City Council of the City of Perry
City Agenda – Regular Meeting
April 7, 2025 @ 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 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 March 17, 2025.**
   B. **Consider Approval Cimarron Valley Engineering, LLC's, Invoice in the amount of $42.400.75 with for engineering and other services from January 28, 20205 through March 30, 2025.**
   C. **Consider Approval of Pay Application No. 1 to Patriot Construction Services in the amount of $326,278.45 on the Sanitary System Improvements/32nd Street Sewer Main Extension.**

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 City 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 Mayor or other Presiding Officer.

Such a person should stand before the podium and 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 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 Mayor or 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 herein below 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. Council Reports
   - Ward 1,2,3, and 4 Councilpersons have an opportunity to report any new developments or work performed since the last meeting.

6. City Manager Report and/or Updates

7. Chief Financial Officer Remarks and monthly invoice.

Attachment: Invoice is attached and remarks will be made at the meeting.

8. Presentation of City Attorney Report and monthly invoice.

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

9. Approval of Items Required for 2025 CDBG Project:

A. Discussion and Action on Adopting Citizen's Participation Plan for FY2025 CDBG Program.

B. Discussion and Action on Adopting Resolution 2025-05 to Apply for FY2025 CDBG Grant for proposed improvements to the City's Water System by Rehabilitating the City's Water Treatment Plant.

C. Discussion and Action on Adopting Resolution 2025-06 on $600,000.00 of Leverage (Matching Funds) for the FY2025 CDBG Grant for proposed improvements to the City's Water System by Rehabilitating the City's Water Treatment Plant.

D. Discussion and Action on Mareta Woodward of Parkhill to prepare and submit the FY2025 CDBG Application.

Background: The city administration proposes applying for a $600,000.00 CDBG grant for rehabilitating the City's Water Treatment Plant; namely the sludge boxes to be able to properly handle and dispose of the constituents removed in producing potable water. As part of the application, the City must approve a Citizen's Participation Plan, approve a resolution authorizing the application as well as a resolution approving the $600,000.00 local match. The match will come from PMA reserves and is likely to be repaid by future OWRB financing.
Attachments: Citizen's Participation Plan, Resolution No. 2025-05 and Resolution No. 2025-06.

Recommendation: Individually approve agenda items A through D.

10. Consider convening into executive session for the purpose of: 1) confidential communications between the City Council and the City Attorney concerning City of Perry, Oklahoma, vs. Vann Meadow Lands, LLC, Case No. CV-2022-010, District Court of Noble County, Oklahoma, if the City Council finds, with the advice of its City Attorney, that disclosure will seriously impair the ability of the City Council to process the litigation in the public interest pursuant to Title 25, Section 307B.4 of the Oklahoma Statues, as amended, and 2) appointment of an individual salaried officer to fill Ward 1, Post 1, Council Seat Vacated by Councilwoman Gloria Brown pursuant to Title 25, Section 307B.1 of the Oklahoma Statues, as amended; 3) purchase of real property located in the Northeast Quarter (NE/4) of Section Nineteen (19), Township Twenty-one North (21N), Range One West (1W) of the Indian Meridian and the SE/4 of Section Eighteen (18), Township Twenty-one North (21N), Range One West of the Indian Meridian, pursuant to Title 25, Section 307B.3 of the Oklahoma Statutes as amended.

11. Reconvene into regular session.

12. Consider giving appropriate direction in case styled the City of Perry, Oklahoma, vs. Vann Meadow Lands, LLC, Case No. CV-2022-010, District Court of Noble County, Oklahoma, to finalize the litigation with the appropriation of any necessary monies required and designate the fund; 2) consider appointing an individual salaried officer to fill Ward 1, Post 1, Council Seat Vacated by Councilwoman Gloria Brown, with the appointment to commence on and after April 14, 2025; 3) direct staff regarding making an offer real property located in the Northeast Quarter (NE/4) of Section Nineteen (19), Township Twenty-one North (21N), Range One West (1W) of the Indian Meridian and the SE/4 of Section Eighteen (18), Township Twenty-one North (21N), Range One West of the Indian Meridian.

