



City Council of the City of Perry

Agenda – Regular Meeting

August 5, 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 Special City Council meeting of July 22, 2024.**
- B. Acknowledge Planning Commission minutes from July 25, 2024.**
- C. Acknowledge increase from \$87,325.00 to \$97,945.00 for upgrade to 2500 KVA Pad Mount Transformer, to be reimbursed by Ditch Witch, previously approved on June 5, 2023.**
- D. Approve Premium Payment for ½ year workers compensation coverage to the Oklahoma Municipal Assurance Group in the amount of \$36,427.00.**
- E. Approve sole source acquisition of liquid copper sulfate and polymer for use in water treatment plant pursuant to City Manager's certification of sole source status of materials being purchase; authorize payment in the amount of \$48,479.24 to Thorton, Musso & Bellemin, Water Treatment Consultants.**

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.

(Note: Only items listed on the agenda can be discussed. 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 shall address their remarks to a specific agenda item. A maximum three (3) minute address by such person may be made. On all other agenda items, any member of the public wishing to be heard shall raise their hand, and if recognized by the Chairman or Presiding Officer, shall limit their address to three (3) minutes. The Mayor or Presiding Officer may provide additional time.

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/Commendations

b. Council Reports

- Ward 1,2,3, and 4 Councilpersons have an opportunity to report any new developments or work performed since the last meeting.

c. Committee Reports

- Committee members can make Committees Reports to update the City Council regarding developments in their delegated responsibilities.

6. City Manager Report & Updates

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 will be presented at the meeting.

9. Consider Approval of Amendments to the Perry Purchasing Manual Concerning: Amending Section 1.1 Concerning its Applicability to the Perry Municipal Authority; Amending Section 1.4.A Increasing the Maximum Purchasing Authorization for the City Manager; Amending Section 2.4.B Making an Exception to the Three Bid Requirement for Open Market Purchases; Amending Section 9 Increasing the Maximum Purchasing Authorization for Purchasing Officers and Making Provisions Consistent with the Previous Amendment; Amending Section

12.2 Providing for Silent Auctions and Disposition of Surplus Property by Designation of the City Council.

Background: This agenda item provides for amendments to the purchasing manual that:

- Make it clear that it applies to the PMA and provides for substitution of terms.
- Increase the maximum purchasing authorization for the City Manager to \$50,000.00
- Increase the maximum purchasing authorization for purchasing officers to \$15,000.00.
- Provide that the three-bid rule can be amended if a good faith attempt was made and if the City Manager authorizes a lesser number.
- Provide for silent auctions.
- Provide that disposition of surplus property can be designated by the City Council and implemented by the City Manager.

Attachment: Amendment to the Purchasing Manual

Recommendation: Approval

10. Received Recommendation from Perry Planning Commission concerning Ordinance No. 2024-12 Concerning the Creation of the “Perry Family Friendly District”, the adoptions of the “Sexually Orientated Businesses Ordinance and certain amendments to C-2 General Commercial District and C-4 Planned Commercial District, related to the application of the Sexually Orientated Businesses Ordinance.

Background: This ordinance implements several related actions:

- The ordinance creates the Perry Family Friendly District. This district is the same area in which marijuana industry businesses are no longer permitted. No sexually oriented businesses are permitted in the Perry Family Friendly District.
- The ordinance creates a new set of regulations governing sexually oriented businesses. Detailed regulations are required for these types of businesses. To open such a business, the application must be accompanied by a nonrefundable application and investigation fee of \$500.00, and a \$1,000.00 annual operator license fee.
- The ordinance permits the location of sexually oriented businesses in the C-2 General Commercial District and the C-4 Planned Commercial District, but subject to a use by review hearing and approval, and a site plan review, if applicable; and as stated hereinabove, and notwithstanding that permission, no sexually oriented businesses are permitted within the Perry Family Friendly District, whose boundaries are defined in the ordinance, or within one thousand (1,000) feet of: 1) Any building primarily and extensively used for worship services and religious activities; 2) Any public or private school; 3) Any public park or playground; or 4) Any public library. The ordinance repeals the current Section 12-235 entitled “Location of Adult Novelty Shops”. The ordinance provides for definitions, licensing fees, operating rules and regulations and exemptions for sexually oriented businesses.

