



Agenda
Regular Meeting
City Council of the City of Perry
March 18, 2024
Perry Council Chambers
729 Cedar Street, Perry, Oklahoma 73077
6:15 P.M.

Meeting Called to Order
Roll Call
Declaration of Quorum
Invocation

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

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

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

1. Consent Agenda

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

- A. Receive and approve the minutes of the Regular City Council meeting of March 4, 2024.**
- B. Receive and approve the minutes of the Special Meeting/Public Hearing March 4, 2024.**
- C. Authorize Payment of \$9,881.00 total to Myers Engineering for 3 invoices.**
- D. Acknowledge January 2024 Monthly and Statistics Reports for the Perry Carnegie Library.**

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 – **Autism Awareness & Acceptance Month for April 2024**
 - b. Commendations – **Retirement of Matt Lumbers (On-Call Firefighter)**
 - 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 Report.**

Attachment: Financial Report enclosed
8. **Quarterly Report from Main Street Executive Director Laura Vollmer of Perry.**

Attachment: Report attached
9. **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: 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.

The Perry Planning Commission recommended approval of this ordinance. The City Council considered this ordinance at their last regular meeting and continued it until this meeting to permit additional reflection and citizen input.

Attachment: Ordinance No. 2024-06

Recommendation: Discuss and if deemed appropriate, approve, with separate application of the emergency clause.

10. **Consider Approval of Ordinance No. 2024-07 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 Amendment of Section 11-306 Entitled “Duck Blind Regulations”, Providing for a Duck Blind Lottery Program, Increasing the Price and amending the Procedure for Obtaining a Duck Blind Permit and Deleting Certain Miscellaneous Duck Blind Regulations; Providing for the Accounting and Use of the Monies Received from the Sale Of Duck Blind Permits And Seasonal Hunting Fees; Providing for the Amendment of Chapter 18 of the Perry Municipal Code 2022, by the Amendment of Section 11-308, Subsection 4 by Increasing Seasonal Hunting Permits from \$12.00 to \$20.00, Providing for a Duck Blind Entry Application Fee of \$100.00 and a Duck Blind Specific Location Permit Fee of \$400.00, in Replacement of the Current Duck Blind Permit of \$40.00; Providing for Repealer; Savings; Codification; Severability; Penalty; and Declaring an Emergency.**

Background: The ordinance amends the procedure and cost for obtaining a duck blind permit and amends the code to reflect the price currently charged for k hunting seasonal permits.

A Duck blind entry application and fee of \$100.00 is required to participate in a lottery set on a specific date, time and location. Applications will be chosen by lottery and the applicants will be required to choose their duck blind location and within 7 days thereafter, pay a \$400.00 Duck Blind Specific Location Permit Fee. All monies received from the sale of the permits and fees will be accounted for in the General Fund and used for capital improvements at Perry Lake.

The city administration recognizes that it has been significantly underpricing these valuable hunting rights at Perry Lake and needs to set them at a price closer to its market value. Time will determine whether the pricing was correct.

This ordinance was continued from a previous regular meeting agenda to permit further study.

Attachment: Ordinance No. 2024-07

Recommendation: Approval of Ordinance No. 2024-07 with separate motion to approve the emergency clause.

11. Consider appointment of Qualified Person to Ward 2, Post 1 City Council seat vacated by the resignation of Curtis White on March 4, 2024.

Background: Curtis White submitted his resignation on March 4, 2024. The City Council has 60 days from March 4, 2024, to appoint a successor to his vacated seat or in the event of a failure to timely appoint, call a special election to fill such seat.

Attachment: Resignation

Recommendation: Act as deemed appropriate

12. Receipt of Waiver of Competitive Bidding Certification by Acting City Manager Christy Conrad and authorize the purchase of TMB 120G – Polymer from Thorton, Musso & Bellemin in the amount of \$40,131.00.

Background: The purchase of this sole source polymer is required for the water treatment plant's water treatment process. The polymer is a trade secret and is proprietary technology for Thorton, Musso & Bellemin and is available from one source. The acting city manager has certified that purchasing this sole source product is from a sole source vendor and its purchase is in the best interest of the City.

