



Agenda
Special Meeting (Public Hearing)
City Council of the City of Perry
March 4, 2024
Perry Council Chambers
729 Cedar Street, Perry, Oklahoma 73077
6:00 P.M.

Meeting Called to Order
Roll Call

PUBLIC HEARING AND INTENT TO FILE AN APPLICATION FOR FINANCIAL ASSISTANCE

1. Conduct Public Hearing to receive public comments regarding the City's intent to file an application for financial assistance from the USDA for an Emergency and Imminent Community Water Assistance Grant to provide certain repairs and retrofits to the City's Water Treatment Facility.

Background: The City of Perry will hold a public hearing at 6:00 pm on March 4, 2024, at the Municipal Court office in Perry, Oklahoma. The hearing is to give the citizenry an opportunity to become acquainted with the proposed Engineering Project and to comment on such items as economic and environmental impacts, service area, alternatives to the project, financing aspects, or any other issues related to the proposal. The proposed project is identified and consists of the following elements:

- Repairing Schedule 80 PVC pipe within the water treatment plant's chlorine gas feed system.
- Replacing the damaged booster pump located in the chlorine gas feed room.
- Repairing two 18-inch motor-operated valves on the filter underdrain lines.
- Restoring functionality of all water valves motor operators. •
- Addressing damage to the sedimentation basin chain and flight drive unit, as well as the western most drive, which experienced issues with the motor and drive system.
- Repairing excessive leaks and restoring storage capacity within the distribution system.
- Rebuilding and replacing packaging in the damaged vertical turbine high service pumps.

The public is invited to attend and provide input and comments.

Attachments: Engineering report to be used for USDA Emergency and Imminent Community Water Assistance Grants Program and Public Notice

Recommendation: Conduct Public Hearing.

2. Adjourn.



**Agenda
Regular Meeting
City Council of the City of Perry
March 4, 2024
Perry Council Chambers
729 Cedar Street, Perry, Oklahoma 73077
6:15 P.M.**

**Meeting Called to Order
Roll Call
Declaration of Quorum
Invocation**

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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 February 20, 2024.**
- B. Authorize Payment of \$7,200.00 to Myers Engineering for Perry Water System Improvements Phase 2 DWSRF Line 1 Project.**

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.**
 - a. Proclamations
 - b. Commendations
 - c. Council Reports
 - Ward 1,2,3, and 4 Councilpersons have an opportunity to report any new developments or work performed since the last meeting.
 - d. Committee Reports
 - Committee members can make Committees Reports to update the City Council regarding developments in their delegated responsibilities.
6. **Acting 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 submitted and presented at the meeting.
9. **Consider Approval of Ordinance No. 2024-09 Amending the Employee Retirement System, Defined Benefits Plan for the City of Perry, Oklahoma, Providing for Retirement Benefits for Eligible Employees of the City of Perry, Oklahoma; Pertaining to the Definition of Employee; Providing for Repealer and Severability; and Declaring an Emergency.**

Background: Ordinance No. 2024-09 to be considered as Item 10 to this city agenda, concerns the adoption of a City Manager Defined Contribution Retirement Plan, which is established pursuant to the Employment Agreement of Nathan Read. This amendment to the existing Employee Retirement, Defined Benefits Plan is necessary to exclude City Manager Nathan Read from the City's Defined Contribution Retirement Plan.

Attachment: Ordinance No. 2024-09 and Exhibit "A".

Recommendation: Approval of Ordinance No. 2024-09 with separate motion to approve the emergency clause.

10. **Consider Approval of Ordinance No. 2024-10 Adopting an Employee Retirement System, Defined Contribution Plan for the City Manager for the City of Perry, Oklahoma; Providing Retirement Benefits for Eligible Employees of the City of Perry, Oklahoma; Providing for Purpose and Organization; Providing for Definitions; Providing for Eligibility and Participation; Providing for Employer and Employee Contributions; Providing for Accounting, Allocation, and Valuation; Providing Benefits; Providing for Required Notice; Providing for Amendments And Termination; Providing for Transfer to and from Other Plans; Creating a Committee and Providing for Powers, Duties, and Rights of Committee; Providing for Payment of Certain Obligations; Providing for Duration and Payment of Expenses; Providing for Effective Date; Providing for Vesting Schedules; Providing for a Fund to Finance the System to be Pooled with other Incorporated Cities, Towns and their Agencies and Instrumentalities for Purposes of Administration, Management, and Investment as part of the Oklahoma Municipal Retirement Fund; Providing for Payment of all Contributions under the System to the Oklahoma Municipal Retirement Fund for Management and Investment; Providing for Non-Alienation of Benefits; Adopting those Amendments Mandated by the Internal Revenue Code; Providing for Repealer And Severability.**

Background: Ordinance No. 2024-10 concerns the adoption of a City Manager Defined Contribution Retirement Plan, which is established pursuant to the Employment Agreement of Nathan Read.

