



Agenda
Regular Meeting
City Council of the City of Perry
June 3, 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.

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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 Special City Council meeting of May 13, 2024.**
- B. Receive and approve the minutes of the Regular City Council meeting of May 20, 2024.**
- C. Acknowledge receipt of the minutes of the Regular Planning Commission meeting of May 30, 2024.**
- D. Consider declaring certain Perry Carnegie Library books as surplus and no longer necessary for a municipal purpose.**

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. 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 to be presented at the meeting.

9. Conduct Public Hearing on the proposed FY2024-2025 General Fund Budget and other Budgets of the Perry Governmental Component Entities, including the Perry Municipal Authority and the Perry Facilities Authority; Receive input from the public; discuss revenues, transfers, expenditures, and all related financial issues.

Background: This public hearing is to receive public comment on the proposed FY2024-2025 General Fund Budget and other Budgets of the Perry Governmental Component Entities, including the Perry Municipal Authority and the Perry Facilities Authority. A notice of this budget and the date, time and location of this public hearing was published

in the Perry Daily Journal at least five (5) days prior to this public hearing. All members of the public are encouraged to attend and participate. The budget is likely to be considered for adoption at the regular meeting to be held on June 17, 2024, at or after 6:15 p.m.

Highlights for the budget discussion include:

- 90% of FY'24 projected tax revenues are budgeted.
- No Utility Rate increases – CPI for March was 3.7%.
- Provides \$238,000.00 for Capital Outlay – all projects are listed
- No percentage amount has yet been provided for a cost of living raise for employees.
- 4 ½% Health Insurance increase is budgeted.

Attachment: Draft City and PMA Budgets

Recommendation: Conduct public hearing, receive input from the public; discuss revenues, transfers, expenditures, and all related financial issues.

- 10. Consider Approval of Resolution No. 2024-04 of the City Council of the City of Perry, Oklahoma, Adopting and Approving Its FY2024-2025 General Fund and other Budgets and Appropriating the Revenues for the Stated Purposes as Contained in the Budgets Directing the Mayor, City Manager and City Clerk take any and all Additional Actions as may be Required for the Implementation of this Budget.**

Background: If the City Councilmembers desire to approve the City's General Fund and other budgets, they should approve this resolution.

Attachment: Resolution 2024-04

Recommendation: Approval

- 11. Discussion and Action on Items pertaining to the Perry Hospital Renovation Project:**

- A. Receive Guaranteed Maximum Price from Nabholz Construction Corporation for the construction of the Perry Hospital Renovation Project.**

Background: By Monday, June 3, 2024, Nabholz should have issued the Guaranteed Maximum Price. It is anticipated that a final agreement with Nabholz Construction Corporation providing for the Perry Hospital Renovation Project may be available to be viewed and approved for the June 17, 2024, regular meeting. This presentation may be made by the SMCA CEO.

Recommendation: Receive and discuss Guaranteed Maximum Price from Nabholz Construction Company.

- B. **Upon receipt of the Guaranteed Maximum Price, if purchase order has not yet been issued, Authorize the Purchase of the Siemens CT Units for the Radiology Department in the amount of \$426,400.00 from the budgeted allocation of \$500,000.00.**

Background: In case the purchase order has not yet been issued, based on the GMP received from Nabholz Construction Company, authorize the purchase and issue the purchase order from budgeted funds to Siemens in the amount of \$426,400.00.

Attachments: Information supplied on the bidding by SMCA

Recommendation: Authorize the purchase and issue the purchase order from budgeted funds to Siemens in the amount of \$426,400.00.

- C. **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 to the construction documents that had previously been at an approximately 30% CD level of completion.
- Changes to the emergency department layout included relocating the nurses 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

Attachment: Letter from HFG dated May 24, 2024

Recommendation: Discuss and take appropriate action.

- D. **Presentation of SMCA CEO Operations and Hospital Renovation Status Report; Take any required action on Hospital Renovation Project.**

12. **Receive Recommendation from the Perry Planning Commission on Ordinance No. 2024-08 of the City Council of the City Of Perry, Oklahoma, Amending Chapter 12 of the Perry Municipal Code, 2022, Entitled “Planning, Zoning and Development”, by the Addition of a New Article 7 Entitled “Historic Preservation”.**

Background: This ordinance provides for an overlay zoning district called the HP Historical Preservation Zoning District. The ordinance adopts the regulations which will govern any designated district hereinafter designated; for an actual district to be designated, a notice will be sent to all owners located within the proposed designated district, as well as a published notice, advising of the date, time and place of a public hearing before the Perry Planning Commission, followed by the City Council’s consideration and approval of an ordinance establishing such HP overlay district.

