



Agenda
Regular Meeting
Perry Municipal Authority Meeting
Perry Council Chambers
729 Cedar Street, Perry, Oklahoma 73077
December 7, 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 November 16, 2009.**
- B. **Receive Departmental reports for October 2009 from:**
 1. Airport Board Minutes from September 8, 2009.
 2. Electric Department.
 3. PMA Expenditures for October and November.
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. **Give notice to Secretary of the PMA of the date, time and place of regular meetings for calendar year 2010 by December 15, 2009.**

Background: 25 O.S. 311A.4 provides that the governing body must give the Secretary of the PMA notice of the date, time and place for regular meetings for calendar year 2010 by December 15, 2009.

Recommendation: Consider and give notice

PMA Regular Meeting Agenda

December 7, 2009

Page 2.

6. Consider Approval of 2008-2009 Final Audit.

Background: The governing body deferred approval of the audit until the receipt of the hospital's audit. The hospital audit has been received and the trustees may approve the PMA's audit at this time.

Recommendation: Approval

7. Old 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

December ____, 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
December 7, 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 November 16, 2009.**
- B. Receive Departmental Reports for October 2009 from:**
 - 1. Main Street
 - 2. Perry Memorial Hospital Board Packet from November 30, 2009 meeting.
 - 3. Senior Citizen Center
 - 4. Carnegie Library Statistical & Financial Report, Director and Children's Librarian.
 - 5. Grace Hill Cemetery
 - 6. Legal Activity Report
 - 7. City Manager's Report
 - 8. Expenditure Reports for October and November
 - 9. Planning Commission minutes from July 30, 2009
- 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. Give notice to City Clerk of the City of the date, time and place of regular meetings for calendar year 2010 by December 15, 2009.**

6. Consider Approval of 2008-2009 Final Audit.

7. Receive Canvas of Bids for Water Plant Improvements, Reject all Bids and Authorize Re-Advertisement.

Background: The bids for the project were received on December 3, 2009. The bids were as follows:

	Base Bid Chlorination, Filter, Automation	Alternate #1 Enclosure	Alternate #2 Chain collection	Totals
Luckinbill	\$292,400.00	\$524,000.00	\$241,000.00	\$1,057,400.00
L & L Construction	\$237,000.00	\$372,000.00	\$186,000.00	\$795,000.00
Engineer's Estimate	\$213,000.00	\$239,000.00	\$45,000.00	\$497,000.00

The City received a \$237,000.00 CDBG/REAP grant from NODA to assist with this project. That grant will not be available until approximately May 2010.

The bids received exceed the current available \$650,000.00 loan and since the \$237,000 grant can not be used at this time, these bids should be rejected.

Dr. Reely will be present at the meeting to discuss the bids. There will be a recommendation to re-advertise for new bids for a portion of the project. The other portion of the project can be bid once the grant is available.

SRF OWRB Loan funds will be used for the basin covers, chain collection system and valve operators. Those items are recommended for re-bidding at this time. Bids will be due on January 14, 2010, at 3:00 p.m.

CDBG/REAP grant funds will be used for the chlorination injectors, filter media and turbidity meter. That project will be bid in May 2010 or whenever Mareta of NODA informs the City that bidding is permitted.

This procedure will break down the bids into their components based on funding and the engineer will target specific bidders with hopefully more realistic pricing. For instance, the basin enclosure project will be targeted to metal building contractors to avoid mark-up which exists when a general contractor is used.

Other options may be discussed if the City Council desires alternatives, such as delaying all bidding until the CDBG/REAP funding is available.

Attachment: Written canvas.

Recommendation: Reject all bids and authorize re-advertisement as provided hereinabove or take such other action as deemed advisable.

