



**PMA Regular Meeting Minutes
Monday, October 19, 2009
Perry City Council Chambers**

Meeting was called to Order at 6:15 p.m. by Mayor Hall

Roll Call: Those present: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Those Absent: Warner and Greenwell

Mayor Hall Declaration a Quorum

Gloria Brown opened the meeting with Prayer.

1. Councilman Marshall motioned approval of the **Consent Agenda**, Sadler seconded the motion:
AYE: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
Motion carried
2. **Consider Items Removed from the Consent Agenda for Discussion.**
3. **Consider and act on items removed from the Consent Agenda, if any.** None.
4. **Comments From Those Assembled.** No comments were made.
5. **Receive and Accept 2008-2009 Audit Presentation by Derrel White.** Mayor Hall passed this agenda item until the City of Perry meeting.
6. **Presentation by Drake Rice of OMPA.** The City of Purcell has joined OMPA as a member city. OMPA cost for power is at ¢5.53 compared to 6¢ last year. 6% to 7% of their power is wind generated and 14% is hydro. Perry's Peak was at 19,336 compared to last year's peak of 19,169. In 2010 OMPA will impose a rate increase of 1.7%, beginning on the February billing which calculates to approximately \$6000.00 a month. Information regarding the purchase of the substation currently owned by OMPA will be discussed in the near future. Drake reminded everyone of the current heat pump rebate available. OMPA is in the process of providing funds for the City's largest 15 customers to help fund energy efficient improvements on a 50/50 basis.

7. **Old Business.** No Old Business was discussed.
8. **New Business.** No New Business was discussed.
9. **Adjourn.** Streller motioned to Adjourn the PMA meeting at 6:34 p.m., Duke seconded the motion;
AYE: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
Motion carried

APPROVED THIS _____ DAY OF _____, 2009.

Charles Hall

Kyla Golay, City Clerk

Mayor



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Roll Call:

Those present: Wade, Marshall, Streller, Sadler, Duke Johnson and Hall.

Those Absent: Warner, Greenwell

Mayor Hall Declaration a Quorum

1. Streller motioned approval of the **Consent Agenda**, Sadler seconded the motion;
AYE: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: None
Motion carried
2. **Items Removed from Consent Agenda for Discussion.** None.
3. **Consider and act on items removed from the Consent Agenda, if any.** None.
4. **Comments from Those Assembled.** Staci Bolay from Main Street addressed the council regarding the Fall Walk on Friday, October 23rd. November 3-5th Perry will be host to the Main Street Manager Training and will have a mock business called Main Street Mercantile opened for one day only which will include items from all the 42 participating programs.
5. **Receive and Accept 2008-2009 Audit Presentation by Derrel White.** The yearend audit reflected a net decrease due to ambulance service, street project, timing of grant fund reimbursement and decrease in revenue. He stated he was not too concerned because the problems are currently being addressed. There were no reportable comments to be made regarding this audit. Mr. White stated that he feels all the right people are in the right positions and complimented the City for this improvement. The final numbers from Perry Memorial Hospital were not available to include with this audit presentation. Hall motioned to approve the audit as presented, Marshall seconded the motion;
Johnson asked if it would be possible to wait until we had all the numbers from the Hospital prior to approval.
Hall then amended his motion to table the approval of the audit, Johnson seconded the motion;
AYE: Marshall, Streller, Sadler, Duke, Johnson and Hall.
Opposed: Wade
Motion carried