The ordinance provides for the appointment of the Historic Preservation Commission, all of whom shall be residents of the City with interests in architecture, history, landscape architecture, structural engineering, lending, finance, and/or commerce.

The Mayor will appoint the Commission, subject to the approval of the City Council, and the Commission will include five members, including: 1) a registered architect, engineer, building contractor or licensed tradesman; 2) an at-large resident with a demonstrated interest in the cultural, artistic, social, economic, political, architectural, historic, or other heritage features of the City; 3) a member of the Board of Directors or an employee of the Perry Main Street; 4) a licensed real estate broker/agent or auctioneer; and 5) a member of the planning commission or member of the City Council. Terms will be initially staggered; thereafter all terms will be for three (3) years. Any member of the Commission may be removed for any reason by a vote of a majority of all the members of the City Council.

The ordinance provides for the process to designate an area or significant historic structure within the Historic Preservation District.

The ordinance provides for the filing of an application for a certificate of appropriateness with, and approval by, the Commission, prior to the commencement of work upon any structure or site located within any "HP" Historical Preservation District, hereinafter designated, whenever: 1) the work requires a building permit, 2) the work includes the application of paint to a previously unpainted brick or masonry exterior surface or the construction or enlargement of a driveway or parking area, and 3) the work includes the construction, erection, moving, demolition, reconstruction, rehabilitation, restoration, stabilization, or alteration of the exterior of any structure or site, except when such work satisfies all the requirements for ordinary maintenance and repair.

“Ordinary maintenance and repair” is defined as any work for which a building permit or any other city permit or certificate is not required, and where the purpose of such work is stabilization, and further, where such work will not noticeably change the exterior appearance of the resource. Any work not satisfying all of the above requirements shall not be considered ordinary maintenance and repair. The following examples shall not be considered ordinary maintenance and repair. The application of paint to previously unpainted brick, or masonry, the construction or enlargement of a driveway or parking area,

the replacement of exterior doors or windows, except for repair of broken glass or screens by use of like glass or screens, and further, there are other types of construction or other work that shall not be considered ordinary maintenance and repair.

The ordinance also provides for exceptions pursuant to a certificate of economic hardship. Any person aggrieved by a decision of the Commission may appeal such decision to the City Council. Such an appeal shall be made in writing and filed in the Office of the City Clerk within ten (10) days of the date of the aggrieved decision. The City Council may affirm, overrule, or modify the decision of the Commission. The City Council shall be guided by the review criteria specified in Section 12-743(i) of the ordinance. Any person aggrieved by a decision of the City Council shall have such right of appeal as may be otherwise provided by law.

A notice of this public hearing was published at least fifteen (15) days prior to this public hearing. The Perry Planning Commission held the public hearing on this ordinance on June 30, 2024. The recommendation of the Perry Planning Commission will be given at the meeting.

Attachments: Ordinance No. 2024-08 and Notice

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

13. **Consider Approval of Ordinance No. 2024-08 of the City Council of the City of Perry, Oklahoma, which amends Chapter 12 of the Perry Municipal Code, 2022, Entitled “Planning, Zoning And Development”, by the Addition of a New Article 7 Entitled “Historic Preservation”; Providing for Division 1 entitled “Generally”; Section 12-701 entitled “Purpose”; Section 12-702 entitled “Definitions”; Section 12-703 entitled “Jurisdiction of Historic Preservation Zoning Ordinance”; Providing for Division 2 entitled “Preservation Commission”; Section 12-720 entitled “Generally”; Section 12-721 entitled “Terms of Members”; Section 12-722 entitled “Meetings and Rules”; Section 12-723 entitled “Duties”; Providing for Division 3 entitled “HP Historical Preservation Zoning District”; Section 12-730 entitled “Creation”; Section 12-731 entitled “General Provisions and Description”; Section 12-732 entitled “District Identification”; Section 12-733 entitled “District Regulations”; Section 12-734 entitled “Ordinary Maintenance or Repair”; Section 12-735 entitled “Uses Adjacent to Historical Preservation District”; Providing for Division 4 entitled “Historical District Zoning Designation Process”; Section 12-740 entitled “Procedure”; Section 12-741 entitled “Interim Control”; Section 12-742 entitled “District Designation; Criteria”; Section 12-743 entitled “Certificate of Appropriateness”; Section 12-744 entitled “Certificate of Economic Hardship”; Providing for Division 5 entitled “Demolition”; Section 12-750 entitled “General Provisions”; Section 12-751 entitled “Procedure and Postponement Order”; Section 12-752 entitled “Criteria for Review of Demolition”; Providing for Division 6 entitled “Miscellaneous Provision”; Section 12-760 entitled “Minimum Maintenance”; Section 12-761 entitled “Historical Preservation Commission Review”; Section 12-762 entitled “Appeals”; Section 12-763 entitled “Taxes”; Section 12-764 entitled “Property Owned by Public Agencies”; Providing for Repealer; Savings; Codification; Severability; Penalty; and Declaring an Emergency.**

