City Council of the City of Perry

Agenda – Regular Meeting

September 3, 2024 @ 6:15 P.M.
Municipal Building | 729 Cedar Street, Perry, Oklahoma 73077

Meeting Called to Order
Roll Call
Declaration of Quorum
Invocation

All items on this agenda, including but not limited to any agenda item concerning the adoption of any ordinance, resolution, contract, agreement, or any other item of business, are subject to amendment, including additions and/or deletions. This rule will apply to every individual agenda item without exception, and without providing this same amendment language with respect to each individual agenda item. Such amendments should be rationally related to the topic of the agenda item, or the governing body will be advised to continue the item.

The governing body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the governing body may refer the matter to its City Manager, staff, attorney or to the recommending board, commission, or committee.

All Agenda Items Are for Discussion and Whatever Further Action the City Council Deem Necessary or Advisable to Discharge Their Constitutional, Home Rule Charter, and Statutory Powers of Government.

1. **Consent Agenda**

   All Items Listed under the Consent Agenda Are Deemed to Be Non-controversial and Routine in Nature by the Governing Body. They Will Be Approved by One Motion of the Governing Body. The Items on the Consent Agenda Will Not Be Discussed. Any Member of the Governing Body Desiring to Discuss an Item on the Consent Agenda May Request That It Be Removed from the Consent Agenda and Placed in its Proper Order on the Regular Agenda. It Will Then Be Considered at That Time.

   A. **Receive and approve the minutes of the Regular City Council meeting of August 19, 2024.**

2. **Items Removed from Consent Agenda for Discussion.**

3. **Consider and act on items removed from the Consent Agenda, if any.**

4. **Comments from Those Assembled Pertaining to Items on the PMA Agenda or Citizens presenting their concerns or comments.** (Note: Only items listed on the agenda can be discussed between the commentor and the governing body members. If there is any agenda item that any person wishes to address, such person shall raise their hand to be recognized by the Presiding Officer. Such a person should stand before the podium and shall address their remarks to a specific agenda item. A maximum three (3) minute address by such person may be provided. For commentors on items not on the agenda, such persons

shall be provided with a maximum of three (3) minutes, but no discussion should occur between such commentor and the governing body. If discussion is desired, the item should be directed to be placed on the next regular or special agenda. The Presiding Officer may provide additional time. This procedure is to ensure that no violation of the Oklahoma Open Meeting Act occurs.

5. **Proclamations, Commendations, Reports, and Inquiries by the Governing Body.**
No action may be taken on any report or inquiry made by the governing body during this section of the agenda (unless the item is specifically listed hereinbelow and then action may be taken) and is only for the purpose of identifying issues that may be subject to a future agenda item. Each report given should be for the purpose of informing the other members and the public of the activity of the member or ad hoc, recommendation only committee and in the event, discussion is desired, the item should be placed on the next regular or special agenda. This procedure is to ensure that no violation of the Oklahoma Open Meeting Act occurs.
   a. Proclamations
   b. Commendations
   c. Chamber of Commerce Report
      - Update on upcoming events.
   d. Council Reports
      - Ward 1,2,3, and 4 Councilpersons have an opportunity to report any new developments or work performed since the last meeting.
   e. Committee Reports
      - Committee members can make Committees Reports to update the City Council regarding developments in their delegated responsibilities.

6. **City Manager Remarks**

7. **Chief Financial Officer Remarks and monthly invoice.**

   Attachment: Invoice attached

8. **Presentation of City Attorney Report and monthly invoice.**

   Attachment: Invoice attached and City Attorney Report to be presented at the meeting.

9. **Consider Directing City Manager Regarding Possible Overpass in Perry; if deemed appropriate direct allocation of necessary funds (amount and source).**

   Background: Former Mayor Gordon Johnson envisioned Perry which was no longer intermittently blocked by trains on railroad tracks. The blocking has a detrimental effect on not only transportation needs of the residents but can be catastrophic when emergency services are required. The City Council commissioned the Cowan Engineering Group to determine the cost and potential location. Now it seems that the dream could become a reality with a partnership between the BNSF, the federal government and the City. BNSF, has reached out to City through hired consultants asking whether the City would like BNSF assistance in pursuing a federal grant funding. The planning has already been prepared.