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6. **Receive Report from Council person Iva Sadler regarding the Perry Arts & Humanities Council.** Sadler stated that the Council is progressing quickly with over 50 interested in participation. Clyde Speer is serving as President, Gayla Salvati is VP, Iva is Secretary/Public Relations and Rosalee Railey is serving as Treasurer. All upcoming events, including times and locations of their monthly meetings, will be posted on PIN and in the PDJ. They are currently working on establishing a mission statement and hope to host a banquet in early Spring.
7. **Receive Financial Report from Chief Financial Officer.** Currently there is about \$1.46 million in unrestricted cash. The utility account is at 25 % of its projected revenue. There is an adjustment that Russ will make to the Energy Office because of payroll allocation. The Sales Tax revenue is showing 1% over budget, but still is below the previous year income. The Hotel/Motel tax has increased. Mayor Hall stated that budgeting at circumstance such as our drop in sales tax dollars is why budgeting at 90% of projected revenue is good practice.
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.** Hall gave a report on the steps that are involved in getting a project like the sidewalk project approved, including the Department of Transportation procedures. If any small changes are made to the plans, the process must begin all over. A memo including some estimated numbers was presented to the Council. All matching funds promised during the process have been set aside. Marshall asked if there would be any funding issues depending on when the project was bid. There are some Street tax funds available if necessary because bond funds must be spend in 3 years. All projects promised in the street sales tax bond have been complete and 51 additional blocks have also been completed. Of the \$540,000 still left, a maintenance fund can be set, and the amount of \$250,000 has been discussed. Russ has suggested reserving \$96,000 for potential loss of sales tax revenue. \$321,000 is available now for other projects and Jim Davis has identified several and will be bringing them to the Council in the future. Steller expressed his appreciation of the diligent use of funds. Marshall pointed out that Evans and Associates voluntarily helped with the construction of the Skate Park and Mayor Hall feels that Evans will continue to give back to the community. Wade asked if the \$250,000 maintenance fund was just for this budget or a continued line item and would it be restricted. Russ hoped the Council would agree to maintain the account and restrict the funds. Hall reminded the Council that whatever their intent was for the fund, any future Council can do what them deem fit. His intent for the \$250,000 reserve account would be to fund repairs to any of the blocks that were constructed during the 2008 project.
9. **Consider Approval of 1Ordinance No. 2009-15 Amending Article 4 Of Chapter 13 Of The Perry Municipal Code 2004 (2nd 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. The ambulance subscription fee was scheduled to be placed on the September 2009 billing statement. At the 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 has addressed 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 were 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. Johnson motioned approval of Ordinance 2009-15, Wade seconded the motion;

AYE: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.

Opposed: None

Motion carried

Wade motioned approval of the Emergency Clause, Duke seconded the motion;

AYE: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.

Opposed: None

Motion carried

10. **Consider Approval of 1Ordinance No. 2009-16 Amending Chapter 17 Of The Perry Municipal Code 2004 (2nd 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.** 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. Johnson motioned approval of Ordinance 2009-16, Streller seconded the motion;

AYE: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.

Opposed: None

Motion carried

Wade motioned approval of the Emergency Clause, Hall seconded the motion;

AYE: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.

Opposed: None

Motion carried

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").** The City applied, but did not

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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. Johnson motioned approval of Resolution 2009-17, Wade seconded the motion;

AYE: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.

Opposed: None

Motion carried

12. **Designate 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.** 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. Mayor Hall asked that the Council consider need versus want and stated that he is not comfortable applying for and using matching funds for this project considering the water plant project. Hall asked that this item be pulled from the agenda and Marshall supported this action and stated he was prepared to vote no.

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.** 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. This change stated that 2/3rds of the seminar or convention must be attended and Mayor Hall feel like that is not adequate. Marshall asked if there is a clause for those who return to work because of the quality of training they are receive does not meet their expectations and the City Manager or Human Resources Director reserves the right to approve such action. Sadler asked that there be language included regarding lodging limitations. Johnson suggested using the State adopted rates and allow the City Manager or HR to approve costs over the rate if they see reasonable. This item was held over until the November 2nd agenda.

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.

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. Johnson motioned approval of Ordinance 2009-17, Sadler seconded the motion;

AYE: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.

Opposed: None

Motion carried

Sadler motioned approval of the Emergency Clause, Duke seconded the motion;

AYE: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.

Opposed: None

Motion carried

B. Hall motioned approval of the Joinder Agreement, Johnson seconded the motion;

AYE: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.

Opposed: None

Motion carried

- 15. Consider Approval of the Advertisement for Bids for the Demolition of the Perry Nursing Home.** An environmental review of the site has been conducted and demolition is now appropriate. The city administration recommended 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. Johnson motioned approval of the advertisement for bids, Wade seconded the motion;

AYE: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.

Opposed: None

Motion carried

16. **Authorize Furnishing Turkeys for Thanksgiving and Hams for Christmas to City Employees as consideration for continued employment.** Wade motioned approval of purchasing the turkeys and hams for the Holidays, Sadler seconded the motion;

AYE: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.

Opposed: None

Motion carried

17. **Old Business.** No Old Business was discussed.

18. **New Business:** Streller asked if the City was still regrinding mulch. Jim stated that they have put the smaller teeth on the grinder and have plenty of mulch for citizens to use. He stated we would even deliver if necessary. Jim also told of his experience watching a CLEET graduation for Officer Carson and was able to tour the facility in Ada.

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).** There was no motion to convene into Executive Session.

20. **Reconvene into regular session.** Agenda item not required.

21. **Take any action deemed necessary pursuant to the executive session.** No action taken.

22. **Adjourn.** Marshall motioned to adjourn the City meeting at 8:00 p.m., Duke seconded the motion;

AYE: Wade, Marshall, Streller, Sadler, Duke, Johnson and Hall.

APPROVED THIS _____ DAY OF _____, 2009.

Mayor Charles Hall

Kyla Golay, City Clerk