

**MINUTES OF THE CLINTON CITY COUNCIL
APRIL 21, 2015**

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, April 21, 2015 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, April 17, 2015.

Mayor Seth Adams called the meeting to order with the following present:

MAYOR: Seth Adams

COUNCIL: Don Rodolph, Jason Hulin, Lucas Martinez, Wheeler Lowry

CITY MANAGER: Mark Skiles

CITY CLERK: Lisa Anders

CITY TREASURER: Debra Blanchard

DEPUTY CLERK: Shona Stermer

CITY ATTORNEY: Ryan Meacham

NEWS MEDIA: Gerald Green and Mike Smith

OTHERS: Kris Wermey, Tyler Daniels, Donald Webb, Mary Helen Jones, Joyce Kinney, L.R. Sights, , Keaton Modi, Toby Anders, Cheryl Lowry, Cheryl & Billy McCullers, Brian Meiers and others.

Roland Youngberg of the First United Methodist Church opened the meeting with prayer and Councilman Lucas Martinez led the Pledge of Allegiance.

AGENDA ITEM NO. 3: CONSENT AGENDA

A. Minutes of Regular Meeting of April 7, 2015

Motion was made by Councilman Hulin and second by Councilman Martinez that Consent Agenda Item No. 3 (a) be approved.

Mayor put the motion to a roll call vote:

Aye: Hulin, Martinez, Lowry, Rodolph, Adams

Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO. 4 ACTION ITEMS

4A. CONSIDER AND TAKE ACTION ON FAMILY MEDICAL LEAVE ACT POLICY

City Manager Mark Skiles explained that this policy is a result of the labor attorney reviewing the City's Personnel Handbook. The handbook will be brought up to date but the attorney felt this item should be addressed now. He explained this policy is by federal mandate and protects the City.

Motion was made by Councilman Rodolph and seconded by Councilman Lowry to adopt the Family Medical Leave Act Policy.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4B. CONSIDER AND TAKE ACTION ON ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY AND PROCEDURES

Motion was made by Councilman Rodolph and seconded by Councilman Hulin to approve the Alcohol and Controlled Substance Testing Policy and Procedures.

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4C. CONSIDER CONDEMNATION FOR PROPERTY IN THE 200 BLOCK OF WEST MODELLE OWNER: JUAN BARRIENTOS

Building Inspector Toby Anders provided information on the property in the 200 block of West Modelle. He said the trailer has not had water service since 2000.

City Attorney Ryan Meacham explained the definition of "condemnation".

Anders said due to the age of the trailer, it would not be feasible to bring it to code compliance. He recommended allowing 30 days and the Council could work from that time frame.

Mr. Barrientos daughter explained that her father is concerned about losing the property. They would like to clear off the trailer and debris and keep the vacant lot.

Mayor Adams suggested giving the Barrientos 30 days and then come back to the Council.

City Manager Mark Skiles said that Toby Anders could get a ball park cost estimate on the cleanup of the lot.

Motion was made by Councilman Rodolph and seconded by Councilman Martinez to bring this item back on the May 19, 2015

Mayor put the motion to a roll call vote:

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

Mayor declared the motion carried.

4D. CONSIDER CONDEMNATION OF PROPERTY AT 516 NORTH 8TH OWNER: ALMA ROSA GALVAN

Building Inspector Toby Anders provided information on the property at 516 North 8th. He said that property has been damaged by two different fires that affected the interior and exterior. He explained that the City Code requires that when has structure has more than 50 % damage, the Planning and Zoning Board must review and give authorization before restoration could commence. He said the owner wishes to remodel the structure and has submitted the proper paperwork to take before the Planning and Zoning Board at the May meeting. Anders recommended tabling this item until the May 19th City Council meeting.

Motion was made by Councilman Rodolph and seconded by Councilman Hulin to table the item until the May 19, 2015 Council meeting.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Hulin, Martinez, Lowry, Adams

Nay: None

Mayor declared the motion carried.

4E. CONSIDER RESOLUTUION 848 REGARDING NOMINATION OF APPOINTEE TO THE BOARD OF DIRECTORS OF THE OKLAHOMA MUNICIPAL LEAGUE

Motion was made by Councilman Rodolph and seconded by Councilman Lowry approve Resolution 848 nominating Jason Hulin to serve on the Board of Directors of the Oklahoma Municipal League.

Mayor put the motion to a roll call vote:

Aye: Rodolph, Lowry, Martinez, Hulin, Adams

Nay: None

Mayor declared the motion carried.

4F. CONSIDER RESOLUTUION 849 REGARDING AMENDMENT OF RATE OF USE TAX

City Treasurer Debra Blanchard explained that the rate of sales tax and use tax must be the same. The resolution would confirm the use tax changing effective July 1, 2015 to be the same as the sales tax.

Motion was made by Councilman Hulin and seconded by Councilman Martinez to approve Resolution 849 regarding amendment of rate of Use Tax.

Mayor put the motion to a roll call vote:

Aye: Hulin, Martinez, Rodolph, Lowry, Adams

Nay: None

Mayor declared the motion carried.