What is initially needed is preliminary engineering. Preliminary Engineering includes project management, drainage, engineering, and environmental review. The estimated cost is $600,000 for design and perhaps as much as a total of $860,000 including environmental review. BNSF has agreed to pay ½ of this cost. As BNSF is willing to cover 50% of the costs for the engineering study, this assistance would significantly reduce the City's financial burden. Final Design and Implementation of this project is estimated at $10 million (2017 dollars), with inflation-adjusted costs possibly reaching $14 million. Federal funding would cover 80%, leaving a potential 20% match required from the City or other local partners (ODOT, Ditch Witch, Malzahn or others). There is a September 23rd, 2024, federal funding deadline. Should the City participate at this time or provide further study and attempt to receive additional financial sources for the cost? If there is available revenue that the City Council is willing to invest at this time for the preliminary engineering, then the city administration would recommend moving forward. Preliminary engineering will take 18 months, giving the City time to solicit and possibly receive additional funds for the Final Design and Implementation of this project.

Recommendation: Discuss and take action as deemed appropriate.

10. **Ratify Action of City Manager to Execute and Approve the purchase of the Siemens CT Equipment for the Radiology Department in the amount of $428,299.00.**

Background: At a previous meeting, Siemens CT Equipment was ordered and the approved purchase price was $426,400.00. The system price has increased slightly to $428,299.00. The contract had to be approved by August 31, 2024, and due to the slight increase in price the City Manager authorized the purchase and executed the purchase contract. This reset price is less than the budget set-aside of $500,000.00.

Attachments: Contract and attachments

Recommendation: Ratify purchase and contract execution by the city manager in the amount of $428,299.00.

11. **Consider Approval of Resolution No. 2024-07 Of The City Council Of The City Of Perry, Oklahoma ("City") Declaring, Consistent With The Purpose Of The One & One Quarter Percent (1 1/4%) Sales Or Excise Tax Adopted Pursuant To Ordinance No. 2000-06, Effective On And After July 1, 2000 ("Tax"), That The Excess Proceeds Of Such Tax Not Necessary To Pay The Principal And Interest Of The $7,735,000.00 PMA Utility System And Sales Tax Revenue Note, Series 2006 Will Be Used 1) To Reimburse The City For Eight Hundred Thousand Dollars ($800,000.00) Expended For The Acquisition Of Interests In Real Property Necessary And A Part Of Long-Term Improvements Needed At The Perry City Lake In Order To Enhance The Availability Of Water From Perry Lake, And 2) The Payment Of The $4,000,000.00 PMA, Noble County, Oklahoma Series 2022 Drinking Water SRF Promissory Note To Oklahoma Water Resources Board, So Long As There Exist Excess Proceeds From Such Tax To Pay On Such Note ; Directing The Mayor, City Clerk And City Manager Of The City Are Hereby Authorized To Take Any Action Necessary To Implement The Terms Of This Resolution.**

Background: The City's 1.25% sales tax was approved for payment of expenditures related to the maintenance of the water system and its improvement, including but not limited to the McMurtry Project. This tax expires in 2030 but has a sunset clause when the debt associated with the water system has been paid and the City Council elects to defease the debt.

The PMA has two debts associated with the water system outstanding, the 2006 OWRB Note (McMurtry Project) (6/30/24 remaining payments of $1,172,719) and the 2022 OWRB Note (6/30/24 remaining payments of $2,897,053). In addition, a portion of the 2018 Bonds that were used to purchase the AMI system for Electric and Water (6/30/24 remaining payments of $634,107), could be allocated to the 1.25% Sales Tax. The PMA also spent over $800,000 for the land acquisitions around Perry Lake. All these projects would qualify as expenses for the 1.25% Sales Tax.

Historically, management was committed to accumulating sufficient cash to pay the 2006 OWRB debt before allowing any additional projects to be allocated to the 1.25% Sales Tax. The PMA has maintained the listing of projects above that would qualify for the restrictions of the 1.25% Sales Tax. Currently, the 1.25% Sales Tax has an accumulated balance of $1,072,000 after the specific allocation of $800,000 for the Perry Lake land purchases. This fall, the 1.25% Sales Tax will accumulate enough to defease the 2006 OWRB Note.

It is our recommendation that the City Council continue collecting the 1.25% Sales Tax, reimburse the PMA for the $800,000.00 expenditure associated with Perry Lake Upper Black Bear 62 Rehabilitation Project and utilize the future sales tax collections to pay towards the 2022 OWRB Note. If the 1.25% Sales Tax is allowed to run to its expiration in 2030, the sales tax should collect $3,000,000, above the amounts necessary to pay off the 2006 OWRB Note. The additional collections (FY25 – FY30) could be sufficient to pay off the 2022 OWRB Note and have some monies remaining to assist with construction the improvements necessary at the top pf the ancillary spillways.

