



**Agenda**  
**Regular Meeting**  
**Perry Municipal Authority Meeting**  
**Perry Council Chambers**  
**729 Cedar Street, Perry, Oklahoma 73077**  
**October 19, 2009**  
**6:15 p.m.**

Meeting Called to Order  
Roll Call  
Declaration of Quorum

Opening Prayer

Notwithstanding that an item may indicate for discussion and/or information only, agenda items are for discussion and whatever further action the Chairman and Trustees deem necessary or advisable to discharge their constitutional and statutory powers of government.

**1. Consent Agenda**

All items listed under the consent agenda are deemed 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 PMA meeting of October 5, 2009.**
- B. September PMA Expenditures.**
- C. Receive September 2009 Department Reports from:**
  - a. Water and Sewer Maintenance.
  - b. Wastewater Plant.
  - c. Water Plant.
  - d. Electric
- 2. Consider Items Removed from the Consent Agenda for Discussion.**
- 3. Consider and act on items removed from the Consent Agenda, if any.**
- 4. Comments From Those Assembled.**
- 5. Receive and Accept 2008-2009 Audit Presentation by Derrel White.**

**Background:** Derrel White will be in attendance to present the FY2008-2009 Audit.

**Recommendation:** If deemed appropriate, accept the FY 2008-2009 Audit.

**PMA Regular Meeting**

**October 19, 2009**

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- 6. Presentation by Drake Rice of OMPA.**
- 7. Business.** Items listed under “Old Business” are matters that have come before the Board of Trustees previously but have not been resolved to the point of requiring final action. They are reported here for purposes of keeping the Council informed.
- 8. New Business.** As used herein, shall mean any matter not known about or which could not have been reasonably foreseen prior to the time of posting.
- 9. Adjourn.**

Posted at Perry City Hall & Council Chambers

October \_\_\_\_, 2009 \_\_\_\_\_ P.M.

\_\_\_\_\_  
Kyla Golay, Secretary



**Agenda**  
**Regular Meeting**  
**Mayor and City Council of the City of Perry**  
**Perry City Council Chambers**  
**729 Cedar Street, Perry, Oklahoma, 73077**  
**October 19, 2009**  
**Immediately following the PMA meeting**

Meeting Called to Order  
Roll Call  
Declaration of Quorum

Notwithstanding That an Item May Indicate for Discussion And/Or Information Only, All Agenda Items Are for Discussion and Whatever Further Action the Mayor and 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. Approval of Regular Council Meeting Minutes for October 5, 2009.**
  - B. September Expenditures.**
  - C. Receive September 2009 Department Reports from:**
    - 1. Main Street of Perry
    - 2. Chamber of Commerce
- 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.**
- 5. Receive and Accept 2008-2009 Audit Presentation by Derrel White.**

**Background:** Derrel White will be in attendance to present the FY2008-2009 Audit.

**Recommendation:** If deemed appropriate, accept the FY 2008-2009 Audit.

- 6. Receive Report from Council person Iva Sadler regarding the Perry Arts & Humanities Council.**

7. **Receive Financial Report from Chief Financial Officer.**
8. **Receive Report from City Manager Jim Davis and/or administrative staff members and Chief Financial Officer concerning current status of the street projects and Downtown Sidewalk Project, including accounting of monies currently available for such purposes, and Direct Action as May be Deemed Appropriate.**

**Background:** A memo is attached to your agenda addressing these matters.

**Attachment:** Memo

**Recommendation:** Take Action as May be Deemed Appropriate.

9. **Consider Approval of Ordinance No. 2009-15 Amending Article 4 Of Chapter 13 Of The Perry Municipal Code 2004 (2<sup>nd</sup> Bi-Annual Supplement), Entitled “Ambulance Service”; Amending The Ambulance Subscription Service In The City Of Perry, Oklahoma, Providing For An Amendment To Section 13-601A, Subsections 5 & 6 Amending The Definitions Of Non-Subscriber And Subscriber; Providing For An Amendment To Section 13-601C, Subsection C3, Clarifying Who Shall Be Charged The Fee; Providing For Repealer; Savings; Codification; Severability; Moratorium Lifted; Effective Date; Sunset Clause; And Declaring An Emergency.**

