



**Agenda
Regular Meeting
City Council of the City of Perry
February 5, 2024
Perry Council Chambers
729 Cedar Street, Perry, Oklahoma 73077
6:15 P.M.**

**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 January 16, 2024.**
- B. Receive and approve minutes of the Special Council Meeting of January 12, 2024.**
- C. Acknowledge minutes of the Regular meeting of the Perry Carnegie Library Board of January 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 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. **Acting City Manager Remarks**

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 submitted and presented at the meeting.

9. **Consider Approval of Resolution No. 2024-01 of the City Council of the City of Perry, Oklahoma, in Support of S.B. 1301 and S.B. 1322 – Making Certain Acts Against Municipal, County and State Officials Unlawful – Including Assault, Battery, or Assault and Battery.**

Background: This proposed legislation is being presented during this session and will create more severe penalties for those offenders who perform an assault, battery, or assault and battery against government officials while in performance of their duties. The city administration asks that you review the resolution and determine whether you can support its approval.

Attachment: Resolution No. 2024-01

Recommendation: Discuss and if deemed appropriate, approve.

10. Review and Discuss Draft Interlocal Cooperation Agreement with Noble County and the E-911 Board and direct action as may be appropriate.

Background: Since 2008, the City and County have provided E-911 Dispatching and other Services pursuant to an Interlocal Cooperation Agreement. Under the terms of the Agreement, and in practice, the E-911 Board had few stated responsibilities and met infrequently. The County requested amendments to the Agreement and meetings and negotiations commenced.

Several major events recently occurred and are notable regarding this issue. The Oklahoma Legislature increased the tax to be paid on landlines and cell phones, the proceeds of which are dedicated to E-911 Service. This increase will provide extra revenue for the operation of the E-911 system. The City received a grant and has contracted to provide for a GIS mapping system that will digitally guide emergency service crews directly to the location of the emergency.

When the current agreement was approved it was made in an effort to prevent the public waste of tax dollars by the operation of an E-911 system for the County and a separate system for the City. The result was the current agreement which provided substantial savings to County residents but provided for a significant additional cost on the Perry taxpayers.

In addition to the revenues generated by the state tax and fees on telephones, the City appropriated up to an additional \$250,000.00 per year to operate the system. In the negotiation the City seeks to share that cost with the County and the County concurs. The negotiation centers around the amount of that contribution and the following additional factors which are addressed in the proposed E-911 draft Agreement:

- Continuing the access of up to four (4) jail beds in the County jail but not as a credit, as is currently the case, but with the City paying the standard rate when the beds are used. Access to the jail is critical to ensure justice. In an adjoining County, the major city and county seat is unable to place their detainees, charged with municipal offenses, in the county jail facility, which is supported in whole by taxes. That circumstance should never be the case in Noble County and placing that access in an agreement which is likely to remain in effect for decades is prudent on the City's part.
- Setting out the specific duties of the E-911 Board, agreed to by the parties, including the creation and administration each year of its annual budget. The agreement also ensures that the E-911 Board will always be in control of the equipment and E-911 taxes and fees but providing the City some safeguards in the composition and membership of the board.
- Splitting equally, between the City and County, the cost of future equipment needs.

A proposed draft agreement has been provided for your review and it was previously sent to the County for their review and comment.

It is not advised to negotiate the proposed agreement in public, but comments can and should be made about the draft and direction given to city staff, if deemed appropriate, to finalize negotiations and bring back an agreed to document.

Attachments: Proposed Interlocal Cooperation Agreement and Exhibit 1

Recommendation: Discuss and give direction

11. **Appropriate an additional \$17,606.00 for the Purchase of the New Fire Department Transit Van, designate the funding source and take other action as directed.**

Background: The Fire Department Transit Van will be completed on February 9, 2024, and is anticipated to be delivered to Perry on February 9 or not later than February 12, 2024. The original bid in 2021 was \$136,756.00. The current price is \$147,606.00. The difference was created due to a price increase and Ford dropping a \$8900.00 rebate. The balance of the purchase price is being paid with a Malzahn Affiliated Family Grant of \$130,000.00.

Attachment: Related email documentation and \$130,000.00 grant check

Recommendation: Appropriate \$17,606.00, designate funding source, authorize purchase for hire amount and direct letter of appreciation from the City/Fire Department to the Grantor

12. **Consider authorizing the filling of the Reference Assistant position (part-time) at the Perry Carnegie Library, a Street Crew member for the Street Department and three positions for Call-Firefighter.**

Background: In keeping with policy, the City Council must authorize the filling of these positions. The Acting City Manager will discuss this matter at the meeting.

Recommendation: Take action as deemed appropriate

13. **Consider Approval of Ordinance No. 2024-05 of the City Council of the City of Perry, Oklahoma, Amending Chapter 18 Entitled the “Fee Schedule”, by the Amendment of Section 11-211 of the Perry Municipal Code 2022 Entitled “Grace Hill Cemetery Fee Schedule”, By Amending Certain Open And Closing Rates To Keep Up With Costs; Providing For Repealer; Savings; Codification; Severability; and Declaring an Emergency; Consider any other rate increases as appropriate.**

Background: The cost for opening and closing an adult grave has increased to \$500.00. That is the same amount charged by the City. It is suggested that the City should consider keeping the fee schedule up to speed with current costs. The suggested rate is \$750.00. The City Council should review the other rates as this ordinance was last amended by Ordinance No. 2016-12 on September 6, 2016.

