 6: The provisions of this Amendment is severable and if any part or provision thereof shall be determined invalid, such determination shall not affect or impair any of the remaining parts or provisions hereof.

PASSED AND APPROVED this 7 day of March, 2017.

  
Mayor, City of Clinton, Oklahoma

ATTEST:

  
City Clerk, City of Clinton, Oklahoma

**A RESOLUTION CALLING FOR ELECTION FOR A PROPOSED AMENDMENT AMENDING ORDINANCE 831 AND ORDINANCE 831a (CODE SECTION 3-5-2) TO ALLOW FOR A CHANGE IN THE USE OF FUNDS; TO CREATE A FUND FOR THE PROMOTION AND FOSTERING OF TOURISM; CREATING A COMMITTEE FOR THE REVIEW OF GRANT FUNDS REQUESTS; PROVIDING AN EFFECTIVE DATE; PROVIDING THAT PROVISIONS ARE CUMULATIVE; AND, PROVIDING FOR SEVERABILITY**

WHEREAS, the Council of the City of Clinton desires to amend Ordinance 831 and Ordinance 831a (Code Section 3-5-2) to allow for a change in the use of funds to a new fund for the purpose of encouraging promotion and fostering tourism.

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

SECTION 1: That an election shall be called on May 9, 2017, for the purpose of submitting to the qualified electors of the City of Clinton a proposition for their acceptance or rejection of an amendment to Ordinance 831 and Ordinance 831a (Code Section 3-5-2) of the City of Clinton, Oklahoma, as follows:

SECTION 2: Section \_\_\_\_\_ (Code Section 3-5-5) shall be amended to read as follows:

A. All taxes collected pursuant to the provisions of this chapter shall be allocated, as they are received, as follows:

- 1) Eighty Five Percent (85%) shall be allocated to the operation and maintenance of the Frisco Center;
- 2) Fifteen Percent (15%) to a fund for the purpose of encouraging promotion and fostering tourism, conventions or special events, and promote interest in the facilities for the development of conventions, tourism and special events within the City. The monies in this fund shall be administered by a committee established in subsection B of this chapter, called the "Convention & Visitors Committee."

B. Convention & Visitors Committee.

- 1) Creation/Membership/Term: The council hereby creates a Convention & Visitors Committee. The members of the Committee shall, ex officio, be the same persons who are acting members of the Clinton Chamber of Commerce's

Executive Board, for the same duration as they shall occupy their Board seat.

- 2) Functions: The Committee shall meet monthly, after the regularly scheduled meeting of the Chamber's Executive Board. The Committee shall obtain information and provide advice and recommendations to the City Manager and Council with respect to tourism activities and opportunities. Additionally, the Committee shall be responsible for accepting and vetting Grant Fund Applications from individuals and entities seeking funding for conventions, athletic events, festivals, and similar events, which promote tourism in Clinton. The Committee shall utilize standards promulgated by resolution of the Council to review applications and make recommendations to Council for the approval and release of the funds.
- 3) All Grant Fund Applications, which are approved by a majority vote of the Committee, shall be presented to the City Council for approval and release of the funds.

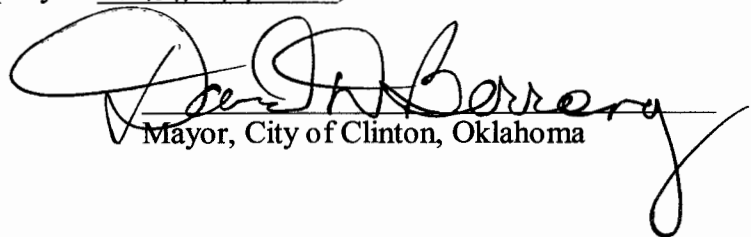
SECTION 3: Request that the Washita Precinct #750012 be closed due to less than 100 voters.

SECTION 4: The provisions of the Resolution shall be effective immediately after the election, if approved.


SECTION 5: The provisions of this Resolution shall be cumulative and in addition to any and all other taxing provisions of Ordinance 831 and Ordinance 831a.

SECTION 6: The provisions of this Resolution are severable and if any part or provision thereof shall be determined invalid, such determination shall not affect or impair any of the remaining parts or provisions hereof.

PASSED AND APPROVED this 7 day of March, 2017.

  
Mayor, City of Clinton, Oklahoma

ATTEST:

  
City Clerk, City of Clinton, Oklahoma

**A RESOLUTION ESTABLISHING STANDARDS FOR THE REVIEW OF GRANT FUNDS REQUESTS FOR THE PROMOTION OF TOURISM PURSUANT TO ORDINANCE 977; PROVIDING AN EFFECTIVE DATE; PROVIDING THAT PROVISIONS ARE CUMULATIVE; AND, PROVIDING FOR SEVERABILITY**

WHEREAS, the Council of the City of Clinton has amend Code Section 3-5-2 to allow for a change in the use of funds and has created a new fund for the purpose of encouraging promotion and fostering tourism, which requires administration and review.

WHEREAS, Ordinance 977 requires that the Council promulgate standards by which Grant Funds Requests should be reviewed.