A resolution is a statement of intent at the time it is approved and can be amended at any time.

Attachment: Resolution No. 2024-07

Recommendation: Approve Resolution No. 2024-07

12. **Consider Approval of Ordinance No. 2024-16 of the City Council of the City of Perry, Oklahoma, Amending all the International Codes, the National Electric Code and the National Safety Code, previously adopted and codified in the Perry Municipal Code 2022, to Delete the Adoption of all Appendices and Amendments to all such Codes, unless such Appendices and Amendments have been Adopted as Law for the State of Oklahoma; Repealer; Savings; Codification; Severability; and Declaring an Emergency**

Background: After speaking to Brian Henry, this ordinance may be amended or limited to the Fire and Building Code only. I imagine the City Council may not want to adopt any appendices not adopted by the state. But Brian will advise.

Attachments: Ordinance No. 2024-16

Recommendation: Approve

13. **Apply Emergency Clause to Ordinance No. 2024-16**

Background: Requires approval of ¾ of all the members.

Recommendation: Approve emergency

14. **Consider Advertisement for Bids for Tax Exempt Fuel with receipt of bids to be September 12, 2024 @ 2:00 p.m.**

Background: The City advertises for bids for tax exempt fuel each year.

This advertisement provides for that bidding. A canvas of bids will be provided at the next regular meeting.

Recommendation: Approve advertisement of bids

15. **Consider Approval of Amendments to the OML Bylaws.**

Background: The City is a member of the Oklahoma Municipal League. The OML desires certain amendments to their By-laws and is asking its members for approval.

Attachments: Memo and amendments

Recommendation: Act as deemed appropriate.

16. **Consider Approval of Payment of Invoice of Cimarron Valley Engineering, LLC, in the amount of $14,025.25.**

Attachment: Individual invoices for the time spent is attached.

24007.01-08	DWSRF Line I	$ 1,462.50
CVE24-004 -03	Cottage Homes Review	$ 393.75
24007.06-06	Perry Lake	$ 1,082.25
24007.10-03	Sooner Corner Development	$ 56.25
24007.11-05	Crow Development	$ 1,406.25
24007.12-03	WTP Roof Repair	$ 5,586.75
24007.13-02	Water CAD Model	$ 787.50
CVE24-007.14-01	CCC Lake Improvements	$ 675.00
CVE24-007.15-01	Municipal Pool Improvements	$ 450.00

CVE24-006-05	32nd St. Sewer Project	$ 2,125.00
Total		**$ 14,025.25**

Recommendation: Approval

17. **Consider Approval of an Amendment To Section 1.4A of the Perry Purchasing Manual Providing for the Authority of the City Manager to make Purchases, Contracts, Leases, Payments and to Perform Other Actions Within Designated Purchasing Limits.**

Background: At the last regular meeting, David Weatherford and Bill Tackett of OMAG explained in detail the role of the governing body in City Manager/Council Forms of Government. Mr. Weatherford sent a sample policy providing for purchasing authority to the City Manager, as the Chief Executive Officer, which has been incorporated as an amendment to the Purchasing Manual. The city administration will be prepared to discuss this proposed amendment at the meeting.

Attachment: Amendment To Section 1.4A of the Perry Purchasing Manual

Recommendation: Discussion and if deemed appropriate, approve

18. **Receive Canvas of Bids for Replacement of Roof System at Perry Water Treatment Plant; Consider Making Award to Lowest Responsible Bidder.**

Background: The bids will be received on September 3, 2024. A canvas of the bids will be made and presented at the meeting, and if appropriate, a recommendation of an award to the lowest responsible bidder.

Attachment: Canvas of Bids and recommendation to be furnished at the meeting

Recommendation: Receive Canvas of Bids and if deemed appropriate, award bid to the lowest responsible bidder.

19. **Consider Convening into Executive Session to discuss negotiations with the Perry Professional Fire Fighters, Local 4242, International Association of Fire Fighters, Bargaining Agents, pursuant to Title 25 Section 307.B.2 of the Oklahoma Statutes, as amended.**

20. **Reconvene into Regular Session.**

21. **Take any action with respect to the executive session including but not limited to action on the performance review and consider approval of the FY 2024-2025 Collective Bargaining Agreement with the Perry Professional Fire Fighters, Local 4242, International Association of Fire Fighters, Bargaining Agents.**

22. **New Business** (matters not known about or which could not reasonably be foreseen prior to the time of posting. (Title 25, Section 311A.9 of the Oklahoma Statutes as amended).