Background: Councilwoman Gloria Brown has announced the conclusion of her many years of dedicated service on the Perry City Council. At this time, prior to the executive session, she will be given an opportunity to address the Council and community with any remarks she may wish to offer. Several weeks ago, the Mayor requested that Council members invite any interested community members to attend this meeting. Each candidate will be given an opportunity to speak, during the executive session, in alphabetical order by surname, followed by a brief question-and-answer period during which Council members may ask questions regarding each candidate's background, qualifications, and interest in serving. The Council may vote on the successful candidate but the actual appointment should occur after Noon on April 14, 2025.

If the Settlement Agreement has been approved, it can be considered for approval by the City Council after the executive session.

A discussion of potential purchase of tracts of real property within the described territory will also be discussed.

Attachment: Settlement Agreement with attachments.

13. Discussion and Possible Action Regarding Rate Negotiations with Stillwater Medical Center.

Background: This item was previously discussed during a PFA Holdings, Inc., meeting and was determined to require formal consideration by the City Council. It applies if a transfer must occur because the hospital cannot provide the required service due to breakdown of one of its machines. In this case, certain CT Scans required transfers to Stillwater. In similar situations, it is not uncommon for municipalities to authorize billing at the Medicare rate.

Recommendation: Approve an agreement with Stillwater Medical Center for billing at the Medicare rate plus one-half of the remaining balance.

Recommendation: Take action as deemed appropriate.

14. Presentation by Matthew Coe, P.E., of Cimarron Valley Engineering, LLC on Current Infrastructure Projects.

Background: As the City's contracted engineering firm, Cimarron Valley Engineering, LLC has been awarded the design phases for the Water Treatment Plant Upgrade and the Residuals Pond Upgrade projects. This agenda item provides an opportunity for the City Engineer to update the Council on the current status of these projects, including progress on the sludge box and the 25th Street Improvement Projects.

Recommendation: Receive presentation

15. Consider Approval of Professional Services Agreement with Cimarron Valley Engineering, LLC for Design of Water Main Kill Out Project including exemption of the Agreement from the receipt of proposals.

Background: This critical infrastructure project, which has been discussed at length in conjunction with recent water rate adjustments, must be addressed prior to November 2025. While in-house execution was initially considered, ongoing staffing shortages and professional recommendations regarding the complexity and scope of the work have led to the determination that the project should proceed through contracted services as originally planned. Approximately five miles of aging water mains will require systematic identification and decommissioning. It is recommended that the City award the design portion of this project to Cimarron Valley Engineering, LCC. Due to the size of this Agreement, the agreement should be exempted from the requirement of competitive bidding pursuant to Chapter 7, Section 7-117. The cost for the Engineering Study and Report is $145,000.00 and the Design Survey and Construction Staking is $57,500.00 for a total of $202,500.00.

Attachment: Professional Services Agreement

Recommendation: Approve Professional Services Agreement with Cimarron Valley Engineering, LLC, specifically Agreement from competitive bidding under Chapter 7, Section 7-117.

16. Consider Approval of City of Perry Historical Preservation and Design Guidelines.

Background: The Historic Preservation Commission has approved these guidelines for property owners to follow when managing alterations, renovations and new construction in designated historic preservation districts and for designated historical landmarks.

If the guidelines are approved a notice will be published and mailed to those property owners located with the proposed historic district and a public hearing held to explain the historic preservation ordinance, these guidelines and the public purpose of this most important project. The guidelines were approved by the Historic Preservation Commission at a special meeting held on April 4, 2025.

Attachment: City of Perry Historical Preservation and Design Guidelines

Recommendation: Discus and if deemed appropriate approve.

17. Consider Items Pertaining to Specific Use Ordinance.

A. Receive Recommendation from the Perry Planning Commission.

B. Consider Approval of Ordinance No. 2025-05 of the City Council of the City of Perry, Oklahoma, Amending Chapter 12 of the Perry Municipal Code 2022 Entitled the "Planning, Zoning And Development", by the Addition of a New Division 6 to Article 2 Entitled "Specific Use Permits", Establishing a Specific Use Permit Process for Certain Land Uses; Providing for Section 12-296 Entitled "Purposes"; Providing for Section 12-297 Entitled "Conditions for Approval"; Providing for Section 12-298 Entitled "Specific Use List"; Providing for Section 12-299 Entitled "Use Conditions"; Providing for Section 12-300 Entitled "Administration"; Providing for Repealer; Savings; Codification; Severability; Penalty; and Declaring an Emergency.