Attachment: Letter and Invoice from Thorton, Musso & Bellemin

Recommendation: Receive the waiver of competitive bidding certification from the acting city manager and authorize the purchase without notice and competitive bidding.

13. Receive and discuss Upper Black Bear 62 (Lake Perry) 404 application.

Background: The 404 application will shortly be submitted to the Army Corp of Engineers on the Perry Lake Project. The Corps is currently working on drafting the Public Notice that will go out for 30 days (on the USACE website). As soon as we submit the application it will take 2 or 3 weeks to be posted for public review (Public Review is 30 days). Public comments will be received. The application has been signed by the acting city manager and if additional information is known at the time of the meeting it will be provided.

Attachments: Application and other documentation related to 404 permit application.

Recommendation: No action is required

14. Consider Approval of Payment of \$9,005.00 to Cimarron Valley Engineering, LLC, for engineering services provide.

Background: The payments and purpose for the payments are described hereinbelow and in the attached invoices:

Invoice	Project	
24001-01	Emergency Water System Repairs	\$ 2,437.50
24001-02	Emergency Water System Repairs	\$ 337.50
24004-01	Cottage Homes	\$ 1,350.00
24006-01	32nd St. Sewer Line Ext	\$ 3,080.00
24007.01-01	DWSRF Line I	\$ 112.50
24007.01-02	DWSRF Line I	\$ 281.25
24007.02-01	Chlorine Gas Plan	\$ 112.50
24007.03-01	Residual Lagoons	\$ 225.00
24007.04-01	Kaw Lake Blending	\$ 506.25
24007.05-01	Water Rights Reporting	\$ 562.50
Total		\$ 9,005.00

Attachments: Invoices

Recommendation: Approve the invoices

15. Receive Presentation from HBK Engineering regarding their proposal for Lead Service Line Inventory/Replacement Planning.

Background: As a part of the National Primary Drinking Water Regulations, Subpart I, lead and copper (copper only with lead soldered joints) which are a part of the distribution system must be replaced within ten (10) years. The proposed rules were announced on November 20, 2023, and final rules are expected October 16, 2024. HBK will present a proposal for planning and implementing this work.

Attachment: Proposal

Recommendation: Receive presentation

16. **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).**
17. **Consider Convening into Executive Session for the purpose of conferring on matters pertaining to the economic development of the City of Perry, including the transfer of property, financing, and/or the creation of proposals to entice businesses to locate and/or invest within the City of Perry, if public disclosure of the matter discussed would interfere with the development of proposals/services (Proposal 1: tourism related arena to be located near the Interstate 35 corridor) (Proposal 2: Cottage Addition Agreement), and which would promote economic and tourism development (pursuant To Title 25 Section 307.C.11 of the Oklahoma Statutes, as amended).**
18. **Reconvene into Regular Session.**
19. **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 the Perry Industrial Park and an Economic Development Agreement to induce the Cottage Additional Housing Project.**
20. **Adjourn.**

Posted at Perry City Hall & Council Chambers.

March 15, 2024 _____ P.M.

Christy Conrad, City Clerk



Agenda
Regular Meeting
Perry Municipal Authority Meeting
March 18, 2024
Perry Council Chambers
729 Cedar Street, Perry, Oklahoma 73077
6:15 P.M.

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A. Receive and approve the minutes of the Regular PMA meeting of March 4, 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).

Perry Municipal Authority Regular Meeting Agenda
March 18, 2024
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5. Adjourn

Posted at Perry City Hall & Council Chambers.

March 15, 2024 _____ P.M.

Christy Conrad, Secretary



**Agenda for the Regular Meeting
Perry Facilities Authority
March 18, 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. 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).

Perry Facilities Authority Regular Meeting Agenda
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5. Adjourn

Posted at Perry City Hall & Council Chambers.

March 15, 2024 _____ P.M.

Christy Conrad, Secretary