



**PMA Regular Meeting Minutes  
Monday, October 5, 2009  
Perry City Council Chambers**

Meeting was called to Order at 6:32 p.m. by Mayor Hall

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

Mayor Hall Declaration a Quorum

1. Councilman Streller motioned approval of the **Consent Agenda**, Sadler seconded the motion:  
AYE: Warner, Greenwell, Marshall, Streller, Sadler, Duke, 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. **Consider Contract Amendment No. 1 to the Agreement for Professional Engineering Services (Perry Municipal Airport) with Garver Engineers, LLC dated September 30, 2008.** This item was tabled at the regular meeting dated September 21, 2009. This amendment proposes certain amendments to the engineering contract with Garver Engineers, LLC. The City Council desired an explanation of the amendments from Curtis Brown, P.E.

Mr. Brown informed the city administration that the amendment deletes the design and bidding services for the proposed runway overlay. The reason these services were removed is that the city staff desires to delay the construction of the runway overlay until 2012, when the City will have banked sufficient funds, barring adverse market conditions, to overlay the runway in one project rather than two projects, providing for a savings to the City and minimizing the impact on airport operations. The second amendment increases the amount of inspection for the crack and seal-coat project for two reasons: 1) the contractor desired full time inspection in order to make field determinations concerning the type and repair technique for the various cracks rather than make the determinations himself; and 2) the observation time was extended when the project time was extended from 45 to 56 calendar days due to weather events and the scheduling activities by subcontractors.

These changes resulted in an additional 126 hours of project representative, project manager and administrative efforts as reflected in the amendments. The local match in this project is 5%. After Curtis Brown of Garver explained the above facts and it was discovered that all the necessary paperwork had been submitted earlier and never acted upon, the council agreed to the amendment. Greenwell motioned approval of the Contract Amendment, Marshall seconded the motion:

AYE: Warner, Greenwell, Marshall, Streller, Sadler, Duke and Hall.

Opposed: None

Motion carried

6. **Consider Approval Of Resolution 2009-02 By the Chairman and Trustees of the Perry Municipal Authority Authorizing the Filing of an Application with the Oklahoma Water Resources Board (“OWRB”) For Financial Assistance Through OWRB State Revolving Fund Program, With the Loan Proceeds Being for the Purpose of Financing Water System Improvements and Related Improvements Serving the City Of Perry, Oklahoma; Approving Professional Services Agreements; and Containing Other Provisions Related Thereto.** At the last regular meeting, the City Council discussed the financing for the proposed water plant improvements. The City Council directed the city administration to proceed with financing. Rick Smith, President of Municipal Financial Services, attended the meeting and discuss the financing. A copy of his report was included in Board packets. The issues to be discussed included the amount to be financed, the term of the indebtedness, the expected interest rate and the method of providing for repayment of the indebtedness. The City Council also discussed the enactment of a DEQ Unfunded Mandate Charge, including a discussion of the amount and the method of calculating the rate change. It was proposed that any base water charge added will be removed when the loan is paid off. The resolution authorizes the filing of the loan application, the approval of a financial advisor services agreement with Municipal Financial Services, Inc., and the approval of an Agreement with bond counsel and issuer counsel. A \$640,000 note for 10 year payoff is 2.75%. The options were presented to the Council by Rick Smith that would help assure the repayment of this loan. Option A increases the minimum charge by \$1.05 and adds 16.1¢ per 100 cubic feet to the consumption rate. Option B adds .70¢ to the minimum charge and 21.5¢ per 100 cubic feet to the consumption rate. Option C is a flat adder to the utility bill in the amount of \$2.09. It was projected that bids will come in lower than the \$640,000 mark, and in that situation, the City would only draw down the monies needed to complete the project. The repayment option would not change in that case, only the length of repayment. Greenwell motioned approval of Resolution 2009-02 with repayment Option A, Duke seconded the motion;

Councilman Marshall pointed out that Option C is not fair to the lower consumption users and verified that these fees will be removed once the loan is paid in full.