Notice was published concerning these proposed district regulations at least fifteen (15) days prior to the public hearing held on July 25, 2024, before the Perry Planning Commission. The Perry Planning Commission recommended the adoption of the ordinance but suggested an increase in the annual operator license fee from \$250.00 to \$1,000.00.

Attachments: Sexually Oriented Business Ordinance

Recommendation: Receive recommendation and proceed to next agenda item.

11. **CONSIDER APPROVAL OF ORDINANCE NO. 2024-12 OF THE CITY COUNCIL OF THE CITY OF PERRY, OKLAHOMA, BY THE AMENDMENT OF ARTICLE 2, DIVISION 2 OF CHAPTER 12 OF THE PERRY MUNICIPAL CODE 2022 BY THE ADDITION OF NEW SECTION 12-214 ENTITLED “PERRY FAMILY FRIENDLY DISTRICT”; BY THE AMENDMENT OF ARTICLE 2 OF CHAPTER 12 OF THE PERRY MUNICIPAL CODE 2022 BY THE ADDITION OF NEW DIVISION 3A ENTITLED “SEXUALLY ORIENTATED BUSINESSES”; PROVIDING FOR SECTION 12-235 ENTITLED “DEFINITIONS”; PROVIDING FOR SECTION 12-236 ENTITLED “ADDITIONAL OPERATOR LICENSE REQUIREMENTS”; PROVIDING FOR SECTION 12-327 ENTITLED “LICENSING FEES”; PROVIDING FOR SECTION 12-238 ENTITLED “OPERATING RULES AND REGULATIONS”; PROVIDING FOR SECTION 12-239 ENTITLED “EXEMPTIONS”; BY THE AMENDMENT OF ARTICLE 2, DIVISION 5 OF CHAPTER 12 OF THE PERRY MUNICIPAL CODE 2022 BY THE AMENDMENT OF SECTION 12-282, SUBSECTION B.7 PROVIDING THAT SEXUALLY ORIENTED BUSINESSES ARE A PERMITTED USE SUBJECT TO USE BY REVIEW HEARING AND APPROVAL IN A C-2 GENERAL COMMERCIAL DISTRICT, BUT NOT IN THE PERRY FAMILY FRIENDLY DISTRICT OR IN CERTAIN OTHER LOCATIONS; BY THE AMENDMENT OF ARTICLE 2, DIVISION 5 OF CHAPTER 12 OF THE PERRY MUNICIPAL CODE 2022 BY THE AMENDMENT OF SECTION 12-284, SUBSECTION E PROVIDING THAT SEXUALLY ORIENTED BUSINESSES ARE A PERMITTED USE SUBJECT TO USE BY REVIEW HEARING AND APPROVAL IN A C-4 PLANNED COMMERCIAL DISTRICT, BUT NOT IN THE PERRY FAMILY FRIENDLY DISTRICT OR IN CERTAIN OTHER LOCATIONS; PROVIDING FOR REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; PENALTY; RENUMBERING; AND DECLARING AN EMERGENCY.**

Background: If the City Council accepts the recommendation of the Perry Planning Commission, it should approve Ordinance No. 2024-12.

Attachment: Ordinance No. 2024-12

Recommendation: Discuss and if deemed appropriate, approve.

12. **Consider Enactment of Emergency Clause for Ordinance No. 2024-12.**

13. Consider Approval of the Lot Split/Final Replat of Lots 6-7, Block 88, Townsite of North and West Perry to provide Lots 1 through 4.

Background: Trey Smith of Builders Investment Group, LLC (“BIG”) has filed an Application requesting lot splits/replat of Lots 6 and 7, Block 88, North and West Perry Addition. The lot split/replat, if approved, will create four (4) lots from two (2) lots and re-orientate the frontage which will now be to the west facing North 13th Street. Mr. Smith, or his representative, will discuss BIG’s planned development for this area at the meeting.

An accurate survey of the lots split/replat has been prepared by a land surveyor and submitted and reviewed by the Community Development Director. As this involves a replat, approval by the Planning Commission, as evidenced by the signature of its Chairman, and approval by the City Council, as evidenced by the signature of the Mayor, is required. Due to the location of the utilities no dedication of additional easements or rights-of-ways will be required. The resulting lot size is appropriate in this R-G Residential General Zoning District. The preliminary replat was approved on April 5, 2024; a final approval must be made. The Perry Planning Commission approved the final lot split/replat at their meeting.