Background: Effective November 1, 2003, Oklahoma Legislature approved Title 11, Section 43-113 of the Oklahoma Statutes, as amended, allowing municipalities the authority to regulate land use by the issuance of Specific Use Permits, and establish guidelines for the issuance of said permits. Ordinance No. 2025-05 amends the Perry Municipal Code by establishing a process for creating Specific Use Permits. The adoption of the Specific Use Permit system would give the Perry City Council greater control over uses specified by ordinance and provide greater protection to the residents of the City of Perry, Oklahoma.

The list of uses subject to the Specific Use Permit are tiny homes, manufactured homes, container homes, commercial accessory unit, and accessory dwellings. Modular homes were also originally listed but as they are permitted in any residential district, modular homes were deleted from this ordinance. The zoning districts that each of the foregoing specific uses will be permitted are listed in the ordinance.

The Specific Use Permitting Process requires an application, publication and mailed notice, a public hearing, recommendation by the Perry Planning Commission and final approval by the City Council. As a part of the issuance of the Specific Use Permit, the City Council may impose conditions including, but not limited to, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas, lighting, noise levels, signage, landscaping, parking and loading, compatibility, and land use density as may be indicated depending upon the proposed use and its potential effect on adjacent areas or the community, which conditions may be less or more restrictive than as provided by existing ordinances or may be waived, if appropriate.

If for any reason the use which received the Specific Use Permit ceases operation for a period of two (2) years or does not begin operation within two (2) years of approval, then the approval of the Specific Use Permit shall be considered void and will require another public hearing review by the Planning Commission and City Council.

The Perry Planning Commission held a public hearing, after the provision of timely statutory published notice, on Ordinance No. 2025-05, on March 25, 2025. The Planning Commissioners in attendance unanimously recommended approval of the ordinance.

Attachments: Ordinance No. 2025-05 and Notice

Recommendation: Approve

18. Consider Approval of the Emergency Clause for Ordinance No. 2025-05.

Note: At least seven (7) affirmative votes are required to pass the emergency clause.

19. Consider Approval of Ordinance No. 2025-06 of the City Council of the City of Perry, Oklahoma, Amending Chapter 12 of the Perry Municipal Code 2022 Entitled "Planning, Zoning and Development", by the Amendment of Section 12-120 Entitled "Creation and Procedures; Board of Adjustment Established"; Providing for a Reconstituted Board of Adjustment; Providing For Repealer; Savings; Codification; Severability; and Declaring an Emergency.

Background: The enabling statute providing for a Board of Adjustment provides in pertinent part:

"The board of adjustment shall consist of five (5) members, each to be appointed for a term of three (3) years and removable for cause by the governing body, upon written charges and after public hearing."

While the enabling statute providing for the creation of the Planning Commission requires residency in the City no such requirement is found in the enabling statute authorizing the creation of the Board of Adjustment. Case law dicta provides that no member of the City Council should be on the Board of Adjustment as the duties of the office may conflict.

No such conflict exists for the Planning Commission. The current ordinance providing for the Board of Adjustment requires all residents with:

- One member to be the Utility Superintendent over a public utility of the City of Perry.
- One member shall be the recipient of a Jurist Doctorate or Certified Public Accountant.

- One member shall be a professional engineer.
- One member shall be a Perry business owner, operator and/or manager, who is directly or indirectly associated with the Perry Chamber of Commerce by membership; and
- One member shall be "at large".

In order to permit greater participation it is proposed to appoint five members without such detailed qualifications. Incidentally, legislation is pending which may amend some of the statutes relative to the Board of Adjustment.

If approved: 1) Board members 1 and 2 shall serve a term of three years; Board members 3 and 4 shall serve a term of two years; and Board member 5 shall serve a term of one year. All successor members shall serve a term of three (3) years. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant. The board of adjustment would continue to be appointed by the Mayor and confirmed by the City Council.

Attachment: Ordinance No. 2025-06

Recommendation: Take action as deemed appropriate.

