City Council of the City of Perry
Agenda – Regular Meeting
July 1, 2024 @ 6:15 P.M.
Municipal Building | 729 Cedar Street, Perry, Oklahoma 73077

Meeting Called to Order
Roll Call
Declaration of Quorum
Invocation

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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 June 17, 2024.**
- **B. Acknowledge Planning Commission minutes from June 27, 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 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 – Gary May Proclamation
   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. **Quarterly Report Presented by Main Street Executive Director Laura Vollmer.**

Background: Pursuant to the agreement there are certain reporting duties. Laura will report on the activities of Main Street during the past quarter.

7. **City Manager Report & Updates**

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

Attachment: Invoice attached

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

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

10. **Consider Amendment to Chapter IV of the Perry Personnel Manual by the addition of a new Section 15 entitled "Increasing Morale and Productivity Policy".**

Background: City Management would like to implement a policy which would permit the payment of gifts or bonuses to employees for exemplary work. Article 10, Section 17 of the Oklahoma 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 City Council 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 City Council 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, provided you also authorize an amendment to the FY2024-2025 in the next item.

11. Consider Amendment to the City's FY2024-2025 Budget by the addition of a line item under personnel services entitled Increasing Morale and Productivity and designating the amount of the appropriation.

Background: In accordance with the previous agenda item, an appropriation to fund this personnel amendment must be made.

Attachment: Will be provided at the meeting

Recommendation: Set the amount and approve the appropriation.

12. Consider Approval of Budget Amendments to FY2023-2024 Budgets.

Background: Due to an increase in interest income on reserves and the application of increased expenses, the net impact is a -$23,500.00 decrease in the General Fund Balance. There was also a -$23,500.00 decrease in the Cemetery Budget due to increases in expenses. The exact details are noted in the attached budget amendment.

Attachment: Budget Amendment

Recommendation: Approval

13. Discussion and Action on Items pertaining to the Perry Hospital Renovation Project:

A. Consider Approval of Amendment to the Construction Management Agreement dated April 5, 2023, with Nabholz Construction Corporation in the

amount of the Guaranteed Maximum Price for the construction of the Perry Hospital Renovation Project.

Background: On June 17, 2024, the Guaranteed Maximum Price was received from Nabholz Construction Corporation providing for an approximate $1.1 million savings from the GMP received at the 30% construction plan phase. A discussion of any extra portion of the construction project previously bid on but removed due to budget concerns that should be included may be discussed. This presentation may be made by the SMCA CEO.

Attachment: If the amendment is available, it will be sent with the agenda; otherwise, it will be presented at the meeting.

Recommendation: Consider Approval of amendment to Construction Management Agreement with Nabholz Construction Company.

B. Consider Declaring Surplus a certain list of equipment and other materials as surplus property and authorize sale to Randy Brewer in the amount of $20,850.00, if approved by the City.

Background: Certain equipment and other materials are no longer necessary for the hospital operation according to SMCA representatives and Randy Brewer has offered $20,850.00 for all items. SMCA representatives should discuss, and a decision made concerning declaring the equipment and other materials as surplus property and discuss a manner of selling the property.

Attachment: Bid from Randy Brewer

Recommendation: Discuss and take appropriate action

C. Presentation of SMCA CEO Operations for past month and Hospital Renovation Project Status Report; Take any required action on Hospital Renovation Project.

D. Consider Payment of Architect's Additional Services in the amount of $37,827.00 pursuant to Article 4.2 of the Professional Services Agreement dated April 10. 2023, with Health Facilities Group, LLC ("HFG").

Background: HFG has submitted an invoice for $37,827.00 for additional services performed pursuant to Article 4.2 of their Professional Services Agreement based on the following changes to scope and/or design:

- The requested changes required work and/or re-work to the emergency department layout.

- These changes required additional meetings and coordination effort, as well as work on the construction documents that had previously been at an approximately 30% CD level of completion.
- Changes to the emergency department layout included relocating the nurse's station, adjustments to the treatment room locations, and rework of support spaces such as clean and soiled workrooms.
- The requested changes included modification to Architectural, Interior Design, Mechanical, Electrical, and Plumbing designs previously established for the project.

Changes were completed and revised 30% CDs were issued on 10/20/2023.

This item was continued from the June 3, 2024, regular meeting.

Attachment: Letter from HFG dated May 24, 2024

Recommendation: Discuss and take appropriate action.

14. Consider Approval of Certain City Contracts:

A. 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.

Attachment: Contract with the Perry Chamber of Commerce

Recommendation: Discuss and take action as deemed appropriate

B. Consider Approval of a Service Contract with Main Street of Perry, Inc.

Background: Main Street provides historic preservation and 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 $20,000.00.

Attachment: Contract with Main Street of Perry, Inc.