Attachments: Application, Replat and other documentation

Recommendation: Approval

14. Consider Application for Site Plan Review filed by Richard Crow regarding Parcels #3 and #5, and Nate Read, as City Manager of the City of Perry, Regarding Parcel #4, with all Parcels Located in the Perry Industrial Park; Receive Recommendation On Site Plan Review from the Perry Planning Commission.

Background: An application for site plan review was filed by Richard Crow, and by Nate Read, City Manager, on behalf of the City of Perry (collectively for purpose of simplicity referred to as the “Applicant”). This application requested a site plan review for Parcels #3, #4 and #5 in the Perry Industrial Park. Parcel #4 is owned by the City of Perry, Oklahoma, and is subject to lease and transfer to the Applicant pursuant to an Economic Development Agreement dated May 13, 2024. The zoning on the parcels is I-2 Industrial (Heavy) District, which permits any use. The parcels were previously rezoned by this City Council. The site plan review was delayed pending receipt of additional information. A great deal of public resources have been spent reviewing and re-reviewing the site plan and other construction documents. Paul Gunderson and Matt Biswell have been instrumental in its review. Proper and timely notice was posted on the property with the date, time, and location of this public hearing. The public hearing will be held at 5:00 p.m., and the Perry Planning Commission’s recommendation will be presented at the meeting.

Attachments: Economic Development Agreement dated May 13, 2024, Site Plan Review Notice, site plan and related documents.

Recommendation: Receive recommendation from the Perry Planning Commission, and after public input and discussion, take action on site plan review application.

15. **Consider Approval of Payment for Engineering and other services to Cimarron Valley Engineering, LLC, in the total amount of \$15,007.00.**

Background: The City Engineer should be paid \$15,007.00 for services performed in July 2024.

24007.01-07	DWSRF Line I	\$ 2,231.25
24001-06	Emergency Water System Repairs	\$ 600.00
24007.06-05	Perry Lake	\$ 2,456.25
24007.11-04	Crow Development	\$ 337.50
24007.13-01	Water CAD Model	\$ 3,115.00
24007.12-02	WTP Roof Repair	\$ 6,154.50
24007.03-05	Residual Lagoons	\$ 112.50
Total		\$ 15,007.00

Attachments: Invoices attached

Recommendation: Approve

16. **Consider Approval of Ordinance No. 2024-15 of the City Council of the City of Perry, Oklahoma, Providing for the Amendment of Chapter 11 of the Perry Municipal Code 2022, by the Addition of a New Subsection D to Section 11-306 Entitled “Duck Blind Regulations”, Providing that the City Manager May Make Additional Rules and Regulations to Effectively Implement the Duck Blind Regulations; Providing for Repealer; Savings; Codification; Severability; and Declaring An Emergency.**

Background: There are and will continue to be questions and adjustments that need to be made to the duck blind rules and regulations, which would be best addressed by administrative order. That is the purpose of this amendment. To authorize additional written rules and regulations to be made by the City Manager to effectively implement the duck blind regulations. The Parks Supervisor will discuss.

Attachment: Ordinance No. 2024-15

Recommendation: Approval

17. **Consider Enactment of Emergency Clause for Ordinance No. 2024-15.**
18. **Consider Approval of Agreement for School Resource Officer (SRO) Services with Perry Independent School District NO. 1 for School Year 2024-2025.**

Background: The Oklahoma Legislature appropriated \$95,000.00 per school district to provide for school resource officers and other security measures within the school districts of the state. This SRO Agreement provides for the payment of \$60,000.00, payable in equal installments each month during the ten (10) month terms of this Agreement (August 2024 to May 2025), in exchange for a police officer who will be present at the district schools during the hours school is open.

The primary function of the SRO will be to ensure the safety of the students and faculty and provide campus security at the district's schools. Specifically, the SRO shall assist in limiting access to the school grounds to only authorized persons, provide police protection of school property, personnel, and students, investigate criminal acts on school grounds and serve as liaison between the school, the police department, juvenile officials, probation officials, courts, and other agencies of the juvenile justice system. The Agreement is similar to the agreement approved last year and although the school board has not yet approved it, it is reasonably believed that it will be approved when they meet.