8. Approval of 1st Amendment to Contract for Services and Lease Agreement with Wheatheart Nutrition Project, Inc.

Background: A proposed 1st Amendment to the Contract for Services and Lease Agreement with accompanying letter has been sent to Wheatheart Nutrition Project, Inc. (“Wheatheart”). Wheatheart will consider the 1st Amendment at its board meeting on December 15, 2009. The 1st Amendment deletes the rent requirement, provides for a \$375.00 utility credit and provides for additional improvements to be made by the City to the Wheatheart building and the transportation of additional equipment. The 1st Amendment contains the provisions agreed to at the last City Council meeting.

Attachments: Letter dated November 23, 2009, and 1st Amendment to the Contract for Services and Lease Agreement.

Recommendation: Consider and if deemed appropriate, approve.

9. Discuss and Approve the 2010 Holiday Schedule for the City of Perry Offices.

Background: The governing body needs to set the holiday schedule for 2010.

10. Consider Approval of 10 Ordinance No. 2009-20 Amending Chapter 14 Of The Perry Municipal Code 2004 (2nd Bi-Annual Supplement), Entitled “Streets, Sidewalks And Public Works”, By The Addition Of A New Section 14-115 Entitled “Enclosing Sidewalks, Streets, Alleys Or Other Public Way With A Fence, Building Or Structure Prohibited; Fencing or Enclosing Public Easements” And By The Addition Of A New Section 14-116 Entitled “Mowing And/Or Sweeping Grass Clippings, Vegetative Material Or Other Litter In The Streets Or Other Public Place Prohibited”; Savings; Severability; Repealer; Codification; Penalty; And Declaring An Emergency.

Background: This ordinance was considered at the last meeting and continued until this meeting. A new subsection B was added to address fencing public easements. This draft contains notice and certain obligations on the property owner seeking to fence a public easement in the event the easement holder needs access to the utility. This ordinance also prohibits mowing and/or sweeping grass or other vegetative matter into the public streets, gutters or any other public place. The maximum fine has also been increased to \$250.00 to make it consistent with other code violations.

Attachment: Ordinance No. 2009-20.

Recommendation: Approval, with separate application of the emergency.

11. **Consider Approval Of 1 Ordinance No. 2009-21 Renaming The Portion Of 9th Street Conveyed By The Independent School District No. 1, Perry, Noble County, Oklahoma, To The City Of Perry, Oklahoma, By Right-Of-Way Easement, To “Maroon Drive”; Agreeing To Make Certain Improvements On Maroon Drive Subject To Repayment By The Independent School District No. 1, Perry, Noble County, Oklahoma; Making Maroon Drive A One Way Street And Establishing A Ten (10) Mph Speed Limit; Designating Maroon Drive As A School Zone; Providing For Three (3) Marked Crosswalks; Providing For Repealer; Savings; Severability; And Declaring An Emergency.**

Background: The right-of-way easement has been conveyed to the City and filed of record with the Noble County Clerk. The School District also paid Evans & Associates directly for the cost of the roadway improvements. Approval of this ordinance will rename that portion of 9th Street as Maroon Drive, designate the roadway as both a school zone and as a ten (10) mph speed limit zone and provide for three (3) marked crosswalks.

Attachment: Ordinance No. 2009-21.

Recommendation: Approval with separate application of the emergency clause.

12. **Consider Approval of Contract with Perry Memorial Hospital to provide Drug and Alcohol Testing.**

Background: This Contract provides a lower price schedule for drug and alcohol testing to be performed by Perry Memorial Hospital than is provided without a contract.

Attachment: Contract

Recommendation: Approval

13. **Consider approval of lump sum payment of OMRP Pension for Judge Jack Dorl.**

Background: Long time City employee, Jack Dorl has requested that his Pension contributions be paid in one lump sum. The City Council, in its capacity as the governing body of the pension board must approve the request.

Recommendation: Approve the lump sum distribution if deemed appropriate.

14. **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.

15. **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.

- 16. 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).**
- 17. Reconvene into regular session.**
- 18. Take any action deemed necessary pursuant to the executive session.**
- 19. Adjourn.**

Posted at Perry City Hall & Council Chambers

December ____, 2009 – ____:____ P.M.

Kyla Golay, City Clerk