**Background:** The ambulance subscription fee was scheduled to be placed on the September 2009 billing statement. At your last meeting, the City Council declared a moratorium upon the imposition of the ambulance subscription fee in order to accomplish several goals. One goal was to provide more and better public information and notice concerning the purpose and use of the fee. The Mayor is scheduled to address the community’s business and social groups and issue press releases for inclusion in newspaper articles. The second issue was to address exceptions to the fee. These exceptions have been administratively addressed and are ready to be implemented. The third issue was how to place the fee on the bill; that issue was probably resolved at the last meeting when it was discussed to separately set out the fee on the bill. Finally, this ordinance and the next ordinance on your agenda are recommended for approval in order to clarify the language of the ordinance and to ensure that everyone charged the fee, pays it. If approved, the charge will be placed on the October 2009 billing.

**Attachment:** Ordinance No. 2009-15.

**Recommendation:** If deemed appropriate, approve the ordinance and separately approve the emergency.

10. **Consider Approval of Ordinance No. 2009-16 Amending Chapter 17 Of The Perry Municipal Code 2004 (2<sup>nd</sup> Bi-Annual Supplement), By The Amendment Of Section 17-202G Concerning The Manner In Which Customer Accounts Should Be Credited; Providing For An Amendment To Section 17-607 Deleting Provisions Addressed Elsewhere In The Code And Making The Two (2) Amendments Consistent; Providing For Repealer; Savings; Codification; Severability; And Declaring An Emergency.**

**Background:** This ordinance provides for the priority in allocation of the customer's bill to ensure that all of the services provided to the customers are paid.

**Attachment:** Ordinance No. 2009-16.

**Recommendation:** If deemed appropriate, approve the ordinance and separately approve the emergency.

11. **Consider Approval of Resolution No. 2009-17 of the Mayor and City Council of the City of Perry Authorizing the Filing of an Application for Financial Assistance from the CDBG/REAP Funding Source for the Flocculation/Sedimentation Basin Enclosure & Related Water Treatment Plant Improvements ("Project").**

**Background:** The City applied, but did not receive, stimulus and CDBG grants for this project. The City directed the staff and consultants to apply for a loan with the OWRB to finance this project. Another opportunity for grant funding for this project has arisen through the filing of an application for CDBG/REAP funding through NODA in the maximum amount of approximately \$250,000.00. The application, resolution and related matters are attached. Applying for this grant will not stop any effort to obtain the loan; in the event of the receipt of all or a part of this grant, the loan can be resized or size of the project increased. The grant application must be received in NODA's office on November 2, 2009.

**Attachments:** Resolution No. 2009-17 and Application

**Recommendation:** Approval

12. **Consider Approval of Resolution No. 2009-18 of the Mayor and City Council of the City of Perry Authorizing the Filing of an Application for Financial Assistance from the REAP Funding Source for the Splash Pad at Lions Park.**

**Background:** If the City receives all or a portion of the previous grant it will not receive this grant. The city administration has been discussing the provision of a splash pad for several years. The exact nature of the pad and its cost has not been finalized, but should be ready to present at the meeting. The grant application must be received in NODA's office on November 2, 2009.

**Attachments:** Resolution No. 2009-18 and Application, with advertisement and contract.

**Recommendation:** Discuss and if deemed appropriate, approve.

**13. Consider Approval of an Amendment to Chapter V, Sections 10 & 11 of the City's Personnel Manual pertaining to out of City Business Travel.**

**Background:** These amendments will help protect the public treasury from potential abuse of the City's travel policy by city employees. The amendments address attendance requirements at business related training, seminars or conventions and encourage the use of city car pools.