AYE: Warner, Greenwell, Marshall, Streller, Sadler, Duke and Hall.

Opposed: None

Motion carried

7. **Receive and Accept 2008-2009 Audit Presentation by Derrel White.** Due to illness, Derrell was unable to attend the meeting.

8. **Old Business.** No Old Business was discussed.
9. **New Business.** No New Business was discussed.
10. **Adjourn.** Greenwell motioned to Adjourn the PMA meeting at 7:26 p.m., Sadler seconded the motion;  
AYE: Warner, Greenwell, Streller, Sadler, Duke and Hall.  
Opposed: None  
Motion carried

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor Charles Hall

\_\_\_\_\_  
Kyla Golay, City Clerk



**Regular Meeting Minutes  
Monday, October 5, 2009  
Perry City Council Chambers**

Meeting was called to Order at 7:26 p.m. by Mayor Hall

Roll Call:

Those present: Warner, Greenwell, Marshall, Streller, Sadler, Duke and Hall.

Those Absent: Wade and Johnson

Mayor Hall Declaration a Quorum

1. Streller motioned approval of the **Consent Agenda**, Greenwell seconded the motion;  
AYE: Warner, Greenwell, Marshall, Streller, Sadler, Duke 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.** None.
5. **Consider Final Appointment to the Board of Adjustment.** At the last regular meeting, the City Council approved the appointment of four members to the Board of Adjustments. The Chamber of Commerce had requested more time to make their nomination. The Chamber nominated Jennie Wade. Warner motioned approval of Jennie Wade to the Board of Adjustments for a One (1) year term, Sadler seconded the motion;  
AYE: Warner, Greenwell, Marshall, Streller, Sadler, Duke and Hall.  
Opposed: None  
Motion carried
6. **Consider Ratifying the City Administration's Action and Impose a Moratorium on the Effectiveness of Ordinance No. 2009-09 as amended by Ordinance No. 2009-13, namely, the Ambulance Subscription Ordinance and Fee.** The ambulance subscription fee was scheduled to be placed on the September 2009 billing statement. The city administration, in consultation with the Mayor, determined that it would be appropriate to delay the immediate imposition of the new fee to address the following issues: 1) provide more public information and notice concerning the purpose and use of the fee; 2) address exceptions to the fee (current and retired city employees and their families receive free ambulance service);

3) determine the best method of providing for the fee on the customers' bills; and 4) provide for the application of all utility payments in a manner to ensure that the ambulance subscription fees are paid (or the electric or water service is disconnected). It is anticipated that these issues can be resolved later this fall. An administrative decision was made not to include the charge with the September billing. The city administration is requesting that the City Council ratify the city administration's action of not placing the fee on the September 2009 billing and place a moratorium on the effectiveness of the ordinances until otherwise recommended by the city administration. As the ordinance is presently drafted, each month of delay costs about \$10,000.00. Mayor Hall suggested that time is allowed for himself and City Manager Jim Davis to make public appearances and explain the subscription to more residence. Warner confirmed that City Employees must still qualify as an emergency transport before the cost will be waived. Streller expressed his belief that the fee should be designated on the utility bill and not combined with other fees. Greenwell motioned the approval to ratify the Administration's actions, Streller seconded the motion;

AYE: Warner, Greenwell, Marshall, Streller, Sadler, Duke and Hall.

Opposed: None

Motion carried

7. **Receive and Accept 2008-2009 Audit Presentation by Derrel White.** Due to illness, Derrell was unable to attend the meeting.