Background: If the City Council supports the adoption of this ordinance, the City Council should approve Ordinance No. 2024-08.

Attachment: Ordinance No. 2024-08

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

- 14. Receive Recommendation from the Perry Planning Commission on the Application of Mannj Mohan on behalf of Comfort Inn and Suites (“Applicant”), to permit the continued location of Temporary Storage Containers at 3112 West Fir Street, Perry, Oklahoma, 73077, pursuant to Section 5-114 of the Perry Municipal Code 2022.**

Background: The two (2) TSCs have been used for the storage of hotel supplies as well as outdoor equipment. Applicant states the TSCs have been present since the construction of the hotel approximately fifteen (15) years ago. It is also alleged that there is not sufficient storage within the hotel and that the TSCs are needed for the hotel’s operation. Section 5-114 provides that if the owner possessed a building permit which permitted the accessory structure at or prior to the time Section 5-114 was adopted, that the TSC could remain on the subject tract without compliance with the section. No such permit or permission exists. The Applicant is requesting permission to allow the two (2) TSCs to remain on the subject tract without a time restriction. Section 5-114 provides that no TSC shall be authorized until a finding is made that its continued location does not cause substantial injury to the surrounding neighborhood. The application can be approved with any conditions that may be appropriate which shall be placed on the face of the authorizing permit. The subject tract is currently zoned C-3 General Commercial District. The current nature and the location of the TSCs can be viewed on the subject property. The property was posted and a notice was sent to property owners located within 300’ of the property at least ten (10) days before this public hearing. The recommendation of the Planning Commission will be received at the meeting.

Attachments: TSC ordinance and notice

Recommendation: Receive recommendation from Planning Commission; approve, deny or approve with conditions or take such other action as is appropriate.

- 15. Receive Recommendation from the Perry Planning Commission on the Application of 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, to Rezone such Parcels from I-1 Industrial (Light) District to I-2 Industrial (Heavy) District and with the Parcels to be Used as an Arena Attracting Agricultural and Rodeo Related Events.**

Background: An application for rezoning has been 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 requests rezoning 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 April 22, 2024. The Applicant desires that the zoning on all three parcels

be amended from the current I-1 Industrial (Light) District to the I-2 Industrial (Heavy) District. The Applicant owns Parcel #1 and #2, operates businesses on such parcels, and these parcels were previously rezoned from I-1 Industrial (Light) District to the I-2 Industrial (Heavy) District. I-2 Industrial (Heavy) District permits any use.

No formal protests were received. Proper and timely notice was published and mailed to owners of real property within 300' of the exterior property of the subject tract and the property was posted with the date, time and location of this public hearing.

The rezoning request was considered at the public hearing held before the Planning Commission on June 30, 2024. The Planning Commission's decision will be discussed at the City Council meeting.

Attachments: Application, Economic Development Agreement with Crow and notice.

Recommendation: Receive recommendation from the Perry Planning Commission.

- 16. Consider Approval of Ordinance No. 2024-14 Amending the Zoning from its Current Zoning of I-1 Industrial (Light) District to I-2 Industrial (Heavy) District for Parcel #3, Parcel #4 and Parcel #5 in the Perry Industrial Park, Noble County, State of Oklahoma (hereinafter the "Property"); Repealer; Savings; Severability; and Declaring an Emergency.**

Background: After receiving the Planning Commission's recommendation, the City Council decides to rezone the Property, approve the ordinance.