Attachment: Ordinance No. 2024-10 and Exhibit "A" and Exhibit "B".

Recommendation: Approval of Ordinance No. 2024-10

11. **Receive Recommendation from the Perry Planning Commission on Ordinance No. 2024-06 of the City Council of the City Of Perry, Oklahoma, providing for restrictions on the location of Medical Marijuana Dispensaries, Tier I Medical Marijuana Processor Facilities and Tier II Medical Marijuana Processor Facilities.**

Background: Current local ordinances allow Medical Marijuana Dispensaries, Tier I Medical Marijuana Processor Facilities and Tier II Medical Marijuana Processor Facilities to be located within the C-2 General Commercial District, the C-3 Commercial Business District and the C-4 Planned Commercial District, not as a permitted use, but subject to approval by a Use by Review procedure.

The City currently has approved locations and issued permits for two (2) Medical Marijuana Dispensaries located within the C-2 General Commercial District.

The City Council approved a short moratorium to permit the study of this subject, and to provide public notice and a public hearing before the Planning Commission, prior to any City Council vote on this matter. The Perry Planning Commission held that public hearing on February 29, 2024, following at least 15 days of the published notice.

While it is the intent to continue to permit Medical Marijuana Dispensaries, Tier I Medical Marijuana Processor Facilities and Tier II Medical Marijuana Processor Facilities in most areas located in the C-2 General Commercial District, and the C-4 Planned Commercial District, Ordinance No. 2024-06 provides for new district regulations which would restrict the location of Medical Marijuana Dispensaries, Tier I Medical Marijuana Processor Facilities and Tier II Medical Marijuana Processor Facilities in some C-2 General Commercial District areas and within the C-3 Commercial Business District. This area is sometimes referred to as the Perry Town Square District. The recommendation of the Perry Planning Commission will be given at the meeting.

Attachments: Moratorium, Ordinance No. 2024-06, and Notice

Recommendation: Discuss but take no action and move to next item when finished with discussion.

12. **Consider Approval of Ordinance No. 2024-06 of the City Council of the City of Perry, Oklahoma, Providing that Effective on April 1, 2024, Medical Marijuana Dispensaries, Tier I Medical Marijuana Processor Facilities and Tier II Medical Marijuana Processor Facilities are Prohibited from Locating in a Defined Area of C-2 General Commercial District and Throughout the C-3 Commercial Business District; Providing for Amendments to Section 9-502, Subsection 6, Section 9-505, Subsection 2, Section 12-282, Subsection B.6 and Deleting Subsection B.3 of Section 12-283, Which Sections Provide for such District Regulation Amendments; Providing for Repealer; Savings; Codification; Severability; and Declaring an Emergency.**

Background: If the City Council supports the adoption of this ordinance, they should approve it.

Attachment: Ordinance No. 2024-06

Recommendation: Approve, with separate application of the emergency clause.

13. **Receive recommendation from the Perry Planning Commission on the Application of Jessie Simpson (“Applicant”), for a Site Plan Review of the property located at 520 Kaw Street, Perry, Oklahoma, 73077, and with a Legal Description of the West 75’ of Lot Eight (8), Block Twenty-One (21), North & West Perry Addition (hereinafter the “Subject Tract”) to Permit a Small Engine Repair Shop; Take Action on Site Plan as Deemed appropriate.**

Background: The Applicant filed an application for a site plan review. The property is currently zoned C-2 General Commercial Zoning District. The Applicant requests a site plan review to permit the location of a small engine repair shop. Although a small engine repair shop is not specifically mentioned in the zoning district, the use is in keeping with other uses permitted in this district and is therefore in accordance with Perry's land use plan. It should also be noted that the site was formally used as a small engine repair shop, but the use has ceased for an extended period of time, and therefore appropriate for a review.