8. **Consider Approval of Ordinance No. 2009-14 Amending Chapter 18 of the Perry Municipal Code 2004 (2<sup>nd</sup> Bi-annual Supplement), by the Amendment of Subsections A, B, and C to Section 17-413; Providing for an Amendment to Subsection A by the Addition of a DEQ Unfunded Mandates Charge, providing for its Purpose, Use, and Termination; Providing for an Amendment to Subsection B, requiring the Customer to pay for the Cost of Water Meters for ¾ inch and 1 inch water taps; Providing for an Amendment to Subsection C, Providing that Rural Customers desiring ¾ inch to 1 inch taps must pay the cost of the water meters and materials; Providing for an Increase in the Bulk Water Rate; Providing for Savings; Severability; Repealer; Codification; and Declaring an Emergency.** This ordinance, in part, concerns the DEQ Unfunded Mandates Fee. Once the method of providing for the rate is determined, this ordinance should be considered with an appropriate effective date. Additionally, the city administration desires that the City Council consider amending the water tap fees for both in-City and out-of-City water service to permit the City to recover the cost of the water meter and/or materials for ¾ and 1 inch meters. Finally, the city administration recommends increasing the bulk water rate at the lake and water plant by \$0.10 per 100 gallons. Hank Nida, Water Superintendent, reports that our rate is the lowest in the area and that this recommended increase should not substantially adversely affect the City's sales volume. Bryce stated that he would retype the Ordinance and insert the Option A Plan from the previous action taken during the PMA meeting. Greenwell motioned to Approve Ordinance 2009-14, with the new language from Option A, Duke seconded the motion;

AYE: Warner, Greenwell, Marshall, Streller, Sadler, Duke and Hall.

Opposed: None

Motion carried

Greenwell motioned approval of the Emergency Clause, Marshall seconded the motion;  
AYE: Warner, Greenwell, Marshall, Streller, Sadler, Duke and Hall.

Opposed: None

Motion carried

9. **Designate October 30, 2009, beginning at 5:30 p.m., as Perry Halloween Night.** Merchants around the square will be furnishing candy to little spooks, goblins and other costumed children on Friday, October 30, 2009, beginning at 5:30 p.m. and until the candy runs out. This action will set the date and time for the Perry Halloween Night Celebration. It was pointed out that this conflicts with a home football game. Hall motioned to designate Friday, October 30<sup>th</sup> as Halloween Night, Marshall seconded the motion;  
AYE: Warner, Greenwell, Marshall, Streller, Sadler, Duke and Hall.  
Opposed: None  
Motion carried
10. **Old Business.** Mayor Hall repeated all the names and positions for the new Board of Adjustments. The nominations were: Bob Bornt to fill the Utility Superintendent position for a 1 year term, Nikki Leach as a Jurist Doctorate for a 2 year term, Brian Isaac as a professional engineer for a 2 year term, Shirley Scott as the Post 1 nomination for a 1 year term, and Jennie Wade was appointed by the Chamber as the Perry business owner, operator and/or manager to fill a 1 year term.
11. **New Business:** Hall shared a discussion he had with Judge DeBord stating that in her 5 months on the Bench, we have assessed around \$65,000 in fees and have collected around \$40,000. That percentage of collection is rare.
12. **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.** Streller motioned to convene into Executive Session at 8:00 p.m., Sadler seconded the motion;  
AYE: Warner, Greenwell, Marshall, Streller, Sadler, Duke and Hall.  
Opposed: None  
Motion carried  
Attorney Kennedy, Hank Nida and Jim Davis joined the Council in Executive Session.
13. **Reconvene into regular session.** Greenwell motioned to return to regular session at 8:23 p.m., Marshall seconded the motion;  
AYE: Warner, Greenwell, Marshall, Streller, Sadler, Duke and Hall.  
Opposed: None
14. **Take any action deemed necessary pursuant to the executive session.** No action taken.

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- 15. Adjourn.** Greenwell motioned to adjourn the City meeting at 8:24 p.m., Duke seconded the motion;

AYE: Warner, Wade, Greenwell, Streller, Sadler, Duke, Johnson and Hall.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.

\_\_\_\_\_  
Mayor Charles Hall

\_\_\_\_\_  
Kyla Golay, City Clerk