Attachment: Ordinance No. 2024-05

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

14. **Consider Approval of Ordinance No. 2024-04 of the City Council of the City of Perry, Oklahoma, Amending Chapter 15 of the Perry Municipal Code 2022 by the Addition of New Section 15-309 Entitled “Prohibition Against All-Terrain Vehicles, Golf Carts, Lawn Mowers, Minibikes, Motorcycles, Motor Scooters, Recreational Off-Highway Vehicles and Utility Vehicles Operating on any Highway, Street, Alley, Sidewalk or Public Right-Of-Way within the Corporate Limits of the City; Rules; Moped Exception; Moped Rules and Regulations; Enforcement, by Providing for Certain Regulation Prohibiting the Operation of Certain Motorized Vehicles and Equipment on any Highway, Street, Alley, Sidewalk or Public Right-of-Way Within the Corporate Limits of the City; Providing for a Moped Exception, Rules and Providing for Enforcement Provisions; Providing for Repealer; Savings; Codification; Severability; Penalty; And Declaring An Emergency.**

Background: State law permits municipalities, by ordinance duly approved, to authorize certain untagged vehicles on the streets and alleys of the municipality. Perry ordinances permit city owned utility vehicles to be so operated, and golf carts, when being used for golf cart purposes, in certain areas of the city near the Perry Country Club. Otherwise, these types of vehicles are prohibited. State law also permits the operation of mopeds by duly approved ordinance. This ordinance permits mopeds, as defined therein, which would permit Bird and Lyft and other types of transportation, with both combustible or electric power, but limited in size and speed, to be operated on streets, alleys, sidewalks and rights-of-way. This ordinance also specifically prohibits lawn mowers from being used as a vehicle of transportation for those without driver’s licenses. Any type of vehicle which is tagged and has proper safety equipment is however permitted.

The police department has requested this ordinance and has reviewed it and recommended it for approval. Chief Brian Thomas will address the issues sought to be regulated by the adoption of this ordinance.

Attachment: Ordinance No. 2024-04

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

15. **Acting City Manager Christy Conrad will inform the Council of an emergency purchase.**

Background: During the week of January 21, 2024, the Acting City Manager authorized the purchase and installation of a filter valve and actuator at the water treatment facility. The work was required to continue to produce water during a time that the water treatment plant and water system were faced with problems with the delivery of adequate water to the customers. The third-party vendor was Machining & Valve Automation Services, LLC, and the cost was \$44,999.53. The purchase was in keeping with the municipal ordinance, permitting notice and bids to be waived by the City Manager, in times of emergency, up to \$150,000.00. The ordinance requires notice to the governing body.

Recommendation: No governing body action is needed by the minutes should reflect that notice was provided.

16. **Presentation by Matthew Coe, P.E. on Water Treatment Facility and Water Distribution System Issues; Direct staff as deemed appropriate.**

Background: In the wake of the water supply issues faced by the City, Matthew Coe will present the causes and short-term and long-term capital project which provide solutions which the City should consider in developing their list of capital improvement priorities. The Council may direct the engineer and staff to develop cost estimates and better prioritization and future meetings to discuss this most important issue.

Recommendation: Receive presentation, discuss and direct staff as deemed appropriate.

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: 1) discuss the appointment of a City Manager, including the review of any applications received to date and discuss any candidates so interviewed or provide for interviews if appropriate (Pursuant To Title 25 Section 307.B.1 of the Oklahoma Statutes, as amended), 2) Discuss negotiations with the Perry Professional Fire Fighters, Local 4242, Bargaining Agent, International Association of Fire Fighters pursuant to Title 25 Section 307.B.2 of the Oklahoma Statutes, as amended, and 3)) for the purpose of conferring on a matter pertaining to the economic development of the City of Perry, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction, if public disclosure of the matter discussed would interfere with the development of proposal (tourism related arena to be located in the Interstate 35 corridor), and which would promote economic and tourism development (Pursuant To Title 25 Section 307.C.11 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 any item provided for in the executive session, including but not limited to the approval of an Economic development Agreement and/or Lease with a third party to provide for the construction, operation and maintenance of a tourism related arena to be located in the South Commercial Park.**
21. **Adjourn.**

Posted at Perry City Hall & Council Chambers.

February 2, 2024 _____ A.M.

Christy Conrad, City Clerk



**Agenda
Regular Meeting
Perry Municipal Authority Meeting
February 5, 2024
Perry Council Chambers, 729 Cedar Street, Perry, Oklahoma 73077
Immediately following the Perry City Council meeting which begins @ 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 January 16, 2024.

2. Items Removed from Consent Agenda for Discussion.

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

4. Adjourn

Posted at Perry City Hall & Council Chambers.

February 2, 2024 _____ A.M.

Christy Conrad, Secretary



Agenda for the Regular Meeting

Perry Facilities Authority

February 5, 2024

Perry Council Chambers, 729 Cedar Street, Perry, Oklahoma 73077

Immediately following the Perry Municipal Authority meeting which follows the Perry City Council meeting which begins @ 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 January 16, 2024.

2. Items Removed from Consent Agenda for Discussion.

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

4. Adjourn

Posted at Perry City Hall & Council Chambers.

February 2, 2024 _____ A.M.

Christy Conrad, Secretary