Attachment: Ordinance No. 2024-14

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

- 17. Consider Approval of Payment of \$7,001.25 to Cimarron Valley Engineering, LLC, for engineering Contract and on-call services provided.**

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

24007.01-05	DWSRF Line I	\$ 3,378.75
24007.03-04	Residual Lagoons	\$ 225.00
24007.06-03	Perry Lake	\$ 787.50
24007.10-01	Sooner Corner Development	\$ 2,272.50
24007.11-02	Crow Development	\$ 337.50
Engineering Services Total		\$ 7,001.25

Attachments: Invoices attached

Recommendation: Pay Engineer

18. Consider Approval of an Amendment To Chapter VI of the City of Perry/Perry Municipal Authority's Personnel Manual by the Replacement of Section 8 Concerning Alcohol and Controlled Substance Testing Policy and Procedure.

Background: The City/PMA's Substance Abuse Policy has only been amended twice since its inception. This is a new iteration of such policy which is about one half the length of the current policy and easier for the employees to understand. It is very similar to the policies in the two collective bargaining contracts. A few minor amendments to the policy will be negotiated with the collective bargaining units. The policy provides for a better definition of safety-sensitive employee that is consistent with state law. If the policy is approved, all non-union employees must acknowledge it in writing, and it will go into effect ten (10) days after providing a copy to the employees and posting of the policy.

Attachment: Section 8 Concerning Alcohol and Controlled Substance Testing Policy and Procedure.

Recommendation: Discuss and if deemed appropriate, approve.

19. Adjourn

Posted at Perry City Hall & Council Chambers.

May 31, 2024 _____ P.M.

Christy Conrad, City Clerk



Agenda
Regular Meeting
Perry Municipal Authority Meeting
June 3, 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 May 13, 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 Resolution 2024-02 of the Board Of Trustees of the Perry Municipal Authority, Adopting and Approving its FY2024-2025 Budget for the Stated Purposes as Contained in the Budget; Directing its Chairman, Vice-Chairman and Trust Manager to take any and all Additional Actions as may be Required for the Implementation of this Budget.

Background: If the City Council approves the budget after its hearing, it may consider approval of this resolution. The total resources available to the PMA for the fiscal year is \$11,912,000.00 and total appropriations in the amount of \$11,330,000.00.

Recommendation: Discuss, and if deemed appropriate, approve.

5. Consider Approval of an Amendment To Chapter VI of the City of Perry/Perry Municipal Authority's Personnel Manual by the Replacement of Section 8 Concerning Alcohol and Controlled Substance Testing Policy and Procedure.

Background: The City/PMA's Substance Abuse Policy has only been amended twice since its inception. This is a new iteration of such policy which is about one half the length of the current policy and easier for the employees to understand. It is very similar to the policies in the two collective bargaining contracts. A few minor amendments to the policy will be negotiated with the collective bargaining units. The policy provides for a better definition of safety-sensitive employee that is consistent with state law. If the policy is approved, all non-union employees must acknowledge it in writing and it will go into effect ten (10) days after providing a copy to the employees and posting of the policy.

Attachment: Section 8 Concerning Alcohol and Controlled Substance Testing Policy and Procedure.

Recommendation: Discuss and if deemed appropriate, approve.

6. Consider Approval of the Pole Attachment Agreement with Vero Fiber Networks, LLC, providing a private fiber between public schools, and running on the poles to begin at Perry High School, boring Highway 64 to the corner of 10th Street, then utilize poles to 10th Street and Park Drive, thence West on Park Drive and north on 15th Street to an access point for each school (Perry Junior High, Perry Lower Elementary and Perry Upper Elementary).

Background: Permission is required for a private fiber connection between public schools. The standard pole attachment agreement is utilized.

Attachment: Pole Attachment Agreement

Recommendation: Approval

7. Adjourn

Posted at Perry City Hall & Council Chambers.

May 31, 2024 _____ P.M.

Christy Conrad, Secretary



**Agenda for the Regular Meeting
Perry Facilities Authority
June 3, 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 May 13, 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 Resolution 2024-01 of the Board Of Trustees of the Perry Facilities Authority, Adopting and Approving its FY2024-2025 Budget for the Stated Purposes as Contained in the Budget; Directing its Chairman, Vice-Chairman and Trust Manager to take any and all Additional Actions as may be Required for the Implementation of this Budget.**

Background: If the City Council approves the budget after its hearing, it may consider approval of this resolution. The total resources available to the PFA for the fiscal year is \$606,000.00 and total appropriations in the amount of \$601,000.00.

Recommendation: Discuss, and if deemed appropriate, approve.

5. Adjourn

Posted at Perry City Hall & Council Chambers.

May 31, 2024 _____ P.M.

Christy Conrad, Secretary