Items that should be considered in this review process, as there are abutting residences, include the use of mechanical equipment that may be deemed offensive by reason of vibration, noise, dust, smoke and/or fumes. Based on the foregoing, the items which should be considered are:

- screening from the abutting residences as a condition of approval.
- storing merchandise outside the building.
- potential increase in traffic volume.
- parking considerations.

The property has been properly posted for ten (10) days giving the public notice of the Application. The Perry Planning Commission held that public hearing on February 29, 2024. Their recommendation will be provided at the meeting.

Attachments: Application, site plan, site plan review ordinance and other related documents

Recommendation: Receive recommendation from the Perry Planning Commission; Consider action on this item including any additional considerations necessary for approval.

14. Receive Recommendation from the Perry Planning Commission on the Preliminary Plat of the Cottages of Perry Addition Located at 1201 Ivanhoe Street and 1248 Jackson Street, Perry, Oklahoma, 73077; Take Action on the {Preliminary Plat as Deemed appropriate.

Background: CGA Construction, L.L.C., an Oklahoma Limited Liability Company has formally submitted their preliminary plat of the proposed Addition to the Perry Planning Commission for consideration and review by the Perry Planning Commission which meeting was held on February 29, 2024. A recommendation from the Perry Planning Commission will be provided at the meeting.

Discussions may involve drainage, easements, streets, sidewalks, public utilities, phasing, or other issues relevant to the preliminary plat.

An economic development agreement between the City and Developer is planned with a sharing of duties and costs as set out in the enclosed memo. However, the approval of that agreement is not a prerequisite of approval of this final plat and any amendment to this preliminary plat can be made as a part of the approval of the final plat.

Attachments: All related documents

Recommendation: Receive Recommendation of the Perry Planning Commission with respect to the preliminary plat of the Addition; make decision as deemed appropriate.

15. **Consider and Take Action With Respect to Resolution No. 2024-02 of the City of Perry, Oklahoma (the “City”) Approving Action Taken by the Perry Municipal Authority (the “Authority”) Authorizing Issuance, Sale, and Delivery of its Clean Water SRF Promissory Note to the Oklahoma Water Resources Board; and Containing Other Provisions Related Thereto.**

Background: By approval of this Resolution, the City Council is concurring with the Perry Municipal Authority’s approval of its resolution authorizing the filing of an application a \$427,500.00 CWSRF principal forgiveness loan through the OWRB’s CWSRF Program. If the principal forgivable loan is received it will be used to fund the engineering services required for Task Order 2 provided for in the next agenda item. The monies would be used to design four miles of sewer main replacement (20,000 L.F. of Sewer Main Design Replacement of antiquated sewer mains throughout city). This initiative aligns with the strategic planning efforts of the CWSRF and the Oklahoma Water Resources Board (OWRB) to ensure adequate funding for the state's wastewater infrastructure. The OWRB issues calls for eligible wastewater projects and pollution control/water quality activities, prioritizing municipalities based on affordability criteria. Eligible projects can receive 100% funding with no cost share requirement if ranked and awarded principal forgiveness.

Attachment: Resolution 2024-02

Recommendation: Approval

16. **Consider Approval of Certain Agreements with Cimarron Valley Engineering, LLC:**

A. **Engineering Professional Services Agreement with Cimarron Valley Engineering, LLC with Exhibits.**

B. **Consider Approval of Task Order 1 with Cimarron Valley Engineering, LLC providing for the engineering services necessary for the 32nd Street Sewer Main Extension.**

C. **Consider Approval of Task Order 2 with Cimarron Valley Engineering, LLC providing for the engineering services in the event the Perry receives a principal forgiveness loan through Oklahoma Water Resource Board’s CWSRF program.**

Background: This item proposes the approval of a professional services agreement with Cimarron Valley Engineering, LLC, with Matthew Coe, PE, as principal. The agreement provides for no payment or work directed unless individual task orders are prepared. There are two task orders presented.

Task Order 1 provides for the engineering services necessary to proceed with the 32nd Street Sewer Main Extension to the South Commercial Park. The City received a \$520,637.00 grant from the Oklahoma Department of Commerce to extend its sewer main along 32nd Street south, boring Highway 77 and establishing the sanitary sewer service in the South Commercial/Industrial Park. The grant includes funds to pay for the required engineering services. A copy of that budget is included. This project will provide for the construction of 1600 lineal feet of 10” PVC SDR 26 Sewer line with appropriate manholes.