23. **Adjourn**

Posted at Perry City Hall & Council Chambers. August 30, 2024 11:30 A.M.

Christy Conrad

Christy Conrad, City Clerk

Board of Trustees of the Perry Municipal Authority
Agenda – Regular Meeting

September 3, 2024 @ 6:15 P.M.
Municipal Building | 729 Cedar Street, Perry, Oklahoma 73077

Meeting Called to Order
Roll Call
Declaration of Quorum

All items on this agenda, including but not limited to any agenda item concerning the adoption of any ordinance, resolution, contract, agreement, or any other item of business, are subject to amendment, including additions and/or deletions. This rule will apply to every individual agenda item without exception, and without providing this same amendment language with respect to each individual agenda item. Such amendments should be rationally related to the topic of the agenda item, or the governing body will be advised to continue the item.
The governing body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the governing body may refer the matter to its Trust Manager, staff, attorney or to the recommending board, commission, or committee.

All Agenda Items Are for Discussion and Whatever Further Action the Authority Deems Necessary or Advisable to Discharge Their Statutory Powers of Government.

1. **Consent Agenda**

   All Items Listed under the Consent Agenda Are Deemed to Be Non-controversial and Routine in Nature by the Governing Body. They Will Be Approved by One Motion of the Governing Body. The Items on the Consent Agenda Will Not Be Discussed. Any Member of the Governing Body Desiring to Discuss an Item on the Consent Agenda May Request That It Be Removed from the Consent Agenda and Placed in its Proper Order on the Regular Agenda. It Will Then Be Considered at That Time.

   A. Receive and approve the minutes of the Regular PMA meeting of August 19, 2024.

2. **Items Removed from Consent Agenda for Discussion.**

3. **Consider and act on items removed from the Consent Agenda, if any.**

4. **Comments from Those Assembled Pertaining to Items on the PMA Agenda or Citizens presenting their concerns or comments.** (Note: Only items listed on the agenda can be discussed between the commentor and the governing body members. If there is any agenda item that any person wishes to address, such person shall raise their hand to be recognized by the Presiding Officer. Such a person should stand before the podium and shall address their remarks to a specific agenda item. A maximum three (3) minute address by such person may be provided. For commentors on items not on the agenda, such persons shall be provided with a maximum of three (3) minutes, but no discussion should occur between such commentor and the governing body. If discussion is desired, the item should

be directed to be placed on the next regular or special agenda. The Presiding Officer may provide additional time. This procedure is to ensure that no violation of the Oklahoma Open Meeting Act occurs.

5. **Consider Approval Of Resolution No. 2024-03 A Resolution Of The Chairman And Board Of Trustees Of The Perry Municipal Authority ("PMA") Declaring, Consistent With The Purpose Of The One & One Quarter Percent (1 1/4%) Sales Or Excise Tax Adopted Pursuant To Ordinance No. 2000-06, Effective On And After July 1, 2000 ("Tax"), That The Excess Proceeds Of Such Tax Not Necessary To Pay The Principal And Interest Of The $7,735,000.00 PMA Utility System And Sales Tax Revenue Note, Series 2006 Will Be Used 1) To Reimburse The City Of Perry, Oklahoma (Hereinafter "City") For Eight Hundred Thousand Dollars ($800,000.00) Expended For The Acquisition Of Interests In Real Property Necessary And A Part Of Long-Term Improvements Needed At The Perry City Lake In Order To Enhance The Availability Of Water From Perry Lake, And 2) The Payment Of The $4,000,000.00 PMA, Noble County, Oklahoma Series 2022 Drinking Water SRF Promissory Note To Oklahoma Water Resources Board, So Long As There Exist Excess Proceeds From Such Tax To Pay On Such Note ; Directing The Chairman, Secretary And Trust Manager Of The PMA Are Hereby Authorized To Take Any Action Necessary To Implement The Terms Of This Resolution.**

   Background: This agenda item was discussed as Item 10 on the City agenda. Both the City and PMA should approve the resolution, if deemed appropriate.

