

**MINUTES OF THE CLINTON CITY COUNCIL
SEPTEMBER 3, 2019**

Minutes of the regular meeting of the Mayor and Councilmen of the Clinton City Council, City of Clinton, Oklahoma, Custer County, held in the City Council Room, City Hall on Tuesday, September 3, 2019 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 Thursday, August 29, 2019.

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

MAYOR: David Berrong

COUNCIL: Bobby Stewart, Jason Hulin, Chuy Rosales, Ernie Dowdell

CITY MANAGER: Mark Skiles

CITY CLERK: Absent

CITY TREASURER: Debra Blanchard

CITY ATTORNEY: Ryan Meacham

NEWS MEDIA: Gerald Green

OTHERS: Paul Rinkel, Roland Mower, Max McKinsey, Michael Hixson, Toby Anders, Amanda Arvizo, Debbie Carlisle, Brent Basler, Jake Walton and others.

Merlanda Dorman of the Cornerstone 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 August 20, 2019

B. Consider Claims

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

Mayor put the motion to a roll call vote:

Aye: Dowdell, Stewart, Hulin, Rosales, Berrong

Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 4: ACTION ITEMS

4A. CONSIDER AND TAKE ACTION ON ORDINANCE NO. 995 REGARDING PUBLIC SERVICE OF OKLAHOMA 25 YEAR FRANCHISE AGREEMENT

Michael Hixson provided Ordinance No. 995 with the only change to section 9 which gives Clinton the option to add a separate economic development fee of 1% which is not automatic with renewal. The City will need to submit a written notice of intention to add to the election ballot on November 12, 2019. The deadline to meet to have a vote added to the ballot is September 12, 2019, therefore they will call a special meeting on September 6, 2019 to approve the 1% increase vote to be added to the coming election.

Motion was made by Councilman Stewart and seconded by Councilman Dowdell to table this item until the special meeting on September 6, 2019.

Mayor put the motion to a roll call vote:

Aye: Dowdell, Rosales Hulin, Stewart, Berrong
Nay: None

Mayor declared the motion carried.

4B. CONSIDER AND TAKE ACTION ON RESOLUTION NO. 898 REGARDING CALLING SPECIAL ELECTION FOR PUBLIC SERVICE 25 YEAR FRANCHISE AGREEMENT

Motion was made by Councilman Stewart and seconded by Councilman Dowdell to approve Resolution 898 calling for a special election for Public Service 25 year franchise agreement.

Mayor put the motion to a roll call vote:

Aye: Stewart, Dowdell, Hulin, Rosales, Berrong
Nay: None

Mayor declared the motion carried.

4C. CONSIDER AND TAKE ACTION ON SPECIAL ELECTION PROCLAMATION AND NOTICE REGARDING PUBLIC SERVICE OF OKLAHOMA FRANCHISE FOR 25 YEARS

Motion was made by Councilman Stewart and seconded by Councilman Dowdell to approve the special election proclamation and notice regarding Public Service of Oklahoma franchise agreement for 25 years.

Mayor put the motion to a roll call vote:

Aye: Stewart, Dowdell, Rosales, Hulin, Berrong
Nay: None

Mayor declared the motion carried.

4D. CONSIDER AND TAKE ACTION ON CONTINUANCE OF CONDEMNATION FOR 416 ½ SOUTH 13TH – OWNER: BRENT BASLER

Building Inspector Toby Anders discussed pictures of before and after of said property. It has a new roof, windows repaired and new siding. Anders said Councilman had previously discussed requirements they asked for to discontinue condemnation and all had been done except for one which was to paint the house. Anders suggested tabling due to lack of painting.

Councilman Hulin stated that other homes are in need of more repairs than the one presented and is comfortable with leaving the house as is.

Anders said the building is in good shape.

Motion was made by Councilman Hulin and seconded by Councilman Stewart to leave the structure as is and discontinue condemnation.

Mayor put the motion to a roll call vote:

Aye: Hulin, Stewart, Rosales, Dowdell, Berrong
Nay: None

Mayor declared the motion carried.

4E. CONSIDER AND TAKE ACTION ON RENEWAL AGREEMENT WITH CLINTON SUMMER PLAYGROUND

Clinton Summer Playground director, Debbie Carlisle discussed a few changes to this year's program such as field trips for students attending the program. She mentioned they would provide breakfast in the morning where they could see around 225 attendees and in the afternoon they would have around 240 attendees. She said they see a decrease after Fourth of July holiday.

City Manager Mark Skiles recommended accepting the renewal agreement and praised Carlisle for her hard work.

Motion was made by Councilman Dowdell and seconded by Councilman Rosales to approve the renewal agreement with Clinton Summer Playground.

Mayor put the motion to a roll call vote:

Aye: Dowdell, Rosales, Hulin, Stewart, Berrong
Nay: None

Mayor declared the motion carried.

4F. REQUEST AUTHORIZATION TO GO TO BID FOR STREET OVERLAY PROJECT

A list of the following streets were presented to the Council for consideration:

Neptune: I-40 Bridge to Belter's Car lot
Corbin Lane: Gary Blvd to Railroad tracks
Nowahy: North 15th to North 16th
Orient: North 5th North 7th
North 7th: Gary Blvd to Prairie Chief
North 8th: Dunn Ave to Prairie Chief

City Manager Mark Skiles stated that the streets that have been presented in the Street Overlay Project are not only ones in need of repair but that are most heavily traveled that are need of repair. He asked the Council for approval to go out to bid for the streets listed.

Councilman Hulin suggested Santa Fe from Nowahy to Daugherty are also in need of repair.

Mayor Berrong emphasized that the area on Neptune was in dire need of repair.

City Manager Skiles suggested approving to go out to bid with all streets included in packet with the addition of Santa Fe from Nowahy to Daugherty.

Motion was made by Councilman Hulin and seconded by Councilman Stewart to authorize staff to go to bid on the street overlay project for the streets presented to include Santa Fe from Nowahy to Daugherty.

Mayor put the motion to a roll call vote:

Aye: Hulin, Stewart, Rosales, Dowdell, Berrong
Nay: None

Mayor declared the motion carried.

4G. DISCUSS AND ACTION ON AMENDMENT TO ECONOMIC DEVELOPMENT TRUST

The Economic Development meeting was discussed which resulted in Councilman tabling action until the next meeting.

Motion was made by Councilman Dowdell and seconded by Councilman Rosales to table agenda item until the next meeting.

Mayor put the motion to a roll call vote:

Aye: Dowdell, Rosales, Hulin, Stewart, Berrong
Nay: None

Mayor declared the motion carried.

4H. CONSIDER AND DISCUSS BIDS ON SKID LOADER/TRACK LOADER

Jake Walton of Inframark discussed the purchase request of the Skid Loader/Track Loader. He said it has been approved in this fiscal year's budget. He recommended the Council take bids from Western Equipment of \$69,876.47. The skid loader/track loader will be replacing a skid street which is being moved to the Clinton Lake Water Treatment Plant which demands much less usage than the Wastewater Treatment Plant.

Motion was made by Councilman Rosales and seconded by Councilman Dowdell to follow the Inframark recommendation to accept the bid from Western Equipment for \$69,876.47 for the purchase of a skid loader/track loader.

Mayor put the motion to a roll call vote:

Aye: Rosales, Dowdell, Hulin, Stewart, Berrong
Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO 5: TRUSTEE REPORT

None

AGENDA ITEM NO. 6: MANAGER'S REPORT

City Manager Mark Skiles reported the 100 year football celebration will be held on Friday, September 6, 2019.

7. AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 8: ADJOURNMENT

Motion made by Councilman Rosales and second by Councilman Dowdell to adjourn the meeting.

Mayor put the motion to a roll call vote:

Aye: Rosales, Dowdell, Hulin, Stewart, Berrong

Nay: None

Mayor declared the meeting adjourned at 6:05 p.m.

RESOLUTION NO. 898

A RESOLUTION OF THE CITY OF CLINTON, CUSTER COUNTY, OKLAHOMA, CALLING FOR A SPECIAL ELECTION TO BE HELD ON THE 12th DAY OF NOVEMBER 2019, FOR THE PURPOSE OF SUBMITTING AN ORDINANCE FOR APPROVAL BY THE QUALIFIED ELECTORS THAT WILL GRANT TO PUBLIC SERVICE COMPANY OF OKLAHOMA, AN OKLAHOMA CORPORATION, A NON-EXCLUSIVE FRANCHISE FOR 25 YEARS TO BUILD, EQUIP, MAINTAIN, EXTEND, OWN AND OPERATE A SYSTEM FOR THE MANUFACTURE, TRANSMISSION, DISTRIBUTION, SALE, AND CONTROL OF ELECTRICITY IN AND TO THE CITY AND THE PUBLIC GENERALLY, TO A VOTE OF THE REGISTERED VOTERS OF THE CITY FOR THEIR APPROVAL OR DISAPPROVAL; SPECIFYING THE QUESTION TO BE VOTED UPON AT THE SPECIAL ELECTION AND FURTHER DIRECTING THE DISTRIBUTION AND PUBLICATION OF THIS RESOLUTION.

RECITALS

Article 18, §5(a) of the Oklahoma Constitution provides that no grant of a franchise by a municipal corporation will be valid unless approved by a majority vote of the qualified electors of the city.

This Board of Trustees, by a vote on September 3, 2019, approved an ordinance calling for a special election to be set to approve, or not, the franchise granted in the ordinance.

The ordinance, if approved, would grant to Public Service Company of Oklahoma, an Oklahoma Corporation, a non-exclusive franchise for 25 years to build, equip, maintain, extend, own, and operate a system for the manufacture, transmission, distribution, sale, and control of electricity and information distribution in and to the City and the public generally.

The Mayor/President of the Board of Trustees of the City of Clinton, Oklahoma, shall, upon the adoption of this Resolution, proclaim a special election to submit the ordinance for approval or disapproval by the qualified electors of the City of Clinton.

Title 11, Oklahoma Statutes, §16-101 requires that notice of a special election must be given by publishing the Resolution of the municipal governing body calling for the special election at least ten days before the date of the special election, or if there is no

newspaper of general circulation in the municipality, the notice must be given by posting a copy of the Resolution in at least five public places in the municipality.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the City of Clinton, Oklahoma, as required by the Constitution and statutes of Oklahoma, does call a special election for the purpose of submitting an ordinance to the registered voters of the City of Clinton for their approval or disapproval, the ordinance granting to Public Service Company of Oklahoma, an Oklahoma Corporation, a non-exclusive franchise for 25 years to build, equip, maintain, extend, own, and operate a system for the manufacture, transmission, distribution, sale, and control of electricity and information distribution in and to the City and the public generally.

AND, BE IT FURTHER RESOLVED that the Mayor/President of the Board of Trustees call a special election on the 12th day of November, 2019, to be administered by the Custer County Election Board.

AND, BE IT FURTHER RESOLVED by the Board of Trustees that the question to be voted upon at the special election will be as follows:

PROPOSITION

An ordinance granting to Public Service Company of Oklahoma (PSO) the right, privilege, and non-exclusive franchise for 25 years to build, equip, maintain, extend, own, and operate a system for the manufacture, transmission, distribution, sale and control of electricity and communications circuits for itself and others in, under, over, across, through, and along any and all of the present and future streets, alleys, avenues, ways, and other public places and grounds within the limits of the City of Clinton, Custer County, Oklahoma; and granting PSO the right to operate an electric business pursuant to reasonable rules and regulations by the Oklahoma Corporation Commission; with PSO agreeing to charge legal rates for the electric service; and, if possible, to sell and deliver to the City all electricity and services requested by it; providing for payment to the City by PSO of a monthly fee on gross receipts from the delivery and sale of electricity; and providing for the repeal of conflicting ordinances; and declaring an emergency.


Shall the proposed ordinance be approved?

FOR THE PROPOSITION - YES

AGAINST THE PROPOSITION - NO

AND, BE IT FURTHER RESOLVED that the Board of Trustees does direct the City Clerk of the City of Clinton to cause this Resolution to be published in a legally qualified newspaper one time within 15 days after adoption of this Resolution, or post a copy of this Resolution in at least five public places in the municipality if the Resolution cannot be published in accordance with law, the publication or posting being for the purpose of giving notice of the special election to be held on the 12th day of November, 2019.

SIGNED by the Mayor/President of the Board of Trustees of the City of Clinton, Custer County, Oklahoma, this 3rd day of September, 2019.



_____, Mayor/President of the Board of Trustees

(SEAL)

ATTEST:


_____, City Clerk