Task Order 2, provided by Cimarron Valley Engineering, LLC, is aimed at applying for a CWSRF principal forgiveness loan through the OWRB’s CWSRF Program. The purpose is to design four miles of sewer main replacement (20,000 L.F. of Sewer Main Design Replacement of antiquated sewer mains throughout city), addressing antiquated infrastructure in Perry. This initiative aligns with the strategic planning efforts of the CWSRF and the Oklahoma Water Resources Board (OWRB) to ensure adequate funding for the state's wastewater infrastructure. The OWRB issues calls for eligible wastewater projects and pollution control/water quality activities, prioritizing municipalities based on affordability criteria. Eligible projects can receive 100% funding with no cost share requirement if ranked and awarded principal forgiveness. Task Order 2 provides for Basis of Compensation of \$350,000.00 (Lump Sum), including an Engineering Study & Report for \$45,000.00, Preliminary Plans for \$120,000.00, Final Plans of \$120,000.00 and Design Survey of \$65,000.00. No obligation is created unless the principal forgiveness loan is received.

Attachments: Task Orders, Professional Service Agreement (may be amended), budget and related documents.

Recommendation: Approve

17. **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).**
18. **Consider Convening into Executive Session for the purpose of conferring on a matter pertaining to the economic development of the City of Perry, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction, if public disclosure of the matter discussed would interfere with the development of proposal (tourism related arena to be located near the Interstate 35 corridor), and which would promote economic and tourism development (pursuant To Title 25 Section 307.C.11 of the Oklahoma Statutes, as amended).**
19. **Reconvene into Regular Session.**
20. **Take any action with respect to the executive session including the approval of an Economic Development Agreement to provide for the construction, operation, and maintenance of a tourism-related arena to be located in Perry Industrial Park.**

City of Perry Regular Meeting Agenda

March 4, 2024

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21. Adjourn.

Posted at Perry City Hall & Council Chambers.

March 1, 2024 _____ P.M.

Christy Conrad, City Clerk



**Agenda
Regular Meeting
Perry Municipal Authority Meeting
February 4, 2024
Perry Council Chambers
729 Cedar Street, Perry, Oklahoma 73077
6:15 P.M.**

**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 February 20, 2024.

2. Items Removed from Consent Agenda for Discussion.

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

4. Consider And Take Action With Respect To Resolution No. 2024-01 of the Perry Municipal Authority (the “Borrower”) Agreeing to File Application With the Oklahoma Water Resources Board (the “OWRB”) for Financial Assistance through the Clean Water State Revolving Fund Program; Approving and Authorizing Clean

Water SRF Funding from the Oklahoma Water Resources Board in the Total Aggregate Principal Amount of not to Exceed \$427,500.00; Approving the Issuance of a Promissory Note in the Total Aggregate Principal Amount of not to Exceed \$427,500.00, and Authorizing Its Execution; Approving and Authorizing the Execution of a Funding Agreement; Approving Various Covenants; Approving and Authorizing the Establishment of a Project Costs Disbursement Account and Approving and Authorizing Payment of Fees And Expenses; Approving Professional Services Agreements; and Containing Other Provisions Relating Thereto.

Background: This is the resolution discussed on the City agenda. The resolution authorizes the filing of an application for a \$427,500.00 CWSRF principal forgiveness loan through the OWRB's CWSRF Program. If the principal forgivable loan is received it will be used to fund the engineering services required for Task Order 2 provided for on the city's agenda. The resolution also authorizes the hiring of professionals to apply for the forgivable loan, and if it is acquired to implement the terms of it. All services are contingent upon actually acquiring the loan.

Attachments: Resolution No. 2024-01 and related documents

Recommendation: Approve

5. Adjourn

Posted at Perry City Hall & Council Chambers.

March 1, 2024 _____ P.M.

Christy Conrad, Secretary



**Perry Facilities Authority Agenda for the Regular Meeting
February 4, 2024
Perry Council Chambers
729 Cedar Street, Perry, Oklahoma 73077
6:15 P.M.**

Meeting Called to Order

Roll Call

Declaration of Quorum

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A. Receive and approve the minutes of the Regular PFA meeting of February 20, 2024.

2. Items Removed from Consent Agenda for Discussion.

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

4. Adjourn

Posted at Perry City Hall & Council Chambers.

March 1, 2024 _____ P.M.

Christy Conrad, Secretary