   Attachment: Resolution No. 2024-03

   Recommendation: Approval

6. **Consider Approval of an Amendment To Section 1.4A of the Perry Purchasing Manual Providing for the Authority of the Trust Manager to make Purchases, Contracts, Leases, Payments and to Perform Other Actions Within Designated Purchasing Limits.**

   Background: At the last regular meeting, David Weatherford and Bill Tackett of OMAG explained in detail the role of the governing body in City Manager/Council Forms of Government. Mr. Weatherford sent a sample policy providing for purchasing authority to the City Manager, as the Chief Executive Officer, which has been incorporated as an amendment to the Purchasing Manual. The trust administration will be prepared to discuss this proposed amendment at the meeting.

   Attachment: Amendment To Section 1.4A of the Perry Purchasing Manual

   Recommendation: Discussion and if deemed appropriate, approve

7. **Receive Canvas of Bids for Replacement of Roof System at Perry Water Treatment Plant; Consider Making Award to Lowest Responsible Bidder.**

Background: The bids will be received on September 3, 2024. A canvas of the bids will be made and presented at the meeting, and if appropriate, a recommendation of an award to the lowest responsible bidder.

Attachment: Canvas of Bids and recommendation to be furnished at the meeting

Recommendation: Receive Canvas of Bids and if deemed appropriate, award bid to the lowest responsible bidder.
Constitution, and the cases and attorney general opinions that have interpreted the section, state that municipalities are forbidden to give any gift, lend its credit or appropriate any money for any corporation, association or individual. There is also a constitutional provision that provides that public monies must be spent for public, and not private purposes. However, if the purpose of the payments or gifts or bonuses were for a public purpose, and were implemented in accordance with the attached policy, it is the City Attorney's opinion that it is constitutional, as follows:

- The Board of Trustees finds that the purpose of the payments or gifts or bonuses to an employee, or group of employees of the City, is to increase morale and productivity;
- The Board of Trustees declares that increasing morale and productivity is a public purpose and the policy that permits payments or gifts or bonuses to an employee, or group of employees of the City is in furtherance of that public purpose; and
- Public money in the total amount authorized to be expended is appropriated and specifically provided for in the budget.

Attachment: Personnel Amendment on Increasing Morale and Productivity

Recommendation: Discuss and if deemed appropriate, approve; a budget amendment may have been provided to the City's FY2024-2025 budget

8. **New Business** (matters not known about or which could not reasonably be foreseen prior to the time of posting. (Title 25, Section 311A.9 of the Oklahoma Statutes as amended).

9. **Adjourn**

Posted at Perry City Hall & Council Chambers. August 30, 2024 11:30 A.M.

Christy Conrad
Christy Conrad, Secretary

Board of Trustees of the Perry Municipal Authority

Minutes – Regular Meeting

August 19, 2024 @ 6:15 P.M.
Municipal Building | 729 Cedar Street, Perry, Oklahoma 73077

Meeting Called to Order at 8:33 PM by Chairman Lawrence Wortham.
Present: Scott Coffey, Austing Bledsoe, Danette Marshall, Sammy Davis, Derek Coldiron, Randy Rupp, Joe Williams, Gloria Brown, and Lawrence Wortham.
Absent: None
Declaration of Quorum by Wortham.

1. **Consent Agenda**
   A. Receive and approve the minutes of the PMA meeting of August 5, 2024.
   Marshall motioned to approve the consent agenda, seconded by Davis.
   AYE: Coffey, Bledsoe, Marshall, Davis, Coldiron, Rupp, Williams, Brown, and Wortham.
   Opposed: None
   Motion Carried.

2. **Items Removed from Consent Agenda for Discussion.** - None

3. **Consider and act on items removed from the Consent Agenda, if any.**

4. **Comments from Those Assembled Pertaining to Items on the PMA Agenda or Citizens presenting their concerns or comments.** - None

5. **Consider Approval of the Economic Development Agreement including the proposal discussed in executive session for new single-family residential lots.**
   Marshall motioned to approve the agreement with reference to the sidewalk ordinance, seconded by Coldiron.
   AYE: Coffey, Bledsoe, Marshall, Davis, Coldiron, Rupp, Williams, Brown, and Wortham.
   Opposed: None
   Motion Carried.

6. **New Business** – None

7. **Adjourn**

Marshall motioned to adjourn at 8:35 PM, seconded by Coffey.
AYE: Coffey, Bledsoe, Marshall, Davis, Coldiron, Rupp, Williams, Brown, and Wortham.
Opposed: None
Motion Carried.

APPROVED ON THIS 3RD DAY OF SEPTEMBER 2024.

Lawrence Wortham, Chairman	Christy Conrad, Secretary