

City Council of the City of Perry

Agenda – Regular Meeting

December 16, 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 Regular City Council Meeting of December 2, 2024.**
- B. Declare as Surplus and no longer useful for a municipal purpose certain materials from the Perry Carnegie Library.**
- C. Acknowledge November 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 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.
 - b. Cherokee Strip Museum Quarterly Report by

6. **City Manager Remarks on current projects and activities.**

7. **Chief Financial Officer Report on November 2024 Financial Report.**

Attachment: November 2024 Financial Report enclosed.

Recommendation: Receive presentation

8. **Consider Approval of Ordinance No. 2024-28 of the City Council of the City of Perry, Oklahoma, Amending Chapter 17 of the Perry Municipal Code 2022, by the Amendment of Section 17-216 Entitled “Average Billing Program”, Making Certain Amendments to the Program; Providing for Repealer; Savings; Codification; Severability; and Declaring an Emergency.**

Background: Pursuant to the request of the City Council, certain recommended amendments to the Average Billing Program are presented for your consideration and review. The following recommendations are made:

- Customers can initiate the Program after nine months as a utility customer rather than one year;
- Customers can have no late fees assessed and/or returned checks or drafts for at least nine months as a utility customer rather than one year;
- No minimum time you must remain in the Program (currently one year minimum);
- Sign up time is currently October through December – the amended ordinance provides that the Program enrollment time will be enlarged to September through January.
- The customer can choose to leave the Program at any time.

Attachment: Ordinance No. 2024-28

Recommendation: Discuss and if deemed appropriate, amend, modify and/or approve.

9. Consider Approval of the Emergency Clause for Ordinance No. 2024-28.

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

10. Consider Changes in Utility Rates as follows:

A. Introductory remarks by Nate Read, City Manager:

B. CONSIDER APPROVAL OF ORDINANCE NO. 2024-25 OF THE CITY COUNCIL OF THE CITY OF PERRY, OKLAHOMA, AMENDING CHAPTER 18 OF THE PERRY MUNICIPAL CODE 2022, BY THE AMENDMENT OF SECTION 17-201 ENTITLED “ELECTRIC UTILITY FEES AND BILLINGS IN GENERAL”; BY THE AMENDMENT OF SUBSECTION 1.A.(1) THROUGH (4), INCREASING THE ELECTRIC RATE BY 4.62% FOR ALL INDUSTRIAL CUSTOMERS; PROVIDING FOR REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

Attachment: Ordinance No. 2024-25

C. Consider Approval of the Emergency Clause for Ordinance No. 2024-25.

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

D. CONSIDER APPROVAL OF ORDINANCE NO. 2024-23 OF THE CITY COUNCIL OF THE CITY OF PERRY, OKLAHOMA, AMENDING CHAPTER 17, ARTICLE 2 OF THE PERRY MUNICIPAL CODE 2022 BY THE AMENDMENT OF SECTION 17-218 ENTITLED “ADMINISTRATIVE FEE”; PROVIDING FOR A TWO DOLLAR (\$2.00) INCREASE IN THE ADMINISTRATIVE FEE APPLIED TO EVERY UTILITY BILL TO RECOVER THE COST OF UTILITY BILLING, UTILITY COLLECTION, POSTAGE, METER READING AND ALL OTHER ANCILLARY AND INCIDENTAL UTILITY BILLING AND COLLECTION SERVICE REQUESTS; REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

Attachment: Ordinance No. 2024-23

E. Consider Approval of the Emergency Clause for Ordinance No. 2024-23.

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

- F. **CONSIDER APPROVAL OF ORDINANCE NO. 2024-22 OF THE CITY COUNCIL OF THE CITY OF PERRY, OKLAHOMA, AMENDING CHAPTER 18 OF THE PERRY MUNICIPAL CODE 2022, BY THE AMENDMENT OF SUBSECTION A OF SECTION 17-413 ENTITLED “WATER RATES”; PROVIDING FOR AN INCREASE IN RESIDENTIAL, COMMERCIAL AND INDUSTRIAL WATER RATES; PROVIDING FOR REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

Attachment: Ordinance No. 2024-22

- G. **Consider Approval of the Emergency Clause for Ordinance No. 2024-22.**

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

- H. **CONSIDER APPROVAL OF ORDINANCE NO. 2024-21 OF THE CITY COUNCIL OF THE CITY OF PERRY, OKLAHOMA, AMENDING CHAPTER 18 OF THE PERRY MUNICIPAL CODE 2022, BY THE AMENDMENT OF SECTION 17-510 ENTITLED “SANITARY SEWER USE RATES”; PROVIDING FOR AN INCREASE IN SANITARY SEWER USE AND OTHER RELATED SANITARY SEWER RATES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CUSTOMERS; PROVIDING FOR REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

Attachment: Ordinance No. 2024-21

- I. **Consider Approval of the Emergency Clause for Ordinance No. 2024-21.**

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

Background: The above ordinances provide the following rate changes:

- The industrial electric rates are increased by 4.62%
- Residential water and sewer rates are increased by:
 - 35% effective 1/1/2025
 - 20% effective 1/1/2026
 - 15% effective 1/1/2027
- Commercial water and sewer rates are increased by:
 - 50% effective 1/1/2025
 - 20% effective 1/1/2026
 - 20% effective 1/1/2027
- Industrial water and sewer rates are increased by:
 - 50% effective 1/1/2025
 - 20% effective 1/1/2026
 - 20% effective 1/1/2027

Note: Water rates for residential, commercial and industrial customers at service locations outside of corporate limits are reduced slightly due to lesser costs as required by state law

During the town meetings, and after an extended discussion by the City Council on December 2, 2024, it was apparent that while many members of the public understood the reasoning for the proposed increases, it was universally thought the increases should be staggered over a period of years. The result is the proposed rates as presented which will provide sufficient monies to meet required water projects debt service requirements, as well as provide needed revenues for capital improvement projects and other operational adjustments.