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

SECTION 1:

1. All applicants for Grant Funds shall complete and submit an application which shall include the following information
  - 1.1. Applicant's organization name and contact information;
  - 1.2. Contact information for an Event Organizer who will serve as the point of contact;
  - 1.3. General information regarding the meeting or event, including but not limited to:
    - 1.3.1. the name of the meeting/event;
    - 1.3.2. dates of the meeting/event; and
    - 1.3.3. a description for the proposed use of the requested funds;
  - 1.4. Estimates of the anticipated economic benefit to the City of Clinton;
  - 1.5. An acknowledged signature of an Event Organizer; and
  - 1.6. The amount of Grant Funds requested
2. Fully completed applications must be submitted, to the Clinton Chamber of Commerce office at 101 S. 4<sup>th</sup> St., Clinton, OK, a minimum of thirty (30) days prior to the 1<sup>st</sup> Tuesday of the month which proceeds the proposed event.
3. Incomplete applications shall not be accepted or reviewed by the Convention and

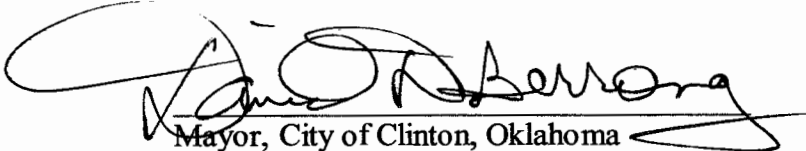
Visitors Committee.

4. Organizations which receive Grant Funds must provide advertising recognition and visibility for the City of Clinton and the Clinton Chamber of Commerce on all printed and electronic media before, during, and after the meeting and/or event by including the recognition line, "Funded, in-part, by Clinton Hotel/Motel Tax".
5. Grant money, which is approved for advertising must be used to promote the meeting and/or event to markets outside the Clinton area, as an effort to increase visibility and event attendance to Clinton.
6. If a meeting or event cancels for any reason, after a grant award has been funded, the Organization must repay all funds received within thirty (30) days of the scheduled event.
7. The Convention and Visitors Committee shall analyze each application with the purpose of determining whether the proposed meeting or event will foster and promote interest and tourism in the City of Clinton; specifically with regard to the potential economic impact upon businesses within the City of Clinton

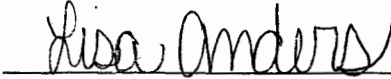
SECTION 2: The provisions of the Resolution shall be effective immediately after the election, if approved.

SECTION 3: The provisions of this Resolution are severable and if any part or provision thereof shall be determined invalid, such determination shall not affect or impair any of the remaining parts or provisions hereof.

PASSED AND APPROVED this 7 day of March, 2017.

  
Mayor, City of Clinton, Oklahoma

ATTEST:

  
City Clerk, City of Clinton, Oklahoma

**ELECTION PROCLAMATION**

Pursuant to Resolution No. 873 of the City Council of the City of Clinton, Oklahoma authorizing the calling of an election for the purposes hereinafter set forth, I, the undersigned Mayor of the City of Clinton, Custer County, Oklahoma, hereby call a special election to be held on the 9 day of May, 2017, within said City of Clinton, Oklahoma, for the purpose of submitting to the qualified electors of the City of Clinton, Oklahoma, for their approval or rejection of the following proposition:

**PROPOSITION**

SHALL A PROPOSITION OF THE CITY OF CLINTON, OKLAHOMA, ENTITLED:

**A PROPOSITION AMENDING ORDINANCE 831 AND ORDINANCE 831a (CODE SECTION 3-5-2) TO ALLOW FOR A CHANGE IN THE USE OF FUNDS; TO CREATE A FUND FOR THE PROMOTION AND FOSTERING OF TOURISM; CREATING A COMMITTEE FOR THE REVIEW OF GRANT FUNDS REQUESTS; PROVIDING AN EFFECTIVE DATE; PROVIDING THAT PROVISIONS ARE CUMULATIVE; AND, PROVIDING FOR SEVERABILITY**

BE APPROVED?

The ballot used at said election shall set out the proposition as above set forth, and shall also contain the words: TO VOTE, COMPLETE THE ARROW POINTING TO YOUR CHOICE, LIKE THIS

FOR THE PROPOSITION	-	YES
AGAINST THE PROPOSITION	-	NO

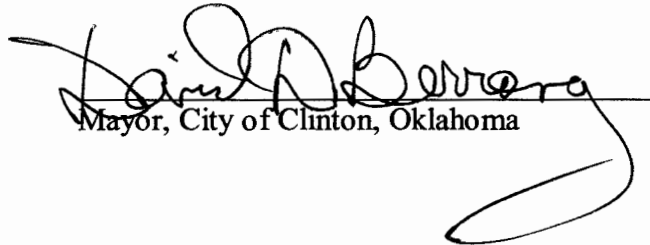
If the voter desires to vote for the above proposition, he shall complete the arrow point to the choice "YES FOR THE PROPOSITION". If he desires to vote against the above proposition, he shall complete the arrow pointing to the choice "NO AGAINST THE PROPOSITION".

The polls shall be opened at 7:00 a.m. and remain open continuously and be closed at 7:00 p.m. on the day of the election.

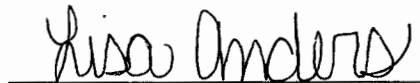
The number and location of the polling places for said election shall be the same as the regular precinct polling places designated by the Custer County Election Board, which officers shall also act as counters.

Returns of said election will be canvassed by the County Election Board of Custer County and results will be certified by said Custer County Election Board to the City of Clinton through the City Clerk.

WITNESS my hand as Mayor of the City of Clinton, Oklahoma, this 7 day of March, 2017.

  
Mayor, City of Clinton, Oklahoma

ATTEST:

  
Lisa Anders, City Clerk

(SEAL)