City Council of the City of Perry

Agenda – Regular Meeting

October 7, 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 September 16, 2024.**
B. **Receive and approve the minutes of the Special City Council meeting of September 30, 2024.**
C. **Declare certain hospital equipment and materials as surplus property and authorize City Manager to make proper disposal pursuant to the Purchasing Manual**
D. **Consider approval of invoices to Cimarron Valley Engineering LLC in the amount of $3,881.25 for work on various engineering projects (invoices included).**

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 shall 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 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/Commendations
b. Chamber of Commerce Quarterly Reports
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. Receive Update on PENOB POINT LLC, on status of demolition and disposal efforts at former site of American Inn and general update.

Background: Under the terms of the Agreement between the parties, after the purchase of the real property, PENOB was to demolish and remove all of the buildings, structures, appurtenances, personal property, debris, trash and junk from the Real Property, to include but not be limited to the removal of all foundations, pipes and appurtenances to 24 inches below grade level, capping all sewer lines, and to deposit all such materials in an approved disposal facility or landfill. That was just the initial obligation. That has not yet been accomplished. Thereafter, there was to be submitted a Site Plan and Plans and Specifications for the construction of an approximate 10,000 square foot retail building, and after approval, the construction of such building with adequate paved parking, lighting, and drainage structures. This project was estimated to break ground during calendar year 2024 and to be completed in 2025.

The City agreed to reimburse certain demolition and removal expenses in accordance with the Agreement. The City Attorney spoke to the principals who had returned from a trip overseas. He discussed with them the immediate need to finish the demolition and disposal project. He was assured that heavy equipment and personnel would arrive at the site as early as Monday, October 7, 2024, and the cleanup would commence immediately and be finished well before the middle of the month. In addition, financing on the project is proceeding as well as the architect's plans, and with coordination discussed with the ODOT Division Engineer with respect to needed improvements to the highway immediately adjacent to the site.

Attachment: Economic Development Agreement dated 11/20/2023.

Recommendation: Receive presentation

10. **Consider Approval of Ordinance No. 2024-20 of the City Council of the City of Perry, Oklahoma, Amending Chapter 14, Article 4 of the Perry Municipal Code 2022 Entitled "Rights-Of-Way Occupancy Management", by the Deletion of a Portion of the Definition of Rights of Way in Section 14-401, Subsection L, by the Addition of a Provision to Section 14-405, Subsection A.2 Regarding the Occupancy Fee Calculation and by an Amendment to Section 14-406.D.1.E Providing that the Burial Depth of the Installed Facilities shall be Stated on the Permit and Deemed Consistent with the Regulations; Savings Clause; Severability; Codification; Repealer; and Declaring an Emergency.**

Background: Dobson has requested permission an approximate ____ fiber line in the right-of-way to service the Otoe's Casino. In Chapter 14, Article 4 of the Perry Municipal Code 2022, the City's Right-of-Way Management ordinance provides for this installation through an administrative permitting process. Dobson has requested certain minor amendments to that ordinance which are presented for your review. The ordinance provides for insurance, indemnity, and other protections for the City, including the payment of an annual payment fee based on the lineal footage of the installation. If the amendments are approved the city administration will manage processing the permit and permit the installation.

Attachments: Ordinance No. 2024-20 and Chapter 14, Article 4 of the Perry Municipal Code 2022.

Recommendation: Approval

11. **Consider approval of Emergency Clause for Ordinance No. 2024-20.**

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

12. **Consider Approval of Interlocal Cooperation Act Agreement for the provision of E911 Services with the Noble County Enhanced E-9-1-1 Board (“Board”) and the Board of County Commissioners for Noble County, Oklahoma (“County”).**

Background: The City and County have been providing for E911 services for more than the last fifteen years pursuant to an Interlocal Cooperation Act Agreement approved by the Attorney General. The Oklahoma Legislature provided additional funding through an additional fee on cell telephone services and the County requested that the Agreement be renegotiated. These are the pertinent amendments to the Agreement:

- This Noble County Enhanced E-9-1-1 Board is added as a party and referred to as the Board.

- New definitions are presented. 911 Emergency Telephone Dispatching Service for Noble County residents is referred to as “E-911 Work”. The other services performed by the dispatchers are known as “Services.” The reason for the change is to separate the type of work and involvement of the Board in those matters in which the Board has no jurisdiction.

- The By-laws of the Board are amended requiring four (4) of the Board members to be City representatives and three (3) members to be County representatives. These members serve as long as they continue in their positions; formally there was a three (3) year term. To change these By-laws requires five (5) members of the Board and the provision survives the expiration or termination of the Agreement. By providing this control factor, the City agrees that title and/or ownership of all the equipment, current and future, remains in the Board as well as all E-911 fees and taxes.