**Attachment:** Amendment

**Recommendation:** Approval

**14. Consider Action on Items Pertaining to the Oklahoma Municipal Retirement Fund:**

**A. Consider Approval of Ordinance No. 2009-17 Amending the Employee Retirement System, Defined Contribution Plan for the Position of City Manager for the City of Perry, Oklahoma, by Adopting a Revised and Restated Retirement Plan; Providing Retirement Benefits for Eligible Employees of the City of Perry, Oklahoma; Providing for Purpose and Organization; Providing for Definitions; Providing for Eligibility and Participation; Providing for Non-Alienation of Benefits; Loss of Benefits for Cause and Limitations of Benefits; providing for employer and Employee Contributions; Providing For Accounting, Allocation, And Valuation; Providing Benefits; Providing For Required Notice; Providing For Amendments And Terminations; Providing For Transfer To And From Other Plans; Creating A Retirement Committee;**

**And Providing For Powers, Duties And Rights Of Retirement Committee; Providing For Payment Of Certain Obligations; Providing For Duration And Payment Of Expenses; Providing For Effective Date; Providing For Vesting Schedules; Providing For A Fund To Finance The System To Be Pooled With Other Incorporated Cities, Towns, And Their Agencies And Instrumentalities For Purposes Of Administration, Management, And Investments Part Of The Oklahoma Municipal Retirement Fund; Providing For Payment Of All Contributions Under The System To The Oklahoma Municipal Retirement Fund For Management And Investment; Providing For Repealer And Severability; Adopting Those Amendments Mandated By The Internal Revenue Code And Declaring An Emergency.**

**B. Consider Approval of Joinder Agreement with Oklahoma Municipal Retirement Fund.**

**Background:** The Oklahoma Municipal Retirement Fund ("OMRF") provides the group retirement policy for all non-public safety employees. The OMRF Defined Contribution Master Plan and Joinder Agreement has recently been updated and approved by Internal Revenue Service (IRS). The IRS also requires its members to formally adopt the plan language. These amendments are necessary to keep the plan in compliance with federal tax laws

**Attachment:** Ordinance No. 2009-17 and Joinder Agreement

**Recommendation:** Approval of Ordinance No. 2009-17, with separate application of emergency and approval of Joinder Agreement.

**15. Consider Approval of the Advertisement for Bids for the Demolition of the Perry Nursing Home.**

**Background:** An environmental review of the site has been conducted and demolition is now appropriate. The city administration recommends advertising for bids for the demolition of the Perry Nursing Home. Bids are due and will be opened on October 28, 2009, at 2:00 p.m. A canvas of the bids will be presented to the City Council at its regular meeting on November 2, 2009.

**Attachment:** Advertisement for Bids and Contract

**Recommendation:** Approval

**16. Authorize Furnishing Turkeys for Thanksgiving and Hams for Christmas to City Employees as consideration for continued employment.**

**17. Old Business.** Items listed under “Old Business” are matters that have come before the Council previously but have not been resolved to the point of requiring final action. They are reported here for purposes of keeping the Council informed.

**18. New Business: As used herein, shall mean any matter not known about or which could not have been reasonably foreseen prior to the time of posting.**

**19. Consider Convening into Executive Session for purpose of a confidential communication between the City Attorney and the governing body, concerning the claim against BRB Contractor’s Inc., and the water leak under I-35 and Fir Avenue, since it is determined that disclosure will seriously impair the ability of the governing body to process the claim in the public’s interest (25 O.S. 307B4).**

**20. Reconvene into regular session.**

**21. Take any action deemed necessary pursuant to the executive session.**

**22. Adjourn.**

Posted at Perry City Hall & Council Chambers

October \_\_\_\_, 2009 – \_\_\_\_:\_\_\_\_ P.M.

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Kyla Golay, City Clerk