Attachment: School Resource Officer Agreement

Recommendation: Approval

19. **Consider Approval of Application for Payment No. 2 with Lone Hickory Cattle, LLC on the Water System Improvement DWSRF Project No. 940-1021206-02 in the amount of \$332,808.31.**

Background: The City Engineer has reviewed the schedule of values and examined the work of Lone Hickory Cattle, LLC, and authorizes this 2nd Pay Application in the amount of \$332,808.31, leaving a balance to finish and retainage in the amount of \$43,628.50.

Attachment: Application for Payment No. #2

Recommendation: Approval

20. **Consider Approval of Change Order No. 1 with Lone Hickory Cattle, LLC on the Water System Improvement DWSRF Project No. 940-1021206-02 in the amount of \$34,267.75 and appropriate sufficient monies for the change order and identify the funding source.**

Background: A change order is required to reconcile contract quantities, the provision of two (2) additional 4-inch 90-degree bends and additional railroad fees for inspection.

Attachment: Change Order #1 and other detail is enclosed

Recommendation: Discuss and if deemed appropriate approve change order and designate funding source.

21. **Consider Approval of Resolution No. 2024-06 of the City Council of the City of Perry, Oklahoma, casting a vote for Trustee of the Oklahoma Municipal Retirement Fund to Fill the Expiring Term of At-Large Trustee Representing the Entire Membership.**

Background: A list of the eligible candidates is attached for the At-Large Trustee position for the OMRF.

Attachment: Resolution, letter, and other attachments

Recommendation: Take action as deemed appropriate.

22. **Consider Approval of Tourism Development Contract with the Perry Chamber of Commerce.**

Background: The Chamber provides tourism development services for the City. The compensation is paid by receipts from the Hotel/Motel Tax. The annual amount of compensation to be paid under the FY2024-25 contract is \$5,000.00, The City Council previously approved this Contract, but the duties addressed in Paragraph 1 were reduced commensurate with the reduction in compensation. The Contract has been approved by the Chamber.

Attachment: Contract with the Perry Chamber of Commerce

Recommendation: Discuss and take action as deemed appropriate

23. **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).**
24. **Adjourn**

Posted at Perry City Hall & Council Chambers.

August 2, 2024 _____ P.M.

Christy Conrad, City Clerk



Board of Trustees of the Perry Municipal Authority

Agenda – Regular Meeting

August 5, 2024 @ 6:15 P.M.

Municipal Building | 729 Cedar Street, Perry, Oklahoma 73077

Meeting Called to Order

Roll Call

Declaration of Quorum

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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 July 22, 2024.

2. Items Removed from Consent Agenda for Discussion.

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

4. Consider Approval of Amendments to the Perry Purchasing Manual Concerning: Amending Section 1.1 Concerning its Applicability to the Perry Municipal Authority; Amending Section 1.4.A Increasing the Maximum Purchasing Authorization for the City Manager; Amending Section 2.4.B Making an Exception to the Three Bid Requirement for Open Market Purchases; Amending Section 9 Increasing the Maximum Purchasing Authorization for Purchasing Officers and Making Provisions Consistent with the Previous Amendment; Amending Section 12.2 Providing for Silent Auctions and Disposition of Surplus Property by Designation of the City Council.

Background: This agenda item provides for amendments to the purchasing manual that:

- Make it clear that it applies to the PMA and provides for substitution of terms.
- Increase the maximum purchasing authorization for the Trust Manager to \$50,000.00
- Increase the maximum purchasing authorization for purchasing officers to \$15,000.00.
- Provide that the three-bid rule can be amended if a good faith attempt was made and if the Trust Manager authorizes a lesser number.
- Provide for silent auctions.
- Provide that disposition of surplus property can be designated by the Board of Trustees and implemented by the Trust Manager.

Attachment: Amendment to the Purchasing Manual

Recommendation: Approval

5. **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).
6. **Adjourn**

Posted at Perry City Hall & Council Chambers.

August 2, 2024 _____ P.M.

Christy Conrad, Secretary



Board of Trustees of the Perry Facilities Authority

Agenda – Regular Meeting

August 5, 2024 @ 6:15 P.M.

Municipal Building | 729 Cedar Street, Perry, Oklahoma 73077

Meeting Called to Order

Roll Call

Declaration of Quorum

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A. Receive and approve the minutes of the Regular PMA meeting of July 22, 2024.

2. Items Removed from Consent Agenda for Discussion.

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

4. 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).

5. Adjourn

Posted at Perry City Hall & Council Chambers.

August 2, 2024 _____ P.M.

_____,
Christy Conrad, Secretary