- The term “taxes, fees and other revenues generated by the Acts or other sources” is introduced. The word “sources” is defined and does not include other monies contributed to the Services by the County and City. Each fiscal year (July 1 through June 30) the Board will develop and approve a budget for the use of those revenues. This allows the Board discretion on whether to keep some in reserve for future equipment purchases or for other E-911 purposes. The City’s representatives have the majority vote. Each year the new budget is adopted and attached to the Agreement.

- The City implements the E-911 Work and Services. Dispatchers are controlled as city employees. Other monies from the City and County will be used to supplement the taxes, fees and other revenues generated by the Acts or other sources provided by the Board. Although GIS services will be coordinated in the future by the E-911 Coordinator, it will be accomplished through a maintenance agreement with a third-party vendor.

- The City implements the E-911 Work and Services. Dispatchers are controlled as city employees. Other monies from the City and County will be used to supplement the taxes, fees and other revenues generated by the Acts or other sources provided by the Board. Although GIS services will be coordinated in the future by the E-911 Coordinator, it will be accomplished through a maintenance agreement with a third-party vendor.

- The taxes, fees and other revenues generated by the Acts or other sources will be accounted for by the County, placed in an E-911 Account of the County, and paid to the City in accordance with the Board’s budget, as contractors are normally paid. The City will account for monies paid to the City in its annual audit.

- All future acquired equipment as well as "taxes, fees and other revenues generated by the Acts or other sources" paid to the Board, will always remain with the Board. The control factor established by the amendment to the By-laws should be a sufficient safeguard on this provision. This provision also provides that the purchase of future equipment will be shared equally between the City and County.

- The issue of jail beds is removed from the Agreement and will be covered by the current Detention Services Agreement between the parties or as it may be amended in the future. No longer will the City receive a jail bed credit.

- In the key provision, the County agrees to annually appropriate and monthly pay to the City an amount equal to 40% of the additional cost of the E-911 Work and the Services between the City and County in excess of any reimbursements received by either party from E-911 Fees, Grants or Jail Bed reimbursements. The City will pay 60% of this additional cost.

- Due to the additional legislative funding as well as the additional monies to be contributed by the County, the City's reliance upon transfers from its utilities is reduced. This Agreement is fairer for both parties and addresses issues which the County sought amendments.

The County, Board and Attorney General must approve this Agreement before it is effective.

Attachment: Interlocal Cooperation Act Agreement for the provision of E911 Services

Recommendation: Discussion and if deemed appropriate, approval

13. Consider Approval of Economic Development Agreement with DITCH WITCH©.

Background: Ditch Witch© has submitted plans and specifications for the construction of a 167,743 square feet facility in the City of Perry, Oklahoma. Once constructed, Ditch Witch© will employ approximately one hundred (100) employees at the facility. In accordance with Chapter 18, Section 5-106 of the Perry Municipal Code 2022, the charges authorized to be assessed and collected from Ditch Witch© related to this Project for building code plan review, permits and inspections total $52,259.52.

By this Agreement, the City Council legislatively determines that entering into the Agreement is for the legitimate and public purpose of the economic development of the City of Perry and that the City contracts with Ditch Witch© as a private entity to help achieve this public purpose. The Agreement provides that Ditch Witch© will construct and operate the Project and that the City agrees to waive the fees and make payments to the third-party vendors providing the plan review and inspections services from the Hotel/Motel Restricted Cash.

Attachments: Economic Development Agreement

Recommendation: Approval

14. Consider Approval of 1st Amendment to the Contract with the Perry Chamber of Commerce for Tourism Development.

Background: Two minor amendments are recommended to a Contract with the Perry Chamber of Commerce. The Springfest Hop's Car and Motorcycle Show and the requirement that a direct spending report must be provided to the City after every event are deleted.

Attachment: 1st Amendment to the Contract with the Perry Chamber of Commerce

Recommendation: Approval

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

16. Adjourn

Posted at Perry City Hall & Council Chambers. October 4, 2024 _______ P.M.

____
Christy Conrad, City Clerk

Board of Trustees of the Perry Municipal Authority

Agenda – Regular Meeting

October 7, 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 September 16, 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 shall 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.

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. October 4, 2024 _______ P.M.

____
Christy Conrad, Secretary

Board of Trustees of the Perry Facilities Authority

Agenda – Regular Meeting

October 7, 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 September 3, 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 shall 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.

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. October 4, 2024 _______ P.M.

____
Christy Conrad, Secretary