20. Consider Approval of the Emergency Clause for Ordinance No. 2025-06.

Note: At least seven (7) affirmative votes are required to pass the emergency clause.

21. Consider Approval of Ordinance 2025-07 of the City Council of the City of Perry, Oklahoma, Amending Chapter 5 of the Perry Municipal Code 2022 by the Amendment of Section 5-302 Entitled "National Electric Code and National Electric Safety Code Adopted"; Adopting the 2023 Editions; Providing for Repealer; Savings; Codification; Severability; Penalty; and Declaring an Emergency.

Background: The State of Oklahoma adopted the 2023 Edition of the National Electric Code and the City is required to keep in step with these state adoptions. The National Electric Safety Code should also be updated to the 2023 Edition.

Attachment: Ordinance 2025-07

Recommendation: Approval

22. Consider Approval of the Emergency Clause for Ordinance No. 2025-07.

Note: At least seven (7) affirmative votes are required to pass the emergency clause.

23. Consider Voting for Two nominees for Trustees for the Oklahoma Municipal Assurance Group.

Background: Seven municipal officials have been nominated as candidates for the Oklahoma Municipal Assurance Group Board of Directors. OMAG is the city's insurance/assurance carrier.

Attachment: Ballot and Bios

Recommendation: Vote for two candidates

24. Consider Approval of the Funding Agreement with the Oklahoma Development Finance Authority pertaining to the $350,000.00 for the Infrastructure P3 Project – Two-lane Charles Hall Boulevard.

Background: Under the terms of this Agreement, the City will receive in quarterly payments, the state income taxes paid by the employees of Seth Wadley to be used for the road project up to a maximum of $350,000.00. There is an upfront charge of $7500.00 to be paid to ODFA and an annual payment of $1500.00 during the term of the Agreement.

The transaction to provide for the construction of the roadway and the payment of the balance of its cost will be negotiated with Seth Wadley. An estimated cost of $750,000.00 is anticipated. The City has already entered into an agreement to lease/purchase the necessary additional right-of-way to construct the roadway. A meeting with representatives of Seth Wadley and the City will be held Monday afternoon before this meeting and more information will be provided. If this Funding Agreement is approved before April 17, the April quarterly taxes remittances can be forwarded to the City.

Attachment: Funding Agreement

Recommendation: Further information will be provided at the meeting and a recommendation will be made at that time.

25. Consider Approval of Purchase and Sale Contract for the sale of a fifteen (15) acre tract located in the Perry Industrial Park (Parcel 7 and the west half of Parcel 10 lying directly south of Parcel 7) to BHD Land Development, LLC and Arizona Limited Liability Company for $150,000.00, and pursuant to certain terms and conditions.

26. New Business (matters not known about or which could not reasonably be foreseen prior to the time of posting. (25 O.S. 311A.9).

27. Adjourn

Posted at Perry City Hall & Council Chambers. April 4, 2025, _______________

____
Christy Conrad, City Clerk

Board of Trustees of the Perry Municipal Authority
Agenda – Regular Meeting
April 7, 2025 @ 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 March 17, 2025.

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 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. Discussion and Action on Ratifying Resolution 2025-06 on $600,000.00 of Leverage (Matching Funds) for the FY2025 CDBG Grant for proposed improvements to the City's Water System by Rehabilitating the City's Water Treatment Plant and encumber the $600,000.00 or as directed by the Chief Financial Officer.

Background: The city administration proposes applying for a $600,000.00 CDBG grant for rehabilitating the City's Water Treatment Plant; namely the sludge boxes to be able to properly handle and dispose of the constituents removed in producing potable water. PMA is making the $600,000.00 local match from PMA reserves which should be encumbered or as otherwise directed by the CFO.

Recommendation: Ratify Resolution and encumber the $600,000.00 or as directed by the Chief Financial Officer

6. Adjourn

Posted at Perry City Hall & Council Chambers. April 4, 2025 _______________

____
Christy Conrad, Secretary

Board of Trustees of the Perry Facilities Authority

Agenda – Regular Meeting

April 7, 2025 @ 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 February 3, 2025.

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 PFA 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 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. Adjourn

Posted at Perry City Hall & Council Chambers. April 4, 2025 _______________

____
Christy Conrad, Secretary