Recommendation: Discuss and take action as deemed appropriate

C. Consider Approval of a Contract for Services with Perry Senior Citizen's, Inc.

Background: Perry Senior Citizen's, Inc. provides senior citizen services to the residents of Perry and surrounding area. The FY2024-2025 contract provides that the City pays the utilities at the Senior Citizen's Building and provides a Senior Citizen Director.

Attachment: Contract with the Perry Senior Citizen's Inc.

Recommendation: Discuss and take action as deemed appropriate

D. Consider Approval of Agreement with Northern Oklahoma Development Authority D/B/A Cherokee Strip Transit.

Background: Northern Oklahoma Development Authority D/B/A Cherokee Strip Transit provides transportation services to the residents of Perry and surrounding area. The City pays $450.00 per month in consideration of the transportation services.

Attachment: Contract with the Northern Oklahoma Development Authority D/B/A/ Cherokee Strip Transit

Recommendation: Discuss and take action as deemed appropriate

E. Consider Approval of Contract for Services and Lease Agreement with Wheatheart Nutrition Project, Inc.

Background: Wheatheart Nutrition Project, Inc., provides senior services to the residents of Perry and the surrounding area. The FY2024-2025 contract provides for the City to provide Wheatheart a building and a $375.00 credit on its monthly utility bill. The City is responsible for repairs to the roof and outer walls, heating and cooling systems, electric systems, and plumbing repairs. Wheatheart is responsible for minor repairs of less than $300.

Attachment: Contract with Wheatheart Nutrition Project, Inc.

Recommendation: Discuss and take action as deemed appropriate

15. Consider Approval of Law Enforcement Assistance Agreement with the Sheriff and Noble County.

Background: This agreement permits Perry law enforcement officers jurisdiction outside the corporate limits of the City and on real property owned by the City, such a CCC Lake and Park, Perry Lake and the Perry Municipal Airport, and Ditch Witch Plant 3 located outside the corporate limits. Consent is not automatic on the streets and roads to these locations and must be granted specifically by call to the Sheriff's Office. This Agreement was approved last year and is effective for the fiscal year.

Attachment: Law Enforcement Assistance Agreement

Recommendation: Approval

16. Consider Approval of Appointments by Mayor Lawrence Wortham to the Historical Preservation Commission.

Background: The ordinance authorizing the creation of the Historic Preservation Commission was approved at the last meeting. Pursuant to Section 12-720, Mayor Wortham makes the appointments to the Historic Preservation Commission.

Member qualifications are as follows:

- One member shall be a registered architect, engineer, building contractor or licensed tradesman;
- One member shall be an owner of any building located within a designated district, whether a resident of the City of Perry or not;
- One member shall be a member of the Board of Directors or an employee of the Perry Main Street;
- One member shall be a licensed real estate broker/agent or auctioneer; and
- One member shall be a member of the planning commission or member of the City Council.

If a non-resident is desired for the building owner seat, that appointment will need to wait until the district is established.

In addition to appointment and confirmation, a staggering of terms must initially occur. Initially, two (2) members shall be appointed for one year, two (2) for two (2) years, and one for three (3) years.

Recommendation: Discuss, receive appointments, and approve or continue for qualified candidates.

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 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.

19. Reconvene into Regular Session.

20. 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.

21. Adjourn

Posted at Perry City Hall & Council Chambers. June 28, 2024 _______ A.M.

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Christy Conrad, City Clerk

Perry Municipal Authority
Agenda – Regular Meeting
July 1, 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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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

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A. Receive and approve the minutes of the Regular PMA meeting of June 17, 2024.

2. Items Removed from Consent Agenda for Discussion.

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

4. Consider Amendment to Chapter IV of the Perry Personnel Manual by the addition of a new Section 15 entitled "Increasing Morale and Productivity Policy".

Background: Trust Management would like to implement a policy which would permit the payment of gifts or bonuses to employees for exemplary work. Article 10, Section 17 of the Oklahoma 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

5. **Consider Approval of Budget Amendments to FY2023-2024 Budgets.**

Background: Due to an increase in an OWRB grant of $1,163,702.00 and an expense increase of $1,457,500.00, the net impact is a -$293,798.00 decrease in the PMA fund balance.

Attachment: Budget Amendment

Recommendation: Approval

6. **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).

7. **Adjourn**

Posted at Perry City Hall & Council Chambers. **June 28, 2024 ______ A.M.**

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Christy Conrad, Secretary

Perry Facility Authority
Agenda – Regular Meeting
July 1, 2024 @ 6:15 P.M.
Municipal Building | 729 Cedar Street, Perry, Oklahoma 73077

Meeting Called to Order
Roll Call
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A. Receive and approve the minutes of the Regular PMA meeting of June 17, 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. June 28, 2024 _______ P.M.

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Christy Conrad, Secretary