Recommendation: Discuss and if deemed appropriate, approve each ordinance and the respective emergency clauses.

11. **Consider Approval of Ordinance No. 2024-29 of the City Council of the City of Perry, Oklahoma, Amending Chapter 10, Article 3 of the Perry Municipal Code 2022, by the Amendment of Subsection B.1 to Section 10-302 entitled “Trespass on Public Property” and by the Addition of a New Section 10-303A Entitled “Criminal Trespass”; Providing for an Amendment to Section 1-111, Subsection C, Listing The Punishment For Criminal Trespass; Providing For Repealer; Savings; Codification; Severability; Penalty; And Declaring An Emergency.**

Background: State law regarding trespass has been recently amended. This ordinance amends the prima facie case for public trespass and provides a new ordinance on criminal trespass relating to providing notice to parties who commit illegal entry or other criminal acts on real property, such that they can be arrested if subsequently found on such property. The fines for each offense are set at \$250.00, plus court costs, fees, and state assessments, if applicable.

Attachments: Ordinance No. 2024-29

Recommendation: Approval

12. **Consider approval of Emergency Clause for Ordinance No. 2024-29**

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

13. **Consideration and possible action concerning an agreement between the City of Perry, Oklahoma and the State of Oklahoma Department of Transportation for Project Maintenance, Financing, and Right of Way Agreement for the TAPS Grant for the Sidewalk project on 7th Street from Delaware to Ivanhoe and Fir Street/US 64 from 7th Street to West Side of North 8th Street; TAPS-8626(004)TP; State Job No. 38626(04)(05)(06)(07); Appropriate and commit \$96,050 in local matching funds for the project.**

Background: The City applied and received a sidewalk grant through the Oklahoma Department of Transportation to construct a sidewalk on 7th Street from Delaware to Ivanhoe and Fir Street/US 64 from 7th Street to West Side of North 8th Street.

The total estimated construction cost, including design, right-of-way and utility relations is \$920,413.00, with the federal government paying \$824,363.00 and the City required to pay \$96,050.00 in local matching funds. The local share has been appropriated as a part of the General Fund Budget.

Attachment: Project Maintenance, Financing, and Right of Way Agreement

Recommendation: Approval

- 14. Consider Approval of Resolution No. 2024-15 to Authorize the Oklahoma Municipal Assurance Group to Return Escrow Account Workers Compensation Premium Funds in the Amount of \$171,421.60 to the City of Perry.**

Background: The City has excess workers compensation escrow account funds that can be returned to the City in the amount of \$171,421.60 if this resolution is approved. Some of these monies will be needed in the future to pay insurance premiums.

Attachment: Resolution 2024-15

Recommendation: Approval

- 15. Consider Approval of Payment of \$12,243.750 as the November 2024 Monthly Invoice from Cimarron Valley Engineering, LLC.**

Background: Specific invoices for work and services include: 32nd Street Sewer Project - \$10,275.00; CCC Lake Improvements - \$450.00; DWSRF Water Improvements - \$281.25; WTO Roof Repair - \$450.00; Perry Lake - \$787.50.

Attachments: Invoices

Recommendation: Approval

- 16. Consider Acceptance and Agreement of Sanitary Sewer Easement from Sooner's Corner, Inc., , for 32nd Street Sanitary Sewer Project.**

Background: The 32nd Street Sanitary Sewer Project requires an easement from its existing location across property owned by Sooner's Corner, Inc., to 32nd Street to continue southward. The easement has a continued duty to maintain the easement area during its duration. Acceptance and approval of this agreement on behalf of the City and PMA is necessary to make the obligation enforceable.

Attachments: Easement and exhibit

Recommendation: Acceptance and Approval

City of Perry Regular Meeting Agenda

December 16, 2024

Page 7

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

18. Adjourn

Posted at Perry City Hall & Council Chambers.

December 13, 2024 _____ P.M.

Christy Conrad, City Clerk

Board of Trustees of the Perry Municipal Authority

Agenda – Regular Meeting

December 16, 2024 @ 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 PMA meeting of December 2, 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 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.

Perry Regular Municipal Authority Meeting Agenda

December 16, 2024

Page 2

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.

December 13, 2024 _____ A.M.

Christy Conrad, Secretary

Board of Trustees of the Perry Facilities Authority

Agenda – Regular Meeting

December 16, 2024 @ 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 PFA meeting of December 2, 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 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.

Perry Facilities Authority Meeting Agenda
December 16, 2024
Page 2

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.

December 13, 2024 _____ A.M.

Christy Conrad, Secretary