AGENDA ITEM NO 5.COUNCIL REPORT

None

AGENDA ITEM NO. 6: MANAGER'S REPORT

City Manager Mark Skiles reported that Lake Clinton has caught some of the recent rains. He reported that the pour of cement at the Dixon well had halted due to the recent rains. He said the building and controls for the well has been purchased and the contractors have been identified. He also reported that Canute has completed one well and is conducting the flow test today.

Skiles reported that one party had backed out on the easement for the waterline so the route has been re-established. He said an extension past the June 1 deadline has been discussed with Canute.

Councilman Rodolph said he would contact Canute regarding the extension since the easement must be obtained first.

City Manager Skiles said there will be a water restriction amendment on the May 5, 2015 agenda.

City Manager Skiles introduced Brian Meiers of Burns and McDonnell who would provide a project update.

City Manager Skiles reported that EPA would be making a case study of Clinton regarding the drought circumstances.

AGENDA ITEM NO. 7 : AUDIENCE PARTICIPATION

None

AGENDA ITEM NO. 8: ADJOURNMENT

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

Mayor put the motion to a roll call vote:

Aye: Hulin, Lowry, Rodolph, Martinez, Adams

Nay: None

Mayor declared the meeting adjourned at 6:20 p.m.

RESOLUTION NO. 849

RESOLUTION AMENDING USE TAX, AUTHORIZED IN ORDINANCE 898, CODIFIED AT 3-3-5 OF THE CLINTON CITY CODE, TO EQUAL THE RATE OF SALES TAX AS REQUIRED BY 68 O.S. §1411 .

WHEREAS, 68 O.S. §1411 allows for the levy and collection of a Use Tax equal to authorized municipal sales tax;

WHEREAS, the City of Clinton has adopted Ordinance 898 which authorizes the levy and collection of Use Tax; and,

WHEREAS, the City of Clinton has increased the percentage of sales tax collection from 4% to 4.5% until September 30, 2019, at which time it will return to 4%.

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

1. The Use Tax adopted in Ordinance 898 and codified at 3-3-5 shall be amended to comply with 68 O.S. §1411.
2. The Use Tax shall be increased from 4% to 4.5%, until September 30, 2019.

PASSED AND APPROVED at the regular meeting of the City Council of the City of Clinton and duly signed by the Mayor this 21 day of April, 2015.

THE CITY OF CLINTON, OKLAHOMA

By: _____

MAYOR

ATTEST:

Lisa Anders
CITY CLERK

RESOLUTION NO. 848

A RESOLUTION OF SUPPORT FOR THE APPOINTMENT OF Jason Hulin TO THE DISTRICT 10 SEAT ON THE BOARD OF DIRECTORS OF THE OKLAHOMA MUNICIPAL LEAGUE; DECLARING SAID APPOINTMENT TO BE FOR THE BENEFIT OF THE CITY/TOWN OF Clinton AND OTHER MUNICIPALITIES WITHIN THE DISTRICT; AND DECLARING THE MISSION OF THE OKLAHOMA MUNICIPAL LEAGUE TO BE FOR THE PUBLIC PURPOSE.

WHEREAS, the City/Town of Clinton recognizes that the Oklahoma Municipal League ("OML") is a non-profit member driven organization composed of municipalities from across the State of Oklahoma who work together for their mutual benefit;

WHEREAS, the City/Town of Clinton through its membership with OML, realizes many benefits from the policy and legislative work of the OML, and as a result, supports the mission of OML which is to provide services and programs to its members to assist them in better serving their citizens and communities;

WHEREAS, the City/Town of Clinton is within District 10 and as such is represented by an appointee seated within said district;

WHEREAS, the City/Town of Clinton has an interest and desire to resolve its support of the nomination of Jason Hulin for District 10 seat on the OML Board of Directors;

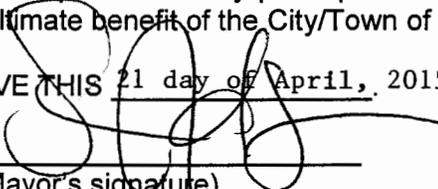
WHEREAS, the City/Town of Clinton finds that said nomination would benefit the City/Town/Town of Clinton and the other municipalities within District 10 by serving as the individual and collective voice of local government officials in interaction at both the state and national level;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL/TOWN BOARD OF THE CITY/TOWN OF CLINTON, OKLAHOMA:

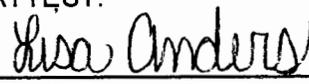
SECTION 1: That the City/Town of Clinton unequivocally supports the nomination of _____ to serve as the District 10 appointee on the Board of Directors of the OML, by finding and declaring that the mission of OML to be for the public purpose and acknowledging that the City/Town of Clinton and other municipalities within District 10 will benefit by his/her appointment.

SECTION 2: That should Jason Hulin ultimately be appointed to the OML Board of Directors, he/she is specifically authorized and requested to fully participate in said meetings of the Board of Directors and the projects of the same to the ultimate benefit of the City/Town of Clinton.

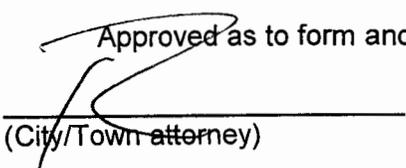
PASSED, APPROVED AND EFFECTIVE THIS 21 day of April, 2015


(Mayor's signature)

ATTEST:


(Clerk signature)

Approved as to form and legality on this 21 day of April, 